

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on November 9, 2021,

**AND IN THE MATTER OF** the University of Toronto *Code of Behaviour on Academic Matters, 1995*,

**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 -

M [REDACTED] C [REDACTED]

**REASONS FOR DECISION**

**Hearing Date:** February 7, 2024, via Zoom

**Members of the Panel:**

Ira Parghi, Chair

Professor Michael Saini, Faculty Panel Member

Brinda Batra, Student Panel Member

**Appearances:**

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Chris Stienburg, Counsel for the Student, Stienburg Law

**Hearing Secretary:**

Nadia Bruno, Special Projects Officer, Office of Appeals, Discipline & Faculty Grievances

**In Attendance:**

M [REDACTED] C [REDACTED] (for part of hearing)

## I. Introduction

1. The Trial Division of the University Tribunal was convened via videoconference on February 7, 2024, to consider charges brought against M.C. (the “Student”) by the University of Toronto (the “University”) pursuant to the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”) on November 9, 2021. The charges were as follows:

1. On or about March 18, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in ECE285H1: Probability and Statistics (the “Course”), contrary to section B.I.1(b) of the *Code*;

2. In addition and in the alternative to charge 1, on or about March 18, 2021, you knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in Test 2, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*;

3. In addition and in the alternative to charges 1 and 2, 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, contrary to section B.I.3(b) of the *Code*, in connection with Test 2 in the Course;

4. On or about April 27, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final exam in the Course, contrary to section B.I.1(b) of the *Code*;

5. In addition and in the alternative to charge 4, on or about April 27, 2021, you knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in the final exam, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*; and

6. In addition and in the alternative to charges 4 and 5, 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, contrary to section B.I.3(b) of the *Code*, in connection with the final exam in the Course.

2. The particulars for the charges (with the names of other students changed to initials) were as follows:

1. At all material times, you were a student at the University of Toronto in the Faculty of Applied Science and Engineering.

2. In Winter 2021, you were enrolled in the Course.

3. Students in the Course were required to write Test 2 on March 18, 2021, which was worth 30% of the final mark in the Course ("Test 2"), and a final exam on April 27, 2021, worth 35% ("Exam"). You submitted your Test 2 and your Exam to complete these requirements.

4. You were not permitted to communicate with anyone during Test 2 and the Exam, and to submit only work that was your own.

5. You confirmed in your answer to question 1 of each of Test 2 and the Exam that the work you submitted was solely your own.

6. You did not write your Test 2 or your Exam independently, and the work you submitted was not solely your own.

7. You organized and participated in an online group chat during Test 2 and the Exam in which you shared answers to those exams with other members of the group, and used those shared answers in Test 2 and the Exam.

8. Your answers for many of the questions in Test 2 were extraordinarily similar to the answers given to those questions by a number of other students in the Course, including M.E-E. and C.U-O.

9. Your answers for many of the questions in the Exam were extraordinarily similar to the answers given to those questions by a number of other students in the Course, including M.E-E., C.U-O., and X.S., among others.

10. You knowingly obtained unauthorized assistance from and/or provided unauthorized assistance to others for answers to the questions on Test 2 and the Exam.

11. You knowingly obtained and/or provided unauthorized assistance in connection with Test 2 and the Exam in the Course.

3. The Student attended part of the hearing via Zoom. Part-way through the hearing, the Student lost connectivity to the hearing. The hearing was briefly adjourned so that his Counsel could speak with him and obtain his instructions. When the hearing reconvened, the Student's Counsel advised that he had spoken with the Student and that the Student wished for the hearing to continue in his absence. The Student's Counsel advised that he

was agreeable to proceeding in the Student's absence. Counsel for the University advised that he, too, was agreeable to doing so. On this basis, the Tribunal was satisfied that the hearing could continue in the absence of the Student. The hearing accordingly continued in the absence of the Student.

## **II. Liability**

4. The University and the Student filed a Joint Book of Documents re Finding of Offence, which was entered into evidence at the hearing. The Joint Book of Documents re Finding of Offence included an Agreed Statement of Facts that was signed by the Student on January 19, 2024 (the "ASF").

5. In the ASF, the University and the Student agreed that each of the documents attached to the ASF could be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document, and that, if a document indicates that it was sent or received by someone, that is prima facie proof that the document was sent and received as indicated.

6. The ASF indicates that the Student first registered as a student in the BAsC in Engineering Science program in the Faculty of Applied Science & Engineering at the University of Toronto in Fall 2019. The relevant facts in this matter, as set forth in the ASF, are reproduced here (with references to underlying documentation removed, and with the names of other students changed to initials):

### *A. The Course*

6. In Winter 2021, Mark Ebdon taught ECE286H1: Probability and Statistics (the "Course"). Students in the Course were required to write an assignment (worth 15%), two mid-terms - Test 1 (worth 20%) and Test 2 (worth 30%), and a final exam worth 35% (the "Exam").

7. The syllabus contained a section on academic integrity that stated students were responsible for knowing the content of the University of Toronto's Code of Behaviour on Academic Matters, and to contact [Professor Ebdon] if they had any questions.

8. In January 2021, Professor Ebdon posted instructions to Quercus about the term tests and exam. Students were instructed that printed material, the internet, calculators, and computing platforms were allowed provided that there was no interaction with other people directly or indirectly.

9. The Student, V.B., T.C., R.H., M.E-E., X.S., M.T., C.U-O., A.V., and J.X. were all students in the Course (the "Students").

10. Test 2 was administered online on March 18, 2021, from 9:00 a.m. to 11:00 a.m. Test 2 was open book, but the instructions reminded students that there was to be no interaction with other people either directly or indirectly. Question 1 on Test 2 asked students to affirm adherence to the *Code of Behaviour on Academic Matters*, and that between 9:00 a.m. and 11:00 p.m. that day, they would not share technical content of Test 2 with others.

11. On March 18, 2021, the Student, M.E-E., and C.U-O. each submitted their Test 2 with the required academic integrity confirmation.

12. The Exam was administered online on April 27, 2021, from 7:00 p.m. to 9:30 p.m. EST. The Exam was an open book, but the instructions again stated that there was to be no interaction with other people, either directly or indirectly.

13. Professor Ebden distributed five different versions of the Exam to students. Version A was distributed to a student who required accommodations, and Version B was distributed to 4 students who wrote a deferred exam. Version C was the default exam, and versions D and E contained subtle differences to produce distinctive answers. For version D of the exam, questions 5 and 6 were reversed (e.g., question 5 on version D was question 6 on version E and vice versa), as were questions 9 and 10. These exams were distributed as follows: Version C was distributed to students with surnames A to K; Version D was distributed to students with surnames M to Z; and Version E was distributed to students with surnames L.

14. The Exams were distributed to the Students as follows:

(a) Version C: the Student, V.B., T.C., M.E-E., and R.H.

(b) Version D: X.S., M.T., C.U-O., A.V., and J.X.

15. The first question on each version of the Exam asked students to affirm adherence to the *Code of Behaviour on Academic Matters*, and that between 7:00 p.m. on the night of the exam and 11:30 a.m. the next morning, they would not share technical content of the exam with others.

16. On April 27, 2021, the Students submitted their Exams with the required academic integrity confirmation.

## *B. The investigation*

### *1. The Exam investigation*

17. As Professor Ebden reviewed students' Exams, he found many unusual similarities between the Student's answers and other Students' answers. Professor Ebden prepared a report that sets out the similarities in detail.

18. Professor Ebden identified numerous similarities between the Student's answers and other students' answers. The similarities include several idiosyncratic features, such as making the same mistakes, arriving at the same answer without showing enough work, arriving at the same incorrect final answer, using the same non-standard notation, and providing an answer to a question that did not appear on his version of the Exam.

19. In June 2021, Professor Ebden emailed the Student to schedule a meeting to discuss his concerns that the Student obtained unauthorized assistance on the Exam. The Student did not respond.

## *2. The Test 2 investigation*

20. After discovering that several students had unusually similar answers on the Exam, Professor Ebden examined several students' answers to other tests. Professor Ebden identified unusual similarities in the answers given by the Student, M.E-E., and C.U-O. in relation to Test 2. Professor Ebden prepared several academic integrity reports that set out these similarities on Test 2 in detail.

21. Professor Ebden identified numerous similarities between the Student's and M.EE.'s answers, and several similarities between the Student's and C.U-O.'s answers. These similarities included idiosyncratic features, such as making the same mistakes in the same ways, using the same non-standard notation, and arriving at the same answer without showing enough work.

...

23. In July 2021, Professor Ebden emailed the Student to schedule a meeting to discuss his concerns that the Student obtained unauthorized assistance on Test 2. The Student did not respond.

## *C. The Dean's Office*

24. In June 2021, the Dean's office at the Faculty of Engineering and Applied Science received allegations that several students collaborated on the Exam and Test 2. The late Hans Kunov, Professor Emeritus and Dean's Designate of academic integrity, and Pamela Kennedy, Accreditation and Academic Integrity Coordinator, oversaw these allegations.

### *1. Attempts to schedule a dean's meeting with the Student*

25. From June to October 2021, the faculty made numerous attempts to schedule a meeting with the Student to discuss the Exam and Test 2. In particular:

(a) Professor Kunov and Ms. Kennedy gave the Student an opportunity to retain counsel and sent him resources about Downtown Legal Services;

(b) Ms. Kennedy sent the Student mental health resources when the Student stated that he was experiencing mental health issues;

(c) Professor Kunov, Professor Ebden, and Ms. Kennedy agreed to meet with the Student on weekends or evenings to accommodate his schedule;

(d) Professor Kunov offered to reimburse the Student to access a payphone when the Student stated that he did not have an active phone line and could not afford a pay phone; and

(e) On two separate occasions, Professor Kunov, Professor Ebden, and Ms. Kennedy waited approximately 45 minutes for the Student to join a call that he had agreed to attend, but the Student did not show up.

26. The Student did not attend a dean's meeting, and the matter was forwarded to the Provost.

27. The Student obtained three credits in the Fall 2021 semester.

## *2. Dean's meetings about the Exam*

28. From June to September 2021, Professor Kunov, Professor Ebden, and Ms. Kennedy met with each of the students except the Student. Ms. Kennedy advised the students at the start of each meeting that minutes would be taken and could be used as evidence if the matter proceeded. Ms. Kennedy took detailed notes of each meeting and has confirmed that they were accurate.

29. On May 31, 2021, J.X. admitted that he collaborated with other students during the Exam in a letter to Professor Kunov.

30. On June 23, 2021, in a dean's meeting, J.X. confirmed that he collaborated with other students during the Exam.

31. On June 23, 2021, in a dean's meeting, T.C. admitted that he collaborated with other students during the Exam.

32. On June 23, 2021, in a dean's meeting, C.U-O. admitted that he obtained unauthorized assistance from M.E-E.

33. On June 23, 2021, in a dean's meeting, X.S. admitted that she collaborated with other students during the Exam. After the meeting, X.S. sent Professor Kunov a written admission in which she stated:

(a) The Student sent her a link to a Google Doc to collaborate on the Exam;

(b) During the Exam, there were approximately 15 users in the Google Doc, but everyone was anonymous except the Student; and

(c) Several users uploaded answers to Exam questions on Google Docs, and she uploaded her answer to Question 5.

34. On July 9, 2021, in a dean's meeting, M.E-E. stated he did not provide or obtain unauthorized assistance on the Exam, and that he did not know the Student.

35. On July 15, 2021, in a dean's meeting, A.B. admitted that he collaborated with other students during the Exam. He stated:

(a) The Student sent him a link to a Google Doc to collaborate on the Exam;

(b) During the Exam, there were approximately 10 to 15 users in the Google Doc, but everyone was anonymous except for the Student;

(c) Several users uploaded answers to Exam questions on the Google Doc, and he uploaded part of his answer to Question 13; and

(d) He had previously worked with M.E-E. on an assignment and recognized his handwriting in one of the answers that had been uploaded to the Google Doc. Professor Ebden showed him a copy of M.E-E.'s answer to Question 9 on the Exam, and he confirmed that he saw that answer in the Google Doc.

36. On July 15, 2021, in a dean's meeting, R.H. admitted that he collaborated with other students during the Exam. He stated: he had access to a Google Doc to collaborate on the Exam; he did not want to comment on whether he knew the Student; and he collaborated with V.B. during the Exam.

37. On July 23, 2021, in a dean's meeting, M.E-E. again stated he did not knowingly provide or obtain unauthorized assistance on the Exam.

38. On August 11, 2021, in a dean's meeting, A.V. admitted that he collaborated with other students during the Exam, including M.T.



39. On August 24, 2021, in a dean's meeting, M.T. admitted that he collaborated with other students during the Exam. He stated that the Student sent him a link to a Google Doc to collaborate on the Exam; he collaborated with the Student and A.V. on the Exam; and, in July and August 2021, the Student repeatedly suggested to him that he should not say anything about the allegations.

### *3. Dean's meetings about Test 2*

40. On August 26, 2022, in a dean's meeting, C.U-O. said that he would not admit to an academic offence in relation to Test 2 if the evidence was not clear. C.U-O. then denied that he had committed an academic offence in relation to Test 2.

41. On September 22, 2022, in a dean's meeting, M.E-E. denied that he had received unauthorized assistance on Test 2.

## *D. Procedural history*

### *1. Charges and Disclosure*

42. On November 9, 2021, the Office of the Vice-Provost, Faculty and Academic Life served the charges in this matter on the Student by email.

43. On March 21, 2022, Downtown Legal Services inform Assistant Discipline Counsel that the Student had retained them in connection with this matter.

44. On April 14, 2022, Mr. Webb emailed Downtown Legal Services and the Student a disclosure letter and a disclosure brief.

45. The Student was enrolled in courses in Winter 2022. The Student has not enrolled in courses since the Winter 2022 semester.

46. On June 22, 2022, Downtown Legal Services informed Mr. Webb that there was a breakdown in the solicitor-client relationship, and it no longer represented the Student for his academic integrity matters.

47. On June 23, 2022, Mr. Webb emailed the Student: "We understand that Downtown Legal Services is no longer representing you in this matter. Please let us know whether you have retained other counsel, whether you would like us to provide you with referrals to other lawyers who practice in this area, or whether you intend to represent yourself." The Student did not respond.

### *2. The Initial Hearing Date*

48. On July 5, 2022, Mr. Webb emailed the student about scheduling a hearing date. Mr. Webb advised that if he did not hear back by July 11, 2022, he would request a hearing date be scheduled. The Student did not respond.

49. On July 12, 2022, Mr. Webb emailed the student to inform him that he was going to proceed with scheduling the hearing for August 19, 2022. Later that day, Mr. Webb emailed the Office of Appeals, Discipline and Faculty Grievances (the "ADFG Office") to request a hearing be scheduled. The student was copied on this email.

50. On July 12, 2022, the ADFG Office issued a Notice of Electronic Hearing. The ADFG Office sent the notice to the Student.

### *3. The Initial Hearing Date Is Adjourned*

51. On August 15, 2022, the Assistant Discipline Counsel sent the Student an affidavit of C.U-O. In his affidavit, C.U-O. gives evidence that he collaborated with the Student on Test 2 and the Exam.

52. Later that day, the Assistant Discipline Counsel requested an adjournment to provide the Student with additional time to review the new evidence and to retain counsel. The Student consented to the adjournment request, and the Chair granted the adjournment.

### *4. The Second Hearing Date*

53. The Provost gave the Student additional time to retain counsel.

54. The Student retained counsel in March 2023.

55. The Student's counsel and Assistant Discipline Counsel had several without-prejudice exchanges between March 2023 and October 2023.

56. The Student requested that the Provost agree to postpone the hearing until 2024 on the basis that he was unable to attend a hearing in Fall 2023 due to health issues. The Provost agreed to postpone the hearing until 2024, and the parties subsequently agreed to schedule a hearing for February 7, 2024.

7. In the ASF, the Student admitted and acknowledged the following:

1. He knowingly obtained unauthorized assistance from several other students in connection with the Exam and Test 2;

2. He knowingly provided unauthorized assistance to several other students in connection with the Exam and Test 2;

3. He invited several other students to join a Google Doc in which they could share answers to the Exam; and

4. In July and August 2021, he repeatedly told other students not to say anything about the Exam allegations to the Dean's office.

8. The Student also admitted the following:

1. He knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the Exam and Test 2, contrary to section B.I.1(b) of the *Code*;

2. He knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in the Exam and Test 2, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*; and

3. He 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 Exam and Test 2, contrary to section B.I.3(b) of the *Code*.

9. The Student acknowledged that he was signing the ASF freely and voluntarily, knowing of the potential consequences he faced, and did so with the advice of counsel or having waived the right to obtain counsel.

10. The onus on the University was to establish on a balance of probabilities, through clear and convincing evidence, that the Student had committed one or more of the academic offences enumerated above.

11. Upon review of the ASF, including the Student's admissions contained in the ASF and the documents attached to the ASF, and upon hearing the submissions of counsel, the Tribunal was satisfied on the balance of probabilities that the Student was guilty of charges 1, 2, and 4 through 6, as enumerated above. That is, the Tribunal was satisfied that the Student was guilty of the following academic offences:

1. Two counts of knowingly obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code*;

2. Two counts of knowingly aiding and assisting other students, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*; and

3. One count of knowingly engaging 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, contrary to section B.I.3(b) of the *Code*.

12. In light of the Tribunal's findings, charges 1, 2, and 4 through 6, charge 3, of knowingly engaging 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, contrary to section B.I.3(b) of the *Code*, in connection with Test 2 in the Course, was withdrawn by the University.

#### **IV. Penalty**

13. The University and the Student filed a Joint Book of Documents re: Sanction, which was entered into evidence at the hearing. The Joint Book of Documents re: Sanction included an Agreed Statement of Facts on Penalty and Joint Submission on Penalty that was signed by the Student on January 19, 2024.

14. The Agreed Statement of Facts on Penalty set forth additional facts relevant to penalty, which are reproduced here (with references to underlying documentation removed and with the names of other students changed to initials):

##### *1. Prior Academic Offence*

4. In Fall 2020, the Student enrolled in ECE253H1: Digital and Computer Systems ("ECE253"), taught by Jason Anderson. During that semester, the Student submitted his midterm, which was worth 20% of his final grade.

5. In December 2020, Professor Anderson alleged that the Student provided unauthorized assistance to and obtained unauthorized assistance from two other students in the course, M.E-E. and C. U-O. The late Hans Kunov, Professor Emeritus and Dean's Designate of Academic Integrity, and Pamela Kennedy, Accreditation and Academic Integrity Coordinator, oversaw these allegations.

6. On December 17, 2020, Professor Kunov, Professor Anderson, and Ms. Kennedy met with the Student to discuss the allegations that the Student provided and obtained unauthorized assistance in connection with the ECE253 midterm. The Student admitted that he and other students in ECE253 had shared copies of the midterm and collaborated during the midterm. The Student then pled guilty to plagiarism.

7. The Student admits that he provided unauthorized assistance to and obtained unauthorized assistance from M.E-E. and C.U-O. in the ECE253 midterm.

8. The case was resolved at the divisional level. The Student was sanctioned with a final grade of zero on the midterm in ECE253.

9. Later that day, the faculty sent the Student a letter confirming the sanction that was imposed. The letter also warned the Student that the penalty for future offences would be much more severe:

Academic offences are extremely serious and constitute unacceptable behaviour in the University. They are a breach of ethical standards of the engineering profession that you aspire to enter. This letter is to serve as a strong warning to you that any future academic work must be conducted in full accordance with the rules and regulations of the University.

**Be advised that, in the event of a 2nd offence, the penalties would be much more severe.**

[Emphasis in original]

10. The Student admits that he received and reviewed a copy of this letter in late 2020.

### *2. Charged Academic Offences*

11. On March 18, 2021, the Student obtained and provided unauthorized assistance on Test 2 in ECE286H1: Probability and Statistics.

12. On April 27, 2021, the Student obtained and provided unauthorized assistance on the final exam in ECE286H1: Probability and Statistics.

13. In July and August 2021, the Student repeatedly told other students to not say anything about the ECE286H1 Final Exam allegations to the Dean's office.

### *3. Student Evidence*

14. The Student believes that he experienced mental health issues in 2020 and 2021 that were related to the pandemic. The Student states that he felt anxious and depressed at this time, and he believes that this affected his academics.

15. On December 12, 2022, the Student was prescribed an antidepressant.

16. On January 5, 2023, the Student was diagnosed with attention deficit hyperactivity disorder ("ADHD"). The Student believes that he had ADHD in 2020 and 2021, and he believes that this affected his academics.

17. The Student is continuing to seek treatment for his mental health and ADHD.

18. The Student apologizes for committing the academic offences, and acknowledges that the facts at paragraphs 14 through 17 of the JSP do not excuse his behaviour.

15. The Joint Submission on Penalty (“JSP”) stated as follows:

The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:

(a) A final grade of zero in ECE286H1: Probability and Statistics;

(b) A suspension from the University for a period of 3 years commencing on September 1, 2023; and

(c) A notation of the offence on the Student’s academic record and transcript for a period of 4 years from the date of the University Tribunal’s order.

16. The JSP also indicated that the parties agree that 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.

17. In the Agreed Statement of Facts on Penalty and JSP, the Student acknowledged that the Provost had advised him of his right to obtain legal counsel and that the Student had obtained that advice or waived his right to obtain that advice.

18. The Student also acknowledged that he was signing the JSP freely and voluntarily, knowing of the potential consequences he faced and knowing that the University Tribunal was not bound by the JSP and had the discretion to impose and/or recommend a different sanction, including one that is more severe than what the JSP recommends.

19. When a JSP is filed, as here, the Tribunal is not bound to follow it when determining the sanction in the case before it. However, the case law is clear that a JSP should be disregarded by the Tribunal only where giving effect to the sanction would be contrary to the public interest or would bring the administration of justice into disrepute (see, e.g., *University of Toronto and Y.W.* (Case No. 1155, July 26, 2021), *University of Toronto and P.H.Q.* (Case No. 982, May 8, 2019), and *S.F. and The University of Toronto* (Case No. 690, October 20, 2014)).

20. In the circumstances of this case, for the reasons outlined below, the Tribunal had no concern that proceeding in accordance with the JSP would be contrary to the public interest or bring the administration of justice into disrepute.

21. The Tribunal considered the principles and factors relevant to sanction as articulated in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976). The Tribunal determined that these factors supported the imposition of the JSP. In this regard, the Tribunal observed the following:

a. *The nature of the offence:* The Student's offences are clearly serious in nature. He knowingly obtained unauthorized assistance from, and provided unauthorized assistance to, several other students on two separate occasions. He invited other students to join a Google Doc in which they could share answers to the Exam. He repeatedly told other students to not say anything about the Exam allegations to the Dean's office. The Student's provision and receipt of unauthorized assistance was pre-mediated, deliberate, and extensive.

b. *The detriment to the University occasioned by the offence:* The harm caused to the University by these offences is extremely significant. This type of conduct undermines the process of academic evaluation at the University. It damages the University's reputation. It erodes trust between the University and its students, between prospective employers and the University and its students, and between other academic institutions and the University and its students.

c. *The need to deter others from committing a similar offence:* There is a strong need to deter others from providing or receiving unauthorized assistance during exams, and from pressuring others to not say anything about alleged academic misconduct during meetings with University administrators, for many of the reasons noted above. This type of offence poses a grave threat to the integrity of the University, is profoundly unfair to other students, and jeopardizes the University's reputation. It also undermines the ability of the University to investigate and handle these matters at the departmental level and with the cooperation of students.

d. *The likelihood of a repetition of the offence:* There is a clear likelihood of repetition of these offences. Indeed, the Student had a prior offence in fall 2020, involving a midterm examination in which he received unauthorized assistance from and provided unauthorized assistance to two other students, both of whom were involved in the matters at issue in this hearing. That case resulted in the Student receiving a final grade of zero on the midterm and receiving a formal warning. Just months later, the Student committed the offences at issue in this matter, in March 2021 and then again in April 2021.

e. *The character of the Student, extenuating circumstances:* At the same time, the Tribunal acknowledges that the Student showed insight into and remorse for his actions. The Student was experiencing attention deficit hyperactivity disorder, and pandemic-related anxiety and depression, at the time of the offences. He is now seeking medical treatment for those health concerns. The fact that he has sought and continues to receive medical treatment demonstrates that he acknowledges the seriousness of his situation and is attempting to address it. The Student has also acknowledged that these health issues do not excuse his behaviour. Additionally, while the Student was not initially responsive to efforts by the University to communicate with him about the offences, he did eventually participate in the process and attended the hearing (until he lost connectivity and asked that the hearing continue without him, as discussed above). He has also apologized for committing the academic offences. These are extenuating circumstances and are considerations that reflect positively on the character of the Student.

22. The Tribunal was satisfied that these various factors were appropriately reflected in the Joint Submission on Penalty.

23. In support of the sanction recommendation contained in the JSP, the Tribunal was directed by counsel for the University to prior decisions of the Tribunal in which students who had received and/or provided unauthorized aid were suspended for similar time periods to the one proposed in the JSP here. Many of these cases involved students who had committed prior academic offences and who participated in the disciplinary process through an Agreed Statement of Facts and JSP, like the Student here. In several of those cases, the students received 3-year suspensions, like the one contained in the Joint Submission on Penalty here (*University of Toronto and A.G.* (Case No. 935, August 21, 2018); *University of Toronto and S-H.K.* (Case No. 732, March 11, 2014); and *University of Toronto and S.S.* (Case No. 1219, December 9, 2021)). In others, the students received slightly longer suspensions of 3 years and 8 months (*University of Toronto and M.T.* (Case No. 1391, December 16, 2022)) or 4 years (*University of Toronto and J.G.* (Case No. 753, April 10, 2014); *University of Toronto and K.P.* (Case No. 660, June 8, 2011); and *University of Toronto and M.B.* (Case No. 978, May 27, 2019)). In the cases in which the suspension was for 3 years, there was generally evidence of mitigating factors, such as health issues on the part of the student. In the cases in which the suspension was 4 years, there was generally no such evidence.

24. The Tribunal determined that the JSP proposed here fell within the well-defined range of penalties established by the jurisprudence for cases like this one.



25. The Tribunal also determined that, in all of the circumstances, the appropriate penalty was the one submitted by the parties in the JSP.

## V. Order

26. At the conclusion of the hearing, the Tribunal made the following order:

**THAT** the Student is guilty of the following academic offences:

- (a) two counts of knowingly obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code*;
- (b) two counts of knowingly aiding and assisting other students, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*; and
- (c) one count of knowingly engaging 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, contrary to section B.I.3(b) of the *Code*.

**THAT** the following sanctions shall be imposed on the Student:

- (d) a final grade of zero in ECE286H1: Probability and Statistics;
- (e) a suspension from the University for a period of 3 years commencing on September 1, 2023; and
- (f) a notation of the offence on the Student's academic record and transcript for a period of 4 years from the date of the University Tribunal's order.

**THAT** this case shall be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 15th day of April, 2024

Original signed by:

---

Ira Parghi, Chair  
On behalf of the Panel