

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 12, 2022,

**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 am. S.O. 1978, c. 88*

**B E T W E E N:**

**THE UNIVERSITY OF TORONTO**

**- AND -**

**Y ■ S ■**

**REASONS FOR DECISION**

**Date of Hearing:** November 15, 2023, via Zoom

**Members of the Panel:**

Sarah Whitmore, Chair  
Professor Dionne Aleman, Faculty Panel Member  
Ben Kitching, Student Panel Member

**Appearances:**

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Ryan Shah, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

**Not in Attendance:**

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## A. Charges

1. On November 15, 2023, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against Y■■ S■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).
2. Those charges were detailed in a letter to the Student dated January 12, 2022, as follows:
  1. On or about the following dates, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the following homework assignments in MAT301H1 (the “Course”), contrary to section B.I.1(d) of the Code:
    - a) On May 15, 2020 in connection with Homework 1;
    - b) On May 29, 2020 in connection with Homework 2;
    - c) On June 15, 2020 in connection with Homework 3;
    - d) On July 17, 2020 in connection with Homework 4;
    - e) On July 31, 2020 in connection with Homework 5; and
    - f) On August 17, 2020 in connection with Homework 6.
  2. In the alternative to charges #1(a) to (f), respectively, on or about the following dates, you knowingly obtained unauthorized assistance in connection with the following homework assignments in the Course, contrary to section B.I.1(b) of the Code:
    - a) On May 15, 2020 in connection with Homework 1;
    - b) On May 29, 2020 in connection with Homework 2;
    - c) On June 15, 2020 in connection with Homework 3;
    - d) On July 17, 2020 in connection with Homework 4;
    - e) On July 31, 2020 in connection with Homework 5; and

- f) On August 17, 2020 in connection with Homework 6.

3. In the further alternative to Charges #1(a) to (f) and #2(a) to (f), respectively, on or about the following dates, you 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 following homework assignments in the Course, contrary to section B.I.3(b) of the Code:

- a) On May 15, 2020 in connection with Homework 1;
- b) On May 29, 2020 in connection with Homework 2;
- c) On June 15, 2020 in connection with Homework 3;
- d) On July 17, 2020 in connection with Homework 4;
- e) On July 31, 2020 in connection with Homework 5; and
- f) On August 17, 2020 in connection with Homework 6.

4. On or about the following dates, you knowingly obtained unauthorized assistance in connection with the following quizzes that you submitted in the Course, contrary to section B.I.1(b) of the Code:

- a) On May 7, 2020 in connection with Quiz 1;
- b) On May 14, 2020 in connection with Quiz 3;
- c) On May 19, 2020 in connection with Quiz 4;
- d) On May 21, 2020 in connection with Quiz 5;
- e) On May 25, 2020 in connection with Quiz 6;
- f) On May 28, 2020 in connection with Quiz 7;
- g) On June 1, 2020 in connection with Quiz 8;
- h) On June 4, 2020 in connection with Quiz 9;

- i) On June 8, 2020 in connection with Quiz 10;
- j) On June 11, 2020 in connection with Quiz 11;
- k) On June 15, 2020 in connection with Quiz 12;
- l) On July 9, 2020 in connection with Quiz 13;
- m) On July 13, 2020 in connection with Quiz 14;
- n) On July 16, 2020 in connection with Quiz 15;
- o) On July 20, 2020 in connection with Quiz 16;
- p) On July 23, 2020 in connection with Quiz 17;
- q) On July 27, 2020 in connection with Quiz 18;
- r) On July 30, 2020 in connection with Quiz 19;
- s) On August 4, 2020 in connection with Quiz 20;
- t) On August 6, 2020 in connection with Quiz 21;
- u) On August 10, 2020 in connection with Quiz 22;
- v) On August 13, 2020 in connection with Quiz 23; and
- w) On August 17, 2020 in connection with Quiz 24.

5. In the alternative to Charges #4(a) to (w), respectively, on or about the following dates, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the following quizzes that you submitted in the Course, contrary to section B.I.1(d) of the Code:

- a) On May 7, 2020 in connection with Quiz 1;
- b) On May 14, 2020 in connection with Quiz 3;
- c) On May 19, 2020 in connection with Quiz 4;

- d) On May 21, 2020 in connection with Quiz 5;
- e) On May 25, 2020 in connection with Quiz 6;
- f) On May 28, 2020 in connection with Quiz 7;
- g) On June 1, 2020 in connection with Quiz 8;
- h) On June 4, 2020 in connection with Quiz 9;
- i) On June 8, 2020 in connection with Quiz 10;
- j) On June 11, 2020 in connection with Quiz 11;
- k) On June 15, 2020 in connection with Quiz 12;
- l) On July 9, 2020 in connection with Quiz 13;
- m) On July 13, 2020 in connection with Quiz 14;
- n) On July 16, 2020 in connection with Quiz 15;
- o) On July 20, 2020 in connection with Quiz 16;
- p) On July 23, 2020 in connection with Quiz 17;
- q) On July 27, 2020 in connection with Quiz 18;
- r) On July 30, 2020 in connection with Quiz 19;
- s) On August 4, 2020 in connection with Quiz 20;
- t) On August 6, 2020 in connection with Quiz 21;
- u) On August 10, 2020 in connection with Quiz 22;
- v) On August 13, 2020 in connection with Quiz 23; and
- w) On August 17, 2020 in connection with Quiz 24.

6. In the further alternative to Charges #4(a) to (w) and #5(a) to (w), respectively, on or about the following dates, you 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 following quizzes that you submitted in the Course, contrary to section B.I.3(b) of the Code:
- a) On May 7, 2020 in connection with Quiz 1;
  - b) On May 14, 2020 in connection with Quiz 3;
  - c) On May 19, 2020 in connection with Quiz 4;
  - d) On May 21, 2020 in connection with Quiz 5;
  - e) On May 25, 2020 in connection with Quiz 6;
  - f) On May 28, 2020 in connection with Quiz 7;
  - g) On June 1, 2020 in connection with Quiz 8;
  - h) On June 4, 2020 in connection with Quiz 9;
  - i) On June 8, 2020 in connection with Quiz 10;
  - j) On June 11, 2020 in connection with Quiz 11;
  - k) On June 15, 2020 in connection with Quiz 12;
  - l) On July 9, 2020 in connection with Quiz 13;
  - m) On July 13, 2020 in connection with Quiz 14;
  - n) On July 16, 2020 in connection with Quiz 15;
  - o) On July 20, 2020 in connection with Quiz 16;
  - p) On July 23, 2020 in connection with Quiz 17;
  - q) On July 27, 2020 in connection with Quiz 18;

- r) On July 30, 2020 in connection with Quiz 19;
  - s) On August 4, 2020 in connection with Quiz 20;
  - t) On August 6, 2020 in connection with Quiz 21;
  - u) On August 10, 2020 in connection with Quiz 22;
  - v) On August 13, 2020 in connection with Quiz 23; and
  - w) On August 17, 2020 in connection with Quiz 24.
7. On or about August 24, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in a test in the Course, contrary to section B.I.1(d) of the Code.
  8. In the alternative to Charge #7, on or about August 24, 2020, you knowingly obtained unauthorized assistance in a test in the Course, contrary to section B.I.1(b) of the Code.
  9. In the further alternative to Charges #7 and #8, on or about August 24, 2020, you 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 a test in the Course, contrary to section B.I.3(b) of the Code.
3. At the time of the Charges, the Student was an undergraduate at the University of Toronto, in the Faculty of Arts and Science.
  4. The Student did not attend the hearing. They were not represented by counsel. The Tribunal called the hearing to order on November 15, 2023, at the scheduled 9:45 AM start time, through Zoom.

## **B. Notice and Hearing in the Student's Absence**

5. As the Student did not attend the hearing, counsel for the Provost asked the Tribunal to find that the Student had been provided with reasonable notice of the hearing, and that the hearing should proceed in the Student's absence, under rule

21 of the Tribunal's *Rules of Practice and Procedure* ("Rules"), and section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22 (the "Act").

6. Rules 17 and 21 and sections 6 and 7 require that the Provost provide the Student with adequate notice of the hearing before the Panel proceeds in the Student's absence. These provisions do not require the Provost to prove that the Student actually received the notice. Rather, they require that the Provost establish that the University took reasonable steps to notify the Student of the charges against them and of the hearing. As explained below, we concluded that it did so.

**(i) Rules relating to Service**

7. The University's *Policy on Official Correspondence with Students* requires students enrolled at the University to maintain a current and valid postal address and an address for a University-issued email account in their ROSI records, to update their records when this information changes, and to monitor and retrieve their mail and email on a frequent and consistent basis.
8. Rule 13 of the Tribunal's Rules states that charges, notices of hearings, disclosure and other materials may be served on students by a variety of means, including by personal service, by sending a copy of the document by courier to the student's mailing address contained in ROSI, by sending a copy of the document to the student's e-mail address contained in ROSI, or by any other means authorized by the University's *Policy on Official Correspondence with Students*.
9. A long period of time has elapsed between when this matter was first brought to the Student's attention and the hearing of this matter. Over the course of the more than two-year period, up until May 2023, the Student was active in corresponding with the Student Academic Integrity office ("SAI") in the Faculty of Arts and Science and with Assistant Discipline Counsel (but often only on, or very close to, a deadline provided by either SAI or Assistant Discipline Counsel). The Student was provided with many opportunities to participate in the scheduling of the hearing in this matter, including various indulgences either because the Student was out of



the country or because the Student was attempting to obtain counsel. Ultimately, as set out below, the Student ceased all correspondence with Assistant Discipline Counsel in May 2023.

10. As a preliminary matter, we observe that the long period of time between when the matter was first brought to the Student's attention and the hearing was, in part, due to the Student's failure to send responding correspondence to SAI or Assistant Discipline Counsel. As noted above, the Student often failed to respond to correspondence from the University unless a strict date for response was provided. However, we also note that there were long periods of time where Assistant Discipline Counsel did not actively seek to continue to move this matter forward. For example, while Assistant Discipline Counsel emailed the Student a disclosure letter and disclosure brief on March 25, 2022 it was not until July 6, 2022 that Assistant Discipline Counsel next communicated with the Student to schedule a hearing date. As another example, Assistant Discipline Counsel and the Student exchanged emails in September 2022 relating to the Student seeking representation from Downtown Legal Services ("DLS"). On September 25, 2022, the Student emailed Assistant Discipline Counsel to advise that she had not yet heard back from DLS but would contact them on Monday. Notwithstanding the Student's failure to follow up with Assistant Discipline Counsel, there was no further communication by Assistant Discipline Counsel to the Student until February 1, 2023, when Assistant Discipline Counsel emailed the Student requesting her availability for a hearing in this matter. We did not find that these long periods of delay in Assistant Discipline Counsel's correspondence with the Student resulted in an absence of reasonable notice, but we do encourage Assistant Discipline Counsel to be mindful of continuing to move matters forward more diligently in the future.
11. This matter was first brought to the Student's attention on June 7, 2021, when she was sent an email from SAI inviting her to attend a meeting with a Dean's Designate on June 21, 2021, to discuss the allegations that she had committed academic offences in the Course. The Student advised on June 16, 2021, by email

that she would not be able to attend the meeting because she was not in Canada and had work. The meeting was then rescheduled for August 19, 2021. The Student again requested that the meeting be rescheduled by email on August 5, 2021, because she was not in Canada. SAI responded to the Student on August 16, 2021, advising that there would be one final opportunity for a meeting with the Dean's Designate in this matter, which would be scheduled in September 2021.

12. The final meeting with the Dean's Designate opportunity in this matter was scheduled for November 18, 2021. SAI advised the Student of this final opportunity by email on September 24, 2021. SAI's September 24, 2021, email advised the Student that if the Student did not respond by October 4, 2021 to confirm her attendance the case against the Student would be forwarded to the Vice-Provost for review. The Student did not respond by the deadline of October 4, 2021. As a result, on November 15, 2021, SAI sent the Student an email advising that the case against the Student was being forwarded to the Vice-Provost's office. While the Student corresponded by email with SAI on November 17, 2021, the case against the Student had already been forwarded to the Vice-Provost's Office. This was reasonable in the circumstances.
13. On January 22, 2022, the Student was served with the letter detailing the Charges by e-mail sent by the Office of the Vice-Provost, Faculty and Academic Life to [c\[REDACTED\].s\[REDACTED\]@mail.utoronto.ca](mailto:c[REDACTED].s[REDACTED]@mail.utoronto.ca), which was the e-mail address on file for the Student in the University's Repository of Student Information ("ROSI"). This was the e-mail address that SAI used for its correspondence with the Student (and the e-mail address the Student responded to SAI with). Later, on January 22, 2022, the Appeals, Discipline and Faculty Grievances Office (the "ADFG Office") sent the Student an e-mail with the Charges, a copy of the Code, the Rules, and a pamphlet with information on DLS, a legal aid clinic staffed by students at the University of Toronto Faculty of Law.
14. On February 2, 2022, Assistant Discipline Counsel sent an e-mail to the Student at [c\[REDACTED\].s\[REDACTED\]@mail.utoronto.ca](mailto:c[REDACTED].s[REDACTED]@mail.utoronto.ca) to introduce herself. This is the e-mail address

that Assistant Discipline Counsel used at all times to correspond with the Student, subject to an exception noted below. The Student did not respond. On March 25, 2022, Assistant Discipline Counsel sent the Student a disclosure letter and disclosure brief. The Student did not respond.

15. On July 6, 2022, Assistant Discipline Counsel first emailed the Student to coordinate scheduling a hearing in this matter. She requested a response from the Student by July 13, 2022, failing which she would proceed to schedule the hearing for a date that was convenient to the University and its witnesses. The Student responded by e-mail using the e-mail address [c\[REDACTED\].s\[REDACTED\]@mail.utoronto.ca](mailto:c[REDACTED].s[REDACTED]@mail.utoronto.ca) indicating that she was available to attend a hearing on August 19, 2022 at 1:45 PM. The Student used this e-mail address to correspond with Assistant Discipline Counsel in all cases, subject to an exception noted below. The Student also asked in this email to speak with Assistant Discipline Counsel.
16. The Student and Assistant Discipline Counsel had a without prejudice phone call on July 13, 2022, where Assistant Discipline Counsel agreed to refrain from scheduling a hearing until the Student had an opportunity to retain counsel. In August and September 2022, Assistant Discipline Counsel and the Student exchanged emails relating to the Student's attempt to contact DLS. On September 25, 2022, the Student advised Assistant Discipline Counsel that she had not yet heard from DLS but would contact them on Monday. The Student then failed to respond to Assistant Discipline Counsel. Assistant Discipline Counsel then did not contact the Student again for a period of four and a half months and only e-mailed the Student again on February 1, 2023. There was no explanation in the evidence for this delay.
17. In her February 1, 2023, e-mail to the Student, Assistant Discipline Counsel requested a response from the Student by February 8, 2023, failing which she would proceed to schedule the hearing for a date that was convenient to the University and its witnesses. On February 6, 2023, the Student e-mailed Assistant Discipline Counsel advising, in part: "I'm a little bit confused now. My lawyer said

the case was been [sic] done. There's no hearing. Didn't he contact you? I sent you an email at the end of October about his information." Later, on February 6, 2023, the Student forwarded to Assistant Discipline Counsel a copy of an email that the Student purportedly sent to Assistant Discipline Counsel on October 25, 2022. Unlike the other e-mails that the Student sent to Assistant Discipline Counsel, this email was from [REDACTED]@qq.com and read, in part: "Still no [sic] heard back from the Downtown Legal Services. I found another person who can help me with my case. His name is Thomas Yang from Maple Master Service."

18. The e-mail address used in the Student's October 25, 2022 e-mail to Assistant Discipline Counsel was [tinalie@paliareroland.com](mailto:tinalie@paliareroland.com) however Assistant Discipline Counsel's e-mail address is [tina.lie@paliareroland.com](mailto:tina.lie@paliareroland.com). Evidence from a law clerk at Paliare Roland Rosenberg Rothstein LLP indicates that emails sent to [tinalie@paliareroland.com](mailto:tinalie@paliareroland.com) return a bounce back undeliverable message. The law clerk also gave evidence that she had been advised by Ms. Lie that she did not receive the October 25, 2022 e-mail. We accept this evidence and find that Assistant Discipline Counsel did not receive the October 25, 2022 e-mail.
19. In February 2023 and March 2023, Assistant Discipline Counsel and the Student continued to exchange e-mails relating to the Student's representative. Through those e-mails, the Student advised that her representative Thomas Yang had attempted to contact Assistant Discipline Counsel.
20. On April 26, 2023, Assistant Discipline Counsel tried calling the phone number the Student provided for her representative Thomas Yang but the phone number was not in service. Assistant Discipline Counsel e-mailed the Student later that day to advise of this development. She requested a response from the Student by May 3, 2023, failing which she would proceed to schedule the hearing for a date that was convenient to the University and its witnesses.
21. On May 1, 2023, the Student e-mailed Assistant Discipline Counsel advising: "Just talked with Thomas, he said he will sent [sic] you a copy of how he talked with school tribunal office the result from the office of my case immediately." On May 5,

2023, Assistant Discipline Counsel e-mailed the Student to advise “Your case remains outstanding so we need to proceed to schedule the hearing” since she had not heard from Thomas Yang. She asked the Student for her availability for a hearing in the matter and advised that if the Student did not respond by May 10, 2023, she would proceed to schedule the hearing for a date that was convenient to the University and its witnesses.

22. On May 10, 2023, the Student responded to Assistant Discipline Counsel advising that she had not been able to speak with Thomas Yang, because she was not in Canada and due to time zone differences. The Student asked a number of questions about the hearing. Assistant Discipline Counsel waited a month to respond to these questions about the Tribunal’s processes and again asked the Student for her availability for a hearing. The Student did not respond and ceased all correspondence with Assistant Discipline Counsel at that time.
23. On August 22, 2023, Assistant Discipline Counsel e-mailed the Student to advise that they could not proceed to a hearing that summer but provided new hearing dates. She requested a response from the Student by August 29, 2023, failing which she would proceed to schedule the hearing for a date that was convenient to the University and its witnesses. The Student did not respond.
24. On September 27, 2023, Assistant Discipline Counsel e-mailed the Student to advise that she would schedule a hearing for November 15, 2023, at 9:45 AM. Assistant Discipline Counsel advised that if the Student did not attend, the hearing may proceed in her absence. Later, on September 27, 2023, Assistant Discipline Counsel e-mailed the ADFG Office requesting that a notice of virtual hearing be issued for November 15, 2023, at 9:45 AM. The Student was copied on this e-mail. The ADFG Office sent the Student an e-mail attaching the first Notice of Virtual Hearing on September 27, 2023.
25. Assistant Discipline Counsel made additional attempts to contact and serve the Student as follows:

- a) On October 20, 2023, Assistant Discipline Counsel attempted to call the Student at the phone number in ROSI but the call went to voicemail and Assistant Discipline Counsel left a message requesting a return call.
- b) On October 27, 2023, a law clerk at Paliare Roland e-mailed the Student a letter from Assistant Discipline Counsel providing information about the hearing along with the September 27, 2023 e-mail to the Student from the ADFG Office, the Charges, and Assistant Discipline Counsel's March 25, 2022 disclosure letter.
- c) On October 27, 2023, Assistant Discipline Counsel attempted to courier a package to the Student at the Student's mailing address in ROSI. The courier package contained the October 27, 2023 letter, the September 27, 2023 e-mail to the Student from the ADFG Office, the Charges, and Assistant Discipline Counsel's March 25, 2022 disclosure letter. The courier company advised Paliare Roland that the package was signed for by the concierge of the building at the Student's mailing address in ROSI.
- d) On October 27, 2023, Assistant Discipline Counsel again attempted to call the Student at the phone number in ROSI but the call went to voicemail and Assistant Discipline Counsel left a message requesting a return call. The voicemail also advised the Student to check her e-mail as Assistant Discipline Counsel had been trying to get in touch with her to discuss the hearing.
- e) On October 31, 2023, Assistant Discipline Counsel e-mailed the Student copies of the affidavits of the Provost's witnesses advising that the Provost would rely on them at the hearing.

- f) On November 2, 2023, Assistant Discipline Counsel again attempted to call the Student at the phone number in ROSI but received a message that the call could not be completed.
  - g) On November 3, 2023, Assistant Discipline Counsel e-mailed the Student a copy of the October 27, 2023 letter to [REDACTED]@qq.com and also sent the Student copies of the September 27, 2023 ADFG Office e-mail, the Charges, and the March 25, 2022 disclosure letter.
3. The University filed an affidavit by an employee of its Information Technology Services department, indicating that the University e-mail account was last accessed on November 3, 2023, which was well after all of the attempts to provide the Student with notice by e-mail were made (except the attempt at notice to the other e-mail address used by the Student noted above in paragraph 25(g)).
26. Whether or not the Student actually received the notice provided is not the question we need to answer. The Student has an obligation to keep her information up to date in ROSI and to check her e-mail. The Student's failure to do so, or the failure to respond, does not affect the validity of notice, which was reasonably provided in this case in accordance with the Tribunal's Rules. The Student was active in corresponding with SAI and with Assistant Discipline Counsel until May 2023 at which point she ceased her correspondence without any explanation. We find this was a choice with consequences and therefore the Tribunal ordered that the hearing should proceed in the Student's absence.
27. As a Panel, we also turned our minds to the question of whether or not Assistant Discipline Counsel was obligated under the Law Society of Ontario's *Rules of Professional Conduct* to cease communicating directly with the Student after February 6, 2023, when the Student advised that she was represented by Thomas Yang. We accept Assistant Discipline Counsel's evidence that she unsuccessfully attempted to contact Thomas Yang by telephone using the phone number provided by the Student and that she searched the Law Society of Ontario's Lawyer and

Paralegal directory and did not receive any indication that Mr. Yang was a lawyer or paralegal. She also googled “Maple Master Service” and was not able to find anything relevant. We are satisfied that Assistant Discipline Counsel met any obligations owed under the *Rules of Professional Conduct* in the circumstances. We make no findings in respect of whether Thomas Yang was a fiction.

### **C. Liability**

28. The following summarizes our reasons for concluding that the Student violated the Code and therefore committed an offence.
29. The Student was enrolled in MAT301H1Y (the “Course”) in the summer of 2020. The instructors for the Course were Matt Olechnowicz and Shuyang Shen.
30. The Course is a third-year undergraduate level math course about group theory, a branch of abstract algebra. The Course was taught online due to the COVID-19 pandemic.
31. The Course syllabus brought the Code to students’ attention and outlined behaviours that constitute academic misconduct. Matt Olechnowicz advised students of academic integrity during the first lecture in the Course.
32. The grading scheme for the Course required that students submit several assessments for credit, including:
  - a) Six homework assignments. Each homework assignment was worth 8% of the final mark in the Course, with each student’s lowest scoring homework assignment being dropped;
  - b) 24 quizzes. Each quiz was worth 1% of the final mark in the Course, with only the 20 highest quiz scores counting towards a student’s final mark; and
  - c) A final test. This was a take-home, open book examination that was worth 15% of the final mark in the Course. As part of the final test,



the Student completed and signed an academic integrity declaration that read, in part: “I vow to complete this exam individually, neither accessing nor requesting access to any unauthorized aid, and neither providing assistance to nor seeking assistance from any other individual.” The first page of the test advised students that it was to be written individually.

33. Students were required to complete each of these assessments independently.
34. In this case, our review of the evidence establishes on a balance of probabilities that the Student had access to a subscription-based website called Chegg. Chegg allows students to post problems to the site, which are then answered by so-called “experts”. Subscribers are able to access the questions and answers posted by others on the site.

**i. Homework Assignments (1-3, 5-6)**

35. The Panel has reviewed the evidence and concluded that the Student is guilty on a balance of probabilities for plagiarism contrary to section B.I.1(d) of the Code in respect of homework assignments (1-3 and 5-6).
36. The Student’s answers to these homework assignments contain highly similar answers that were posted on Chegg in response to questions from assignments in the course (the “Chegg Answers”) in that the Student’s answers are highly similar in structure, notation and method. There were also many suspicious similarities between the Student’s answers in these homework assignments and the Chegg Answers. The Provost provided evidence of comparisons between the Student’s answers and the Chegg Answers for these homework assignments (at Exhibits G, K, O, U, and Y to Matt Olechnowicz’s affidavit), which establish, on a balance of probabilities, that the Student knowingly represented as their own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code.

**ii. Homework Assignment (4)**

37. The Panel has reviewed the evidence and concluded that the Student is guilty on a balance of probabilities for obtaining unauthorized assistance contrary to section B.I.1(b) of the Code in respect of homework assignment (4).
38. While there were no suspicious similarities between the Student's answers in this homework assignment and the Chegg Answers, the evidence establishes on a balance of probabilities that the Student viewed several Chegg Answers before the Student submitted homework assignment (4). In so doing, we find the Student knowingly obtained assistance in connection with homework assignment (4), even if she did not incorporate any of the Chegg Answers into her own answers, contrary to section B.I.1(b) of the Code.

**iii. Quizzes (1, 3-24)**

39. On September 10, 2020, Matt Olechnowicz met with another student enrolled in the Course ("D.Z.") to discuss an allegation that he had committed academic offences on assessments in the Course. During that meeting, D.Z. claimed that he had copied his answers to homework assignment (4) from the Student. The answers did not match, so Mr. Olechnowicz suspected that D.Z. was not being honest. Mr. Olechnowicz remained concerned that D.Z. and the Student may have improperly collaborated on other assessments in the Course, so he compared all of D.Z.'s assessments to those of the Student.
40. The results of Mr. Olechnowicz's review indicated the following unusual similarities between the quizzes (1, 3-24) of the Student's and the quizzes (1, 3-24) of D.Z.:
  - a) the vast majority of both students' quizzes were submitted at very similar times within the 24-hour submission window (a chart of these similarities is set out at Exhibit VV to Matt Olechnowicz's affidavit);
  - b) the vast majority of both students' quizzes obtained similar scores, often submitting the same incorrect answers – both students

obtained an identical score and submitted identical incorrect answers for quizzes 6, 8, 12, 13, 15, 16, 18, and 22;

c) on quizzes 8, 13, 14, 15, 16, 19, 20, 22, and 23 the students completed difficult questions almost instantaneously; and

d) D.Z. later admitted to collaborating on the quizzes with the Student.

41. In respect of this evidence, we noted that the only evidence tendered by the Provost in connection with quizzes 1 and 21 was the admission by D.Z. as to his collaboration with the Student. None of the other suspicious circumstantial evidence existed in respect of quizzes 1 and 21.
42. The Panel has reviewed the above evidence and concluded that the Student is guilty on a balance of probabilities for unauthorized assistance contrary to section B.I.1(b) of the Code in respect of quizzes (3-20, 22-24). There was no circumstantial evidence to establish any unauthorized assistance in respect of quizzes (1, 21) and therefore the Panel concluded that the Student was not guilty on a balance of probabilities for unauthorized assistance contrary to section B.I.1(b) of the Code in respect of quizzes (1, 21).

#### **iv. Final test**

43. The final test was posted on August 20, 2020, and was due on August 24, 2020. We find the Student guilty on a balance of probabilities for plagiarism contrary to section B.I.1(d) of the Code.
44. The Student's answers to numerous questions on the final test contain unusual similarities to Chegg Answers to the same questions. The Provost provided evidence of comparisons between the Student's answers and the Chegg Answers for the final test (at Exhibit DD to Matt Olechnowicz's affidavit), which establish, on a balance of probabilities, that the Student knowingly represented as their own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code.

## D. Sanction

46. The Provost sought an order imposing the following sanctions on the Student:

- a) a final grade of zero in MAT301H1Y;
- b) a suspension from the University for four years from the date of the Tribunal's order;
- c) a notation of the sanction on the Student's academic record and transcript for five years from the date of the Tribunal's order; and
- d) the case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

47. In determining the sanction, the Tribunal has considered the factors set out in the decision *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976). This is the leading decision on sentencing principles. We discuss below some of the important factors we think are relevant to the Student's circumstances in this case and that weigh in our determination on the appropriate sanction.

48. Counsel for the Provost submitted a book of authorities and referred to several cases in argument in addition to the *Mr. C.* case. In particular, we were taken to the cases of *University of Toronto and B.S.* (Case No. 697, January 17, 2014), *University of Toronto and S.P.* (Case No. 1276, May 16, 2022), and *University of Toronto and S.E.C.* (Case No. 1215, January 13, 2022), in which the students were found to have committed similar academic offences to the Student in this case.

49. Here, the Student did not participate in a Dean's Designate meeting, nor did she attend the hearing. While the Student is under no obligation to participate or attend, her failure to do so is relevant because we are left without any evidence of remorse.

Nor is there any evidence that the Student has attempted to take responsibility for her conduct. While a decision not to participate at a hearing is not necessarily an aggravating factor, we find that in the circumstances we have no evidence that a more lenient sanction should be imposed in this matter on the basis of the Student's character. Because the Student did not attend the hearing, there was no evidence of any mitigating circumstances in this matter.

50. On the issue of whether the Student attempted to delay or frustrate this matter, we do not accept Assistant Discipline Counsel's submissions that the evidence establishes such an aggravating factor. While the pattern of correspondence with the Student and SAI as well as Assistant Discipline Counsel demonstrates that the Student either failed to respond or would only respond shortly before, or on, a deadline provided by SAI or Assistant Discipline Counsel, we do not accept that this pattern establishes that the Student was expressly attempting to delay or frustrate this matter. Moreover, we have not made any findings on whether Thomas Yang was fictitious and while we accept that Assistant Discipline Counsel did not receive the October 25, 2022 email sent to [tinalie@paliareroland.com](mailto:tinalie@paliareroland.com), we also find that there was an unexplained and unreasonably lengthy delay on Assistant Discipline Counsel's part in attempting to communicate with the Student between September 2022 and February 2023.
51. In respect of aggravating factors that were established on the evidence, we find that there is a likelihood of repetition given the number of offences in this matter and that very significant time and resources were required to prepare for the hearing in this matter as a result of the Student's failure to participate at virtually all stages in the process.
52. As a final matter, the Panel considered the sanction imposed on D.Z. While he was alleged to have committed many of the same offences as the Student, he did not receive a suspension. D.Z. participated in a Dean's Designate meeting on February 23, 2022, and admitted guilt in respect of certain offences with which he was charged. At that meeting, he was sanctioned with a final grade of zero in the

Course and a notation on his academic record and transcript from February 23, 2022, until April 30, 2023.

53. We considered a recent case of the Discipline Appeals Board in *University of Toronto and X.M.* (Case No. 1388, September 12, 2023) where the Discipline Appeals Board explained certain principles that ought to apply in sanctioning two (or more) students who are found guilty of the same offences. In the *X.M.* decision, the Discipline Appeals Board acknowledged that “a sanction imposed at the end of a contested hearing will almost always be more serious, frequently significantly so, than the sanction that would have been imposed had a student acknowledged the offence immediately.” However, the Discipline Appeals Board also explained the importance of ensuring “a rational relationship, connected to the reasons for imposing a more serious sanction, between the sanctions imposed on a student who immediately admits an offence, and one who unsuccessfully contests it.”
54. In the circumstances of this case, particularly where the Panel did not accept the Provost’s submissions on certain aggravating factors, having regard to the sanction imposed on D.Z. and based on its review of similar cases presented by Assistant Discipline Counsel, which are not binding on us but are useful in ensuring that the Tribunal renders decisions that are consistent, the Panel made the following order:
- a) The Student is guilty of:
    - i. knowingly representing as their own an idea or expression of an idea or work of another in five homework assignments and a final test that they submitted in MAT301H1Y, contrary to section B.I.1(d) of the Code; and
    - ii. knowingly obtaining unauthorized assistance in one homework assignment (4) and 21 quizzes (3-20, 22-24) they submitted in

MAT301H1Y, contrary to section B.I.1(b) of the Code.

- b) The following sanctions shall be imposed on the Student:
- i. a final grade of zero in the course MAT301H1Y in summer 2020;
  - ii. a suspension from the University of Toronto for a period of three years, commencing on November 15, 2023, the date of the Tribunal's Order; and
  - iii. a notation of the sanction on the Student's academic record and transcript for a period of four years commencing on November 15, 2023, the date of the Tribunal's Order.
- c) This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto, this 27<sup>th</sup> day of February 2024,

Original signed by:

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Sarah Whitmore, Chair  
On behalf of the Panel