

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF the charges of academic dishonesty filed on March 23, 2023, as revised on September 7, 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 -

H [REDACTED] W [REDACTED]

Hearing Date: April 26, 2024, via Zoom

Members of the Panel:

Simon Clements, Chair

Professor Kevin Wang, Faculty Panel Member

Harvi Karatha, Student Panel Member

Appearances:

Lily Harmer Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Ryan Shah, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

H [REDACTED] W [REDACTED]

1. This Panel of the University Tribunal held a hearing on April 26, 2024, to consider the charges brought by the University of Toronto (the “University”) against H■■■■ W■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). It is alleged that the Student knowingly obtained unauthorized assistance or plagiarized the work of another in nine assessments across five courses contrary to section B.I.1(b) and (d) of the Code.

A. Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 9:45 a.m. on April 26, 2024. At that time, Counsel for the University advised that neither the Student nor a representative of the Student had responded to the Notice of Virtual Hearing.

3. When the Student had not joined the hearing via Zoom at 10:00 a.m. Counsel for the University made submissions on proceeding with the hearing in the absence of the Student. He advised on March 23, 2023, the charges were served on the Student by email to the email address of the Student, which was the email address the Student had provided in the University of Toronto Repository of Student Information (“ROSI”). These charges were subsequently amended, and the amended charges were served on the student by email to the same address on September 7, 2023.

4. On March 24, 2023, the Office of Appeals, Discipline and Faculty Grievances (the “ADFG”) sent the Student an email to the ROSI email containing a letter about the charges, a pamphlet for Downtown Legal Services (“DLS”), as well as a copy of the *Code of Behaviour on Academic Matters* and the University Tribunal’s *Rules of Practice and Procedure*.

5. On August 16, 2023, the Student emailed Ms. Harmer to request an update regarding the progress of this matter. The fact that the Student emailed Assistant Discipline Counsel back regarding the charges and progress of the matter confirms that the email address for the Student was correct and, at least in 2023, was being monitored by the Student.

6. On August 23, 2023, the Student followed up on his August 16, 2023 email to Ms. Harmer and advised that he is on the waiting list to receive assistance from DLS.

7. On November 27, 2023, Ms. Harmer emailed the Student to inquire if the Student had retained legal counsel or, if the Student had not, to set up a phone call to discuss next steps in this matter.

8. The Student did not reply to Ms. Harmer's November 27, 2023 email, nor did the Student reply to subsequent emails regarding the scheduling of the hearing.

9. On February 12, 2024, the ADFG issued a Notice of Virtual Hearing to take place via Zoom on April 26, 2024, at 9:45 a.m. (EST). The Student was copied on this email.

10. Attempts were also made to contact the Student by phone at the two numbers listed on the Student's ROSI on April 9, 2024 and April 17, 2024. None of these attempts were successful in reaching the Student.

11. The University submitted the Affidavit of Natalia Botelho, a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP ("Paliare Roland") who works with Ms. Harmer. Ms. Botelho stated that, to the best of her knowledge, the Student had not contacted their office since his email to Ms. Harmer of August 23, 2023, nor had Paliare Roland received any bounce-back auto-response indicating that the email correspondence was not received by the Student. Ms. Harmer and Mr. Shah have also advised Ms. Botelho that they did not receive any bounce-back auto-response indicating that their email correspondence was not received by the Student.

12. Ms. Botelho indicated that her office has not received any correspondence from the Student to indicate that he was not able to attend the hearing scheduled for April 26, 2024 at 9:45 AM.

13. The University submitted the affidavit of Mr. Andrew Wagg affirmed on April 11, 2024. Mr. Wagg is the Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto. Information Technology Services provides many services to the University of Toronto, including management of the email accounts used by students. To access an email account one needs to input both the user's login id and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular university-issued email account. This is denoted with the code "LastUserActionTime." The LastUserActionTime log only updates when someone logs in to a university-issued email account.

14. On April 10, 2024, Mr. Wagg checked the portal records and determined the last time someone accessed the email account for the Student was on April 5, 2024 at 10:08 AM, local Toronto time.

15. The *Rules of Practice and Procedure* (the “Rules”), rule 13 states a notice of hearing may be served on a student by various means, including by sending a copy of the document by courier to the student’s mailing address in ROSI or by emailing a copy of the document to the student’s email address in ROSI.

16. The University’s *Policy on Official Correspondence with Students* expressly states that students are responsible for maintaining a current and valid postal address and email account on ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.

17. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing. Rule 17 of the Rules states that “[t]he Secretary shall provide the University with reasonable notice of a hearing and shall deliver such notice to the student’s last known ROSI email address. Discipline Counsel shall establish that reasonable notice of the hearing has been provided to the student”. Rule 21 goes on to state that “[w]here notice of a virtual hearing, an in-person hearing, a hybrid hearing, or a written hearing has been given to a party in accordance with this Part, and the party does not attend at or does not participate in the hearing, the panel may proceed in the absence of the party or without the party’s participation and the party is not entitled to any further notice in the proceeding”. This wording tracks the statutory provision in the *Statutory Powers Procedure Act* (the “Act”) section 7(3).

18. In this case, the University provided reasonable notice to the Student. The evidence shows that the Student initially responded in August 2023 to an email sent to his email address in ROSI. The Student then appears to have chosen not to engage further with the University. The Student did not respond to further emails sent to the same email address which he had responded from before. The University then attempted to contact the Student by phone at two different phone numbers, neither of which appear to have been in service in April 2024. The evidence also shows that the Student last accessed the email address in ROSI on April 5, 2024, by which time the charges and the Notice of Virtual Hearing had already been sent to that address.

19. For these reasons, the Tribunal determined that it would proceed with the hearing in the absence of the Student.

B. The Charges and Particulars

20. The Charges and particulars of those charges in this matter are extensive, spanning multiple courses, multiple assignments and different forms of cheating. The revised Charges and Particulars as sent to the Student are as follows.

1. On or about March 26 and/or March 27, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Term Test 2 in MAT224H1S, contrary to section B.I.1(b) of the *Code*.
2. On or about March 26 and/or March 27, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in Term Test 2 in MAT224H1S, contrary to section B.I.1(d) of the *Code*.
3. On or about April 21, 2021 and/or April 22, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Term Test 3, the Final Assessment in MAT224H1S, contrary to section B.I.1(b) of the *Code*.
4. On or about April 21, 2021 and/or April 22, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in Term Test 3, the Final Assessment in MAT224H1S, contrary to section B.I.1(d) of the *Code*.
5. On or about May 21, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Homework 1 in MAT334Y1Y, contrary to section B.I.1(b) of the *Code*.
6. On or about May 21, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in Homework 1 in MAT334Y1Y, contrary to section B.I.1(d) of the *Code*.
7. On or about August 18, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with the Final Assessment in MAT334Y1Y, contrary to section B.I.1(b) of the *Code*.

8. On or about August 18, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in the Final Assessment in MAT334Y1Y, contrary to section B.I.1(d) of the *Code*.
9. On or about March 14, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Lab 1 in PHY408H1S, contrary to section B.I.1(b) of the *Code*.
10. On or about March 14, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Lab 1 in PHY408H1S, contrary to section B.I.1(d) of the *Code*.
11. On or about March 14, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Lab 2 in PHY408H1S, contrary to section B.I.1(b) of the *Code*.
12. On or about March 14, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Lab 2 in PHY408H1S, contrary to section B.I.1(d) of the *Code*.
13. On or about March 22, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Test 9 in MAT334H1S, contrary to section B.I.1(b) of the *Code*.
14. On or about March 22, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in with Test 9 in MAT334H1S, contrary to section B.I.1(d) of the *Code*.
15. On or about March 24, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Lab 3 in PHY408H1S, contrary to section B.I.1(b) of the *Code*.
16. On or about March 24, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Lab 3 in PHY408H1S, contrary to section B.I.1(d) of the *Code*.
17. On or about August 2, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Homework Assignment 5 in MAT301H1Y, contrary to section B.I.1(b) of the *Code*.

18. On or about August 2, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Homework Assignment 5 in MAT301H1Y, contrary to section B.I.1(d) of the *Code*.

19. In the alternative to all of the above charges, 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.1.3(b) of the *Code* in connection with:

- (a) Term Test 2 in MAT224H1S on or about March 26 and/or March 27, 2021;
- (b) Term Test 3 Final Assessment in MAT224H1S on or about April 21, 2021 and/or April 22, 2021;
- (c) Homework 1 in MAT334Y1Y on or about May 21, 2021;
- (d) Final Assessment in MAT334Y1Y on or about August 18, 2021;
- (e) Lab 1 in PHY408H1S on or about March 14, 2022;
- (f) Lab 2 in PHY408H1S on or about March 14, 2022;
- (g) Test 9 in MAT334H1S on or about March 22, 2022;
- (h) Lab 3 in PHY408H1S on or about March 24, 2022; and
- (i) Homework Assignment 5 in MAT301H1Y on or about August 2, 2022.

Particulars of the offences charged are as follows:

1. You were a student enrolled at the University of Toronto Faculty of Arts & Science at all material times.

MAT224H1S (20211)

2. In Winter 2021, you enrolled in MAT224H1S (“MAT224”).

3. Students in the course were required to write two term tests and a final assessment in MAT224. Students were not permitted to collaborate in any way with others.

4. On or about March 26 and/or March 27, 2021, you submitted Term Test 2. It was worth 15% of your final mark in the course.
5. On or about April 21, 2021 and/or April 22, 2021, you submitted Final Assessment. It was worth 25% of your final mark in the course.
6. You knowingly obtained unauthorized assistance from Chegg.com, which is a website that allows subscribers to post questions and view questions and answers posted on the site (“Chegg”), or from other students or others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Term Test 2 and Final Assessment.
7. You knew that Chegg was not an authorized aid to which you were allowed to refer in completing Term Test 2 and Final Assessment.
8. You submitted Term Test 2 and Final Assessment in MAT224 in Winter 2021:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including the author(s) of answers that were posted on Chegg; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from Chegg and from others.
9. You knowingly submitted Term Test 2 and Final Assessment with the intention that the University rely on them as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

MAT334Y1Y (20215)

10. In Summer 2021, you enrolled in MAT334Y1Y (“MAT334-2021”).
11. Students in the course were required to, among other things, submit homework assignments and write a final assessment in MAT334-2021. Students were not permitted to collaborate in any way with others.

12. On or about May 21, 2021, you submitted Homework 1. It was worth 5% of your final mark in the course.
13. On or about August 18, 2021, you submitted your Final Assessment. It was worth 30% of your final mark in the course.
14. You knowingly obtained unauthorized assistance from Chegg, other students or others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Homework 1 and the Final Assessment.
15. You knew that Chegg was not an authorized aid to which you were allowed to refer in completing Homework 1 and the Final Assessment.
16. You submitted Homework 1 and the Final Assessment in MAT334 in Summer 2021:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including the author(s) of answers that were posted on Chegg; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from Chegg and from others.
17. You knowingly submitted Homework 1 and the Final Assessment with the intention that the University rely on them as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

MAT334H1S (20221)

18. In Winter 2022, you enrolled again in MAT334H1S (“MAT334-2022”).
19. Students in the course were required to write weekly term tests in MAT334-2022. Students were not permitted to collaborate in any way with others.
20. On or about March 22, 2022, you submitted Test 9. It was worth 10% of your final mark in the course.

21. You knowingly obtained unauthorized assistance from a website or from others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Test 9.
22. You knew that you were not permitted to collaborate or obtain assistance from others, but that you were required to write Test 9 independently.
23. You submitted Test 9 in MAT334 in Winter 2022:
- (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
24. You knowingly submitted Test 9 with the intention that the University rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

PHY408H1S (20221)

25. In Winter 2022, you enrolled in PHY408H1S (“PHY408”).
26. Students in the course were required to submit lab assignments. Students were required to write up their lab code independently.
27. On or about March 14, 2021, you submitted Lab 1, worth 15% of the course mark, and Lab 2, worth 20% of the course mark.
28. On or about March 24, 2022, you submitted Lab 3. It was worth 15% of your final mark in the course.
29. You knowingly obtained unauthorized assistance from other students or others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Lab 1, Lab 2, and Lab 3.

30. You knew that you were required to write up your code independently for each of Lab 1, Lab 2, and Lab 3.
31. You submitted Lab 1, Lab 2, and Lab 3 in PHY408 in Winter 2022:
- (a) to obtain academic credit;
 - (b) knowing that they contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including your classmate L.H.; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
32. You knowingly submitted each of Lab 1, Lab 2, and Lab 3 with the intention that the University rely on them as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

MAT301Y1Y (20225)

33. In Summer 2022, you enrolled in MAT301Y1Y (“MAT301”).
34. Students in the course were required to submit homework assignments. Students were required to write up their homework assignments in pairs, independently from other pairs of students in the course. Each member of a pair was responsible for all of the work done by that pair on the homework assignments.
35. On or about August 2, 2022, you submitted Homework Assignment 5 together with your partner X.L. Homework Assignment 5 was worth 6% of the final course mark.
36. You knowingly obtained unauthorized assistance from other students or others or from Chegg, and/or you knowingly provided unauthorized assistance to other students or others in connection with Homework Assignment 5.
37. You knew that you were required to write up your code independently for Homework Assignment 5, and that the only other person with whom you could collaborate was your partner, X.L.

38. You submitted Homework Assignment 5 in MAT301 in Summer 2022:

- (a) to obtain academic credit;
- (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others; and
- (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.

39. You knowingly submitted Homework Assignment 5 with the intention that the University rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

C. The Evidence

21. The University submitted the affidavit of Ms. Laurie O’Handley an academic integrity specialist in the Student Academic Integrity Office (“SAI”) of the Faculty of Arts and Science at the University of Toronto. SAI is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean’s Designate in accordance with the process set out in the Code.

22. In her role as academic integrity specialist, Ms. O’Handley attended two Dean’s meetings with the Student to discuss allegations that he committed academic offences:

- (a) On July 18, 2022, to discuss allegations of unauthorized assistance in MAT224: Linear Algebra II in Winter 2021, MAT334: Complex Variables in Summer 2021, MAT334: Complex Variables in Winter 2022 and PHY408: Time Series Analysis in Winter 2022; and
- (b) On December 4, 2022, to discuss allegations of unauthorized assistance in MAT301: Groups and Symmetries in Summer 2022.

First Dean's Meeting

23. On July 18, 2022, Ms. O'Handley attended a meeting between the Student and Dean's Designate Elizabeth Cowper to discuss the allegation that the Student committed academic offences in MAT224, MAT334 I, MAT334 II and PHY408.

24. At the start of the meeting, Professor Cowper read the required warning under the Code. Professor Cowper told the Student that he was entitled to seek advice, or to be accompanied by counsel at the meeting, before making any statement or admission, and that he was not obliged to make any statement or admission, but if he made any statement or admission in the meeting, it may be used or receivable in evidence against him in the hearing of any charge with respect to the alleged offence in question. Professor Cowper advised the Student, without further comment or discussion, of the sanctions that may be imposed, and that she was not obliged to impose a sanction but may instead request that the Provost lay a charge against him (the "Dean's Warning").

25. During the meeting, the Student admitted to committing academic offences on each of Term Test 2 and the final assessment in MAT224 in Winter 2021.

26. During the meeting, the Student admitted that he had copied answers from Chegg, a website where users can post homework questions and receive answers from so-called "experts," and thus committed academic offences on Homework 1 and the final assessment in MAT334 I in Summer 2021.

27. During the meeting, the Student denied committing an offence in MAT334 II in Winter 2022. He stated the following about these allegations:

- (a) He did not copy his answer to question 1 on Test 9 from the website Stack Exchange, as alleged. Instead, he learned about the advanced formula he used in question 1 from a classmate; and
- (b) He was part of a “community group” on the social media app WeChat. Certain students in MAT334 II took Test 9 before him and one of them sent a message to this community group advising about question 1 and how to properly answer it. A student suggested using the advanced formula to answer question 1. The Student learned about the advanced formula inadvertently by reading this message in the group chat.

28. During the meeting, the Student admitted that he had committed academic offences on Lab 1, Lab 2 and Lab 3 in PHY408 in Summer 2022. He stated the following about the PHY408 allegations:

- (a) He enrolled in PHY408 late and had to collaborate with another student in the course to complete Lab 1 and Lab 2;
- (b) He explained that his three labs were identical to those submitted by another student because he collaborated with that student; and
- (c) He did not read the syllabus and did not realize that this conduct was prohibited.

29. At the end of the meeting, Professor Cowper advised the Student that the allegations against him would be referred to the Vice-Provost’s office.

Second Dean's Meeting

30. On December 4, 2022, Ms. O'Handley attended a meeting between the Student and Dean's Designate Colleen Dockstader to discuss the allegation that the Student committed academic offences in MAT301 in Summer 2022.

31. At the start of the meeting, Professor Dockstader read the Dean's Warning, as required under the Code.

32. During the meeting, the Student admitted to committing an offence on Assignment 5 in MAT301 in Summer 2022. He said the following about the MAT301 allegations:

- (a) He completed Assignment 5 in MAT301 with a partner. The Student was responsible for writing questions 1 and 2 whereas his partner was responsible for writing questions 3 and 4;
- (b) The Student and his partner wrote their respective Assignment 5 questions independently of one another; and
- (c) The Student was not aware of whether or not his partner collaborated with others in writing Assignment 5.

33. At the end of the meeting, Professor Cowper advised the Student that the allegations against him would be referred to the Vice-Provost's office.

34. The Student has admitted that he is guilty of seven of the nine charges against him. He denied committing an offence in MAT334 II in Winter 2022. The charge relating to the final assessment in MAT334Y1Y was not addressed at either of the Dean's meetings. The Tribunal indicated that it was satisfied with the admission of guilt relating to the seven charges at the two

Dean's meetings. The Student was given the proper warning before making those admissions, and he knew that those admissions could be held against him. As a result, the Tribunal determined that it did not need to hear further evidence from the University relating to those charges. At this hearing, the University adduced evidence relating to the remaining two charges where there had not been an admission of guilt.

Evidence Regarding Test 9 in MAT 334 II

35. The University submitted an affidavit, and also called the evidence of Stefan Dawydiak a Postdoctoral Fellow at the Mathematical Institute of the University of Bonn in Germany. Professor Dawydiak was the course instructor for MAT334H1S: Complex Variables in Winter 2022 ("MAT334 II"). MAT334 II was an upper-year undergraduate course on complex variables at the University. In mathematics, complex variables are numbers that include the roots of a negative number.

36. The course syllabus for MAT334 II had a section titled "plagiarism" that read as follows:

You may not collaborate with other students on any of the tests. Your submissions must be your own work, written independently, in your own words. Otherwise, it will be considered an offence under the University of Toronto's Code of Behaviour on Academic Matters [...] and serious sanctions will be applied [emphasis in original].

A. Test 9

37. Students in MAT334 II were required to write 11 weekly tests. A student's lowest scoring test would not be counted towards their final mark, and the other 10 were each worth 10% of the final mark.

38. On March 22, 2022, the Student wrote Test 9, when it was administered in person in class.

B. *The Investigation*

39. While marking the Student's Test 9, Professor Dawydiak stated that he noticed that the Student's answer to question 1 included concepts that were beyond the scope of MAT334 II.

40. Question 1 required students to calculate the first four terms of what is called a "Laurent series" where the series exhibits the quality of being "centred" where $z=0$ in the function: $f(z) = \cot(\pi z)$.

41. The Student correctly answered this question using an advanced method that was not taught in the class. In particular, the Student answered this question by using an infinite product operation (represented by a large π with a ∞ above it). This operation calculates the value of an infinite series of numbers when they are all multiplied together.

42. The use of the product operation in the context of this question surprised Professor Dawydiak because:

- (a) This technique was not taught in MAT334 II, and he would not expect a student who had not taken an advanced, graduate-level math course to understand how to properly use it; and
- (b) The Student's answer went beyond the question actually asked. Students were asked to compute the first four terms of a series. In addition to providing the first four terms of the Laurent series, the Student's answer also provided a general method to calculate any term in the Laurent Series.

43. As a result of these anomalies, Professor Dawydiak became suspicious that the Student did not independently write his answer to question 1. Professor Dawydiak searched question 1 on Google to determine if an answer to the question was posted online.

44. The first search result was from a website called math.stackexchange.com (the “MSE Page”). The MSE Page contained answers to a question that is similar, but not identical to question 1. Instead of asking for the first four terms in the Laurent series described in question 1, the MSE Page contains answers to the question: “Find the Laurent Series for $f(z) = \cot(\pi z)$ at $z = 0$.”

45. The first answer listed on the MSE Page (the “MSE Answer”) is highly similar to the Student’s answer to question 1 in structure, notation and method. In particular, the MSE Answer uses the same advanced method used by the Student to answer question 1 on Test 9.

46. Professor Dawydiak stated in his affidavit that in his opinion, it is highly unlikely that these similarities are the product of coincidence. Professor Dawydiak also testified at the hearing that no other student in either section of the course answered the question in this format. In Professor Dawydiak’s opinion, there was no innocent explanation for the similarities between the Student’s answer and that found on the MSE page online. The fact that no other student in the course answered the question in this way also shows that the explanation given by the Student at the Dean’s meeting was untrue. He could not have been told by a student in another section of the course how to answer the question. If that was true, the other student would also have answered the question in this way.

Evidence Regarding MAT334 I Final Assessment

47. The University submitted the affidavit of Ashley Armogan, the Undergraduate Administrator (Large Courses) in the Department of Mathematics in the Faculty of Arts and

Science. As Undergraduate Administrator (Large Courses), Ms. Amorgan is responsible for overseeing allegations of academic dishonesty in large courses in the Department.

48. Students in MAT334 I were required to write a final assessment worth 30% of the final mark. The final assessment was held on August 18, 2021.

49. The final assessment required students to sign an academic integrity statement to receive credit on the assignment. This academic integrity statement read as follows:

I confirm that:

- I have read and followed the policies described in the Final Assessment Policies.
- I understand that I am not allowed to discuss this assessment and have not discussed this assessment with anyone other than the instruction team until after 12 pm on August 19th. This includes communicating about the contents of the midterm in any form: talking or messaging with peers, posting questions on sites like Chegg, viewing posts or messages about the questions made by anyone or any platform other than Piazza.
- I understand the consequences of violating the University's academic integrity policies as outlined in the Code of Behaviour on Academic Matters. I have not violated them while writing this assessment, including any violations not mentioned on this page.

By signing this document, I agree that the statements above are true.

50. The academic integrity statement refers to a set of "Final Assessment Policies," which were accessible via the MAT334 I Quercus page.

51. The Final Assessment Policies contained a section called "Aids," which read, in part, as follows:

This test is open book. You may use your notes, the course notes, Fisher, and any other materials from the course site on Quercus. You may use Wolfram Alpha and Desmos.

52. The Final Assessment Policies also contained a section called "Academic Integrity," which read, in part, as follows:

You may **NOT** discuss the midterm with anyone other than course staff until after 2pm on Saturday, July 31st. You may not use any resources other than those mentioned in the "Aids" section above this [emphasis in original].

53. Ms. Armogan noted that the above passage refers to “the midterm” instead of the final assessment. She believed that this was a typo by the MAT334 I instructor.

54. The Student signed the academic integrity statement on the first page of the final assessment.

55. The MAT334 I instructors identified that the Student’s answer to question 5(a) on the final assessment is highly and unusually similar to an answer to question 5(a) posted on Chegg. Use of Chegg was not authorized for the completion of this final assessment.

56. The University submitted the affidavit of Panagiotis Angelinos, an instructional support assistant in the Department of Mathematics in the Faculty of Arts and Science to opine on the similarity between the Student’s answer to question 5(a) and the Chegg answer.

57. Dr. Angelinos obtained a PhD in mathematics from the University of Toronto in 2023 and, while a PhD student at the University, served as a teaching assistant in several advanced undergraduate courses involving complex variables and group theory.

58. In the opinion of Dr. Angelinos, the Student’s answer to question 5(a) on the final assessment is highly and unusually similar to an answer to question 5(a) posted on Chegg in terms of structure, notation and method. In addition to being near verbatim to one another, both answers contain the same unusual error (highlighted in blue in the attached comparison chart): both answers mischaracterize and misidentify the “squeeze theorem.” $\frac{\sin \frac{1}{x}}{\frac{1}{x}} = 0$ is not a relationship that is applicable to or derived from squeeze theorem, which is used to calculate the value of certain functions’ limits. Both answers thereby arrive at the same, incorrect answer.

59. In the opinion of Dr. Angelinos, based on these similarities, it is highly unlikely that the Student completed his final assessment independently.

Submissions on Merits

60. The onus is on the University to prove on clear and convincing evidence on a balance of probabilities that the Student committed the offences with which he has been charged. As already stated, the Student has admitted guilt with respect to all charges other than MAT334 II Test 9 and MAT334 I Final Assessment. With respect to these final two charges, the University has discharged its onus.

61. It is clear that the Student obtained unauthorized assistance to complete both the Test and the Final Assessment. The Test answer contains an answer very similar to an answer easily found online. The Student's answer and the online answer both contained concepts not taught in the class. The Student's answer was unique. No other student in the class answered the question using the same format. On a balance of probabilities, the Student copied this answer from the answer he found online. Regarding the Final Assessment, one of the Student's answers is very similar to an answer posted on Chegg. The opinion of Dr. Angelinos is that these answers were "highly and unusually similar" and both answers contained the same error. On a balance of probabilities, the Student copied his answer from Chegg.

E. Penalty

62. The matter continued with a hearing on the appropriate sanction. Additional evidence was submitted by the University that the Student had one prior academic offence. According to SAI's records, the Student has committed one prior academic offence, in MAT224 (Linear Algebra II) ("MAT224 2020") in Fall 2020.

63. On May 19, 2021, the Student admitted that he used unauthorized aids in connection with his Term Test 2 and Term Test 3 in MAT224 2020 in a meeting with Dean's Designate Colleen Dockstader.

64. The Code provides that upon conviction, the Tribunal may order that a student be suspended for a period of up to five years, and may recommend that the student be expelled. In this case the University is asking the Tribunal to recommend that the Student be expelled.

65. The Tribunal was asked to consider the *University of Toronto and Mr. C.* factors (Case No. 1976/77-3, November 5, 1976) long recognized as the leading decision on sentencing principles. These factors are:

- (a) the character of the person charged;
- (b) the likelihood of repetition of the offence;
- (c) the nature of the offence committed;
- (d) any extenuating circumstances surrounding the commission of the offence;
- (e) the detriment to the University by the offence; and
- (f) the need to deter others from committing a similar offence.

66. The Student did not participate in any aspect of the discipline proceeding, nor did the Student attend the hearing. Ignoring the discipline process is suggestive of a disregard for the seriousness of the conduct the Student engaged in, which was an act of deliberate dishonesty. Even though the Student admitted committing many of the offences, that is not a mitigating factor. The Student appears to have been of the view, based on his conduct, that if he admitted committing the offence, the slate was wiped clean leaving him free to offend again. That conduct cannot be permitted. As the Student disregarded the discipline process, there is no evidence of extenuating circumstances, and nothing to suggest that any leniency should be shown to the Student.

67. There is a serious risk that the Student would offend again, given the opportunity to do so. The Student committed his first offences in 2020. The Student admitted that he received unauthorized assistance in relation to two term tests. The Student proceeded to use unauthorized assistance by googling answers, using Chegg and copying from other students over five courses in 2021 and 2022. The risk that the Student will offend again, given this pattern of serial cheating is palpable.

68. Regarding the nature of the offence, detriment to the University and general deterrence, the Tribunal considered *University of Toronto v T.J.* (Case No. 1102, November 5, 2021) (“T.J.”), and *University of Toronto v P.F.* (Case No. 1223, October 18, 2022) (“P.F.”) where the Tribunal stated in P.F., “online learning provides more opportunities for students to cheat... By cheating on his exam, the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning... When he cheated on his exam, the Student sacrificed his integrity and his future”. The Tribunal in T.J. also noted the need for deterrence, stating, “cheating on exams must always be denounced and deterred in order to protect the academic integrity of the University. In today's online world, it is all too easy for students to find new outlets for unauthorized assistance. Students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to cheat when under pressure”. As described in the *University of Toronto v S.E.C.* (Case No.1215, January 13, 2022), “in today’s online world, it is easy for students to find new ways to access unauthorized assistance and so any sanction must denounce cheating on tests and deter others in order to protect the academic integrity of the University. Students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to consider cheating”.

69. The University also submits that there is value in consistency in the imposition of sanctions. For cases of multiple offences involving plagiarism and unauthorized assistance, the range of sanction is from a four year suspension to the recommendation of expulsion.

70. Here, the Student has committed 11 offences over three academic years, has attended three Dean’s meetings and has been given repeated warnings at those meetings about the seriousness of academic misconduct. In *University of Toronto v L.Y.* (Case No. 479, June 22, 2009), a case involving multiple instances of plagiarism and unauthorized assistance, the Tribunal recommended expulsion, stating:

[45] In this case, the Panel was very concerned about the following:

- (i) the elements of pre-meditation and deceit in both offences;
- (ii) the timing of the offences (each offence occurred after a previous offence had been brought to the attention of the student); and

- (iii) the complete failure of the student to engage in the process or even respond to the University with respect to either sets of charges.

[46] Further, given the student's failure to participate in the process, the Panel had no evidence of any mitigating factors. There was no acknowledgement, no explanation, no remorse, no extenuating circumstances, and no evidence of any prospect of rehabilitation brought to the attention of the Panel. Given all of the above, the Panel is of the view that the University should not be forced to continue in the relationship with the student, and that the student should not have the benefit of the University's resources.

71. Similarly, in *University of Toronto v T.K.* (Case No. 614, January 26, 2011), a case involving 4 charges of plagiarism, the Tribunal recommended expulsion and said:

27. There are no extenuating circumstances. In light of the student's disciplinary history indicating repeated plagiarisms, there is every likelihood that the student will repeat the offence. This type of conduct is highly detrimental to the reputation of the University. It must be made clear to the public that the University will take all reasonable steps to protect its reputation and the integrity of its academic process. The students of the University must be discouraged from attempting such conduct and be made aware that the University will impose severe sanctions.

72. Serial cheating of the type that the Student has engaged in causes irreparable harm to the academic relationship between the University and its students. The sanctity of this relationship is recognized in the preamble to the Code, which states:

This Code is concerned, then, with the responsibilities of faculty members and students, not as they belong to administrative or professional or social groups, but as they co-operate in all phases of the teaching and learning relationship.

Such co-operation is threatened when teacher or student forsakes respect for the other--and for others involved in learning--in favour of self-interest, when truth becomes a hostage of expediency. On behalf of teacher and student and in fulfillment of its own principles and ideals, the University has a responsibility to ensure that academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process (emphasis added).

73. It is not possible for the University to fulfil its responsibility to the University community if a student is allowed to remain at the University having demonstrated that he does not adhere to the standards of fairness and honesty to which all students at the University are held. The Student cannot be trusted to follow the rules. The academic relationship between the Student and the University has been irreparably broken. For these reasons, the Tribunal recommends that the Student be expelled.

Conclusion

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

1. ORDERS THAT the “Student” is guilty of:
 - (a) six counts of obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code of Behaviour on Academic Matters*; and
 - (b) three counts of plagiarism, contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*.
2. ORDERS THAT the Student shall receive a final grade of zero in:
 - (a) MAT224 in Winter 2021;
 - (b) MAT334 in Summer 2021;
 - (c) PHY408 in Winter 2022;
 - (d) MAT334 in Winter 2022; and
 - (e) MAT301 in Summer 2022.
3. RECOMMENDS to the President of the University that the President recommend to Governing Council that the Student be expelled from the University.
4. ORDERS THAT the Student be immediately suspended from the University for a period of up to five years from the date of the order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding permanent notation be placed on the Student’s academic record and transcript.

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

Dated at Toronto on this 8th day of August 2024

Original signed by:

Simon Clements, Chair

On behalf of the Panel