

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on July 14, 2022, and July 26, 2023

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 2019*

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] X [REDACTED]

REASONS FOR DECISION

Hearing Date: November 21, 2023, via Zoom

Panel Members:

Michelle S. Henry, Chair
Professor Irina D. Mihalache, Faculty Panel Member
Brinda Batra, Student Panel Member

Appearances:

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Janet Song, Co-counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Samanthe Huang, Coordinator & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

Y [REDACTED] X [REDACTED]

1. A hearing of the Trial Division of the University Tribunal convened on November 21, 2023, to consider academic charges brought by the University of Toronto (the “University”) against Y██████ X█████ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). There were two sets of charges before the Tribunal in this hearing. The Student was informed of the first set of charges by letter dated July 14, 2022, from Professor Heather Boon, Vice-Provost, Faculty & Academic Life, and was informed of the second set of charges by letter dated July 26, 2021 from Professor Randy Boyagoda, Acting Vice-Provost, Faculty & Academic Life (collectively, the “Charges”). The Student was also informed of the hearing by a Notice of Virtual Hearing with respect to the Charges dated September 1, 2023.

PRELIMINARY ISSUE: PROCEEDING IN THE ABSENCE OF THE STUDENT

2. The hearing was scheduled to commence at 9:45 a.m. via Zoom. The Tribunal waited until 10:00 a.m. before commencing the hearing. The Student did not appear at the hearing.
3. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “SPPA”), and Rule 17 of the University Tribunal *Rules of Practice and Procedure* (the “Rules”), where reasonable notice of a hearing has been given to a party in accordance with the Act and the party does not attend at the hearing, the Tribunal may proceed in the absence of the party, and the party is not entitled to any further notice in the proceeding. In this case, the University requested that the Tribunal proceed with the hearing in the absence of the Student.
4. Pursuant to Rule 13, a Notice of Hearing may be served on a student by various means, including: sending a copy of the document by courier to the student’s mailing address

contained in the Repository of Student Information (“ROSI”); or emailing a copy of the document to the student’s email address contained in ROSI.

5. Further, the University’s *Policy on Official Correspondence with Students* (“Policy”) states that students are responsible for maintaining a current and valid postal address and a University-issued email account in ROSI. The Policy makes it clear that students are expected to monitor and retrieve their mail, including electronic messaging accounts issued to them by the University, on a frequent and consistent basis.
6. In this case, the University filed Affidavits regarding the correspondences to the Student providing notice of the Charges and Notice of the Virtual Hearing. The Affidavit of Kimberly Blake, legal assistant at Paliare Roland, sworn November 17, 2023, outlines the various attempts to contact the Student by the University and then by Paliare Roland. On October 27, 2023, Ms. Blake attempted to call the Student using the telephone contained in ROSI. The calls to the telephone number went to an operator’s recording indicating that the number had not been assigned.
7. On October 30, 2023, Paliare Roland arranged for copies of the Notice of Virtual Hearing, along with the charges in the matter and the disclosure letters to be couriered to the Student’s mailing address and permanent address contained in ROSI. The packages were accepted at both addresses, although they were signed for by individuals other than the Student.
8. The package of documents was also sent by email to the email address of the Student contained in ROSI. It is clear that the Student was no longer accessing her University-

issued email account at the time she was served with the charges and the Notice of Virtual Hearing. The Affidavit of Andrew Wagg, Manager, Incident Response at Information Security, Information Technology Services at the University, sworn November 10, 2023, confirmed that the last time someone accessed this e-mail account was on October 21, 2022. As such, the email account was not accessed after the charges and Notice of Virtual Hearing were served by email. Based on a Supplementary Affidavit of Kimberly Blake sworn November 21, 2023, the Student was aware of the allegations of misconduct against the them in MAT133Y5Y and was advised by the course instructor that the matter had been referred the Academic Integrity Office.

9. Having reviewed the evidence and heard the submissions of counsel for the University, the Tribunal concluded that the Student was given reasonable notice of the hearing in accordance with the notice requirements set out in the SPPA and the Rules. Accordingly, the Tribunal proceeded to hear the case on its merits in the absence of the Student.

THE CHARGES

10. At all material times, the Student was a registered student at the University of Toronto Mississauga (“UTM”). The University brought the following charges against the Student:
 - i. On or about March 8, 2021, the Student knowingly obtained unauthorized assistance in connection with Term Test 2 in LIN205H5S (English Grammar II) (“LIN205”), contrary to section B.I.1(b) of the Code.
 - ii. In the alternative, on or about March 8, 2021, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Term Test 2 in LIN205, contrary to section B.I.3(b) of the Code.

- iii. On or about April 5, 2021, the Student knowingly obtained unauthorized assistance in connection with Term Test 3 in LIN205, contrary to section B.I.1(b) of the Code.
- iv. In the alternative, on or about April 5, 2021, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Term Test 3 in LIN205, contrary to section B.I.3(b) of the Code.
- v. On or about April 20, 2021, the Student knowingly obtained unauthorized assistance in connection with the final exam in MAT157Y5 (Analysis I) (“MAT157”), contrary to section B.I.1(b) of the Code.
- vi. In the alternative, on or about April 20, 2021, the Student knowingly represented as the Student’s own an idea or expression of an idea or work of another in the final exam in MAT157, contrary to section B.I.1(d) of the Code.
- vii. In the further alternative, on or about April 20, 2021, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with the final exam in MAT157, contrary to section B.I.3(b) of the Code.
- viii. On or about April 22, 2022, the Student knowingly obtained unauthorized assistance in connection with the Final Exam in MAT133Y5Y (Calculus and Linear Algebra for Commerce) (“MAT133”), contrary to section B.I.1(b) of the *Code*.
- ix. In the alternative, on or about April 22, 2022, the Student knowingly represented as the Student’s own an idea or expression of an idea or work of another in the Final Exam in MAT133, contrary to section B.I.1(d) of the *Code*.
- x. In the further alternative, on or about April 22, 2022, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with the Final Exam in MAT133, contrary to section B.I.3(b) of the Code.

THE EVIDENCE

LIN205

11. The Tribunal received Affidavit evidence from Dr. Ai Taniguchi, a Professor in the Department of Languages at UTM, and the course instructor for LIN205. Professor Taniguchi's evidence was as follows.
12. In Winter 2021, the Student enrolled in LIN205. Students in LIN205 were evaluated on the basis of, among other things, three term tests, worth 20% each. The term tests were administered online. Students were required to complete the online tests independently. Students were allowed to use "authorized material" during the test, which included scratch paper and all material used in class.
13. Term Test 2 was a multiple-choice test comprised of 23 questions. There were three versions of Term Test 2. The questions in each version of Term Test 2 were worded slightly differently; however, the question structures were conceptually similar, as were the correct answers. Term Test 2 was held online on March 8, 2021, from 3:10 pm to 5:00 pm EST (for most students) and worth 20% of the final grade in the Course.
14. The Student requested to write Term Test 2 at an alternate time since she was in China. Professor Taniguchi allowed the Student to write the test on March 8, 2021, starting at 9:40 pm until 11:30pm. On March 8, 2021, the Student submitted Term Test 2.
15. Term Test 3 was a multiple-choice test comprised of 22 questions. Term Test 3 was held on April 5, 2021, from 3:10 pm to 5:00 pm EST and was worth 20% of the final grade in the Course. On April 5, 2021, the Student submitted Term Test 3.

16. The following day, on April 6, 2021, Professor Taniguchi received an anonymous email from someone reporting that there was a WeChat group chat in which 93 users discussed and shared answers to Term Test 2 and Term Test 3. On April 7, 2021, the anonymous individual sent Professor Taniguchi screenshots of the group chat participants.
17. The screenshots provided by the anonymous individual showed that the answers for Term Test 2 were shared on WeChat on March 8, 2021—the day of the test—at 3:32 pm. The version of Term Test 2 contained in the Term Test 2 Screenshots was different than the version the Student wrote. However, the questions and correct answers were conceptually similar. All the answers contained in the Term Test 2 Screenshots were correct, except for Question 11, which was incorrectly answered “False” instead of “True”.
18. The answers for Term Test 3 were shared on the WeChat group on April 5, 2021—the day of the test—around 4:10 pm to 4:12pm.
19. The screenshots provided by the anonymous individual confirmed that, during both Term Test 2 and Term Test 3, the Student participated in a group chat on WeChat, in which participants shared answers to the questions on the tests.
20. On August 20, 2021, Professor Taniguchi met with the Student regarding Term Test 2 and Term Test 3. The matter was then forwarded to the Department of Language Studies.

MAT157

21. The Tribunal received Affidavit evidence from Yael Karshon, a Professor in the Department of Mathematical & Computational Sciences at UTM, and the course instructor in MAT157. Professor Karshon’s evidence was as follows.

22. In Fall 2020 and Winter 2021, the Student enrolled in MAT157. Students in the Course were evaluated on the basis of, among other things, four term tests, problem sets and a final exam worth 36%. The final exam was administered online. Students were required to write the final exam independently. The instructions for the final exam contained a statement that no aids were allowed, and specifically prohibited students from communicating with each other either verbally or in writing.
23. On April 20, 2021, the Student wrote the final exam in MAT157.
24. While marking the final exam, Professor Karshon noticed that the Student's solutions were almost identical to those of another student. Given the similarities between the students' answers, Professor Karshon suspected that the two students collaborated on the final exam and that the similarities were not merely coincidental.
25. Professor Karshon's evidence was that the students solved the problem using the same steps in the same order, with the same level of detail, even though the questions could have been answered in many different ways. Further, there were various portions of the students' answers that were virtually identical; and the students presented their answers in very similar ways, although there were multiple ways students had been shown to present answers.
26. On April 22, 2021, Professor Karshon met with the Student to discuss the final exam. The Professor scheduled a follow up meeting with the Student on April 27, 2021; however, the Student failed to attend.

MAT133

27. The Tribunal received Affidavit evidence from Tyler Holden, an Associate Professor in the Department of Mathematical and Computational Sciences at UTM and the course instructor for MAT133. The evidence was as follows.
28. In Fall 2021 and Winter 2022, the Student enrolled in MAT133. Students in MAT133 were evaluated on the basis of, among other things, a Final Exam worth 30% of the final grade. The Final Exam was administered online. Students were required to write the final exam independently.
29. The Final Examination was made available online from Thursday, April 21, 2022, at 4:00 pm EST to Friday April 22, 2022, at 4:00 PM EST, and was worth 30% of the final grade in the Course. Students had a 3-hour window to answer the questions once they began the exam. The Student wrote the Final Exam in MAT133 on April 22, 2022.
30. Students were required to complete the test independently. Students were not permitted to use unauthorized aids. Students were not allowed to transmit or receive information about the test from any other individual who was not a course instructor, whether in person, digitally, or by some other means. Students were not allowed to access the internet for course-related reasons, except to download and print the test, to submit the test digitally, or to communicate with one of the course instructors.
31. Students were allowed to use “authorized material” during the test, which included a calculator of any type and the students’ own books and notes.

32. In submitting the Final Examination, students were required to sign a declaration confirming that their conduct during this test adhered to the Code. The Student submitted the declaration on April 22, 2022, at 3:37 PM EST.
33. While marking the Final Examination, Professor Holden noticed that the Student's answer to Question 5(ii) was similar to the answers of other students. Some answers were identical or nearly identical. Professor Holden considered the similarities between the students' answers to Question 5(ii) to be suspicious because the students solved the problem using the same steps in the same order, with the same level of detail, even though the questions could have been answered in many different ways. Some portions of the students' answers were virtually identical. Professor Holden's evidence was that there were specific aspects of the answers that were particularly suspicious given how some of the problems were solved, including where students used the incorrect approach or included the same level of detail that was unnecessary and not useful.
34. Professor Holden noted that there are countless ways in which students could approach the question, including deciding the amount of detail to provide and what steps to include or omit in the answer. Accordingly, he believed that the degree of similarities between the students' answers made it unlikely the similarities he observed in the students' answers were merely coincidental.
35. On May 7, 2022, Professor Holden wrote to the Student to schedule a meeting to discuss the allegations. The Student did not schedule a meeting with Professor Holden. The matter was forwarded to UTM's Department of Mathematical and Computational Sciences and to

the Academic Integrity Unit in the Office of the Vice Principal, Academic and Dean at UTM.

DECISION OF THE TRIBUNAL ON CHARGES

36. Having considered all the evidence heard during the hearing, Affidavit evidence, the Tribunal found that,

- a. the Student obtained unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, in respect of LIN205, and MAT133, contrary to section B.I.1.(b) of the *Code*; and,
- b. the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct in connection with the final exam in MAT157, contrary to section B.I.3(b) of the Code.

37. Accordingly, the Tribunal entered a finding of guilty with respects to the three (3) counts of obtaining unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, in respect of LIN205, and MAT133, contrary to section B.I.1.(b) of the Code; and the Student is guilty of one (1) count of knowingly engaging in a form of cheating, academic dishonesty or misconduct in connection with the final exam in MAT157, contrary to section B.I.3(b) of the Code.

38. Given the findings with respect to the above charges, the University withdrew the alternate charges outlined in paragraph 10.

DECISION OF THE TRIBUNAL ON PENALTY

39. The Tribunal heard submissions regarding the appropriate penalty in this case, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the factors set out in *University of Toronto and C.* (Case No. 1976/77-3, November 5, 1976).

a. The Character of the Student.

The Student did not participate in the proceeding and did not attend any meeting with the Dean's Designate. Accordingly, there was no evidence before the Tribunal regarding the Student's character other than the facts relating to this offence and the lack of responses from the Student. As noted above, based on the evidence, the Student was aware of the allegations of misconduct against them in MAT133, and was advised by the course instructor that the matter had been referred to the Academic Integrity Office. There is no evidence of whether she has remorse or insight, or whether she is willing to take responsibility for her actions.

b. The likelihood of a repetition of the offence.

Based on the Academic Integrity Unit's records, the Student committed one prior offence in JAH391Y0Y (Anthropology) ("JAH391") in Summer 2017. On October 26, 2018, the Student admitted that she submitted an academic work containing references to sources which had been concocted in connection with an essay worth 25% of her final grade in JAH391 (the "Essay"). For this offence, the Student received a grade of zero on the Essay and a further grade reduction of 25 marks in JAH391, and a 12-month notation on the Student's academic transcript (from October 26, 2018, to October 26, 2019).

c. The nature of the offence committed.

The Tribunal took into consideration the serious and deliberate nature of the offence and the detriment to the University. Unauthorized assistance in connection with an academic examination or term test and cheating are considered serious offences that strike at the heart of academic integrity and undermines the value of all of the University's degrees.

d. Any extenuating circumstances surrounding the commission of the offence.

The onus is on the Student to put forward any mitigating circumstances. As indicated above, the Student did not participate in this hearing. As such, there was no evidence before the Tribunal of mitigating or extenuating circumstances.

e. The need to deter others from committing a similar offence.

General deterrence is an important factor in these cases. The Tribunal accepts that the University and the Tribunal must send a strong message to other students that such misconduct is considered a serious offence.

40. Having regard to the submissions of the University, and the relevant factors outlined above, the Tribunal agrees that the sanctions are appropriate. At the conclusion of the hearing, the Tribunal made the following Order:

- a. The Student is guilty of three (3) counts of obtaining unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, in respect of LIN025H5, and MAT133Y5Y, contrary to section B.I.1.(b) of the *Code*; and the Student is guilty of one (1) count of

knowingly engaging in a form of cheating, academic dishonesty or misconduct in connection with the final exam in MAT157, contrary to section B.I.3(b) of the Code.

- b. The following sanctions shall be imposed on the Student:
 - i. a final grade of zero in the following courses:
 - ii. LIN205H5 (Winter 2021);
 - iii. MAT157Y5 (Fall 2020 – Winter 2021);
 - iv. MAT133Y5Y (Fall 2020 – Winter 2021); and
- c. a suspension from the University of Toronto for a period of four (4) years from the date of this order, ending on November 21, 2027; and
- d. a notation of the sanction on their academic record and transcript for a period of five (5) years from the date of this order, ending on November 21, 2028.
- e. This case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

DATED at Toronto, February 14, 2024.

Original signed by:

Michelle S. Henry, Chair
On behalf of the Panel