

**UNIVERSITY OF TORONTO  
UNIVERSITY TRIBUNAL**

**IN THE MATTER OF** charges of academic dishonesty filed on July 13, 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

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**REASONS FOR DECISION**

**Hearing Date:** April 25, 2024, via Zoom

**Members of the Panel:**

Andrew Bernstein, Chair

Professor Joseph Clarke, Faculty Panel Member

Konrad Samsel, Student Panel Member

**Appearances:**

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Chloe Hendrie, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

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**Hearing Secretary:**

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

## A. Charges

1. On April 25, 2024, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against A■G■ (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 July 13, 2023, as follows:

1. On or about April 22, 2023, you knowingly had another person personate you at the final examination in STA303H1 (the “Course”), contrary to section B.I.1(c) of the Code.
2. In the alternative, on or about April 22, 2023, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in the Course, contrary to section B.I.1(b) of the Code.
3. In the further alternative, on or about April 22, 2023, 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 final examination in the Course, contrary to section B.I.3(b) of the Code.

3. The Student is an undergraduate at the University of Toronto, Faculty of Arts and Science.

4. The Student attended the hearing, but was not represented by counsel. The Panel asked him a series of questions to ensure that he understood the proceedings, and the potential consequences. He confirmed that he understood that these proceedings and the potential consequences are serious, that counsel could help him, and that counsel could be made available to him through Downtown Legal Services (“DLS”) if he did not wish to pay for privately retained counsel. The Panel offered him an adjournment to obtain counsel through DLS or otherwise. He declined this offer and indicated that he wished to proceed with the hearing.

5. For obvious reasons, it is greatly preferable when the student has counsel in these matters. The University Tribunal agrees, and takes steps to ensure that students know they have a right to counsel and that DLS is an option. This Student came into the hearing having been apprised of his right to counsel, and was reminded of it by the Panel. He declined to exercise that right. As a result, we had no basis to refuse his request that we proceed.

**B. Liability**

6. The following summarizes our reasons for concluding that the Student violated the Code and therefore committed an academic offence.

7. The Student was enrolled in STA303H1 (the “Course”) in the winter of 2023. It had a final exam. The Student has admitted that he hired and paid someone to write the exam on his behalf. He indicated that he found an advertisement on WeChat, and that the organization told him he could have a high mark in STA0303. He indicated that he did not have sufficient time to study so he paid this organization \$2000. An individual attended the exam, purported to be the Student, and wrote the exam on his behalf. We have been shown photos of the person who attended the exam for the Student, and he bears essentially no resemblance to the Student. They both appear to be racialized (specifically East Asian), but the differences are nevertheless startling. Surprisingly, the personator was only caught when he appeared to use a cellphone to assist him, which caught the attention of the invigilator. The entire situation raises numerous questions. However, we are not charged with answering them. We are only here to consider the charges brought against the Student.

8. Section B.I.1(c) of the Code states that “It shall be an offence for a student knowingly ... (c) to personate another person, or to have another person personate, at any academic examination or term test or in connection with any other form of academic work.”

9. The Student accepted liability for this charge and admitted the facts specified above. The Provost withdrew the other charges.

### **C. Sanction**

10. The Provost and the Student made a joint submission on penalty, asking for the Tribunal to impose the following sanctions:

- (a) a final grade of zero in STA303H1 in Winter 2023;
- (b) a suspension from the University for five years from the date of the order; and
- (c) a permanent notation of the offence on the Student’s academic record and transcript from the date of the order.

11. They have also asked that this case be reported to the Provost for publication of a notice of the Tribunal’s decision and the sanction imposed, with the Student’s name withheld.

12. The Provost submitted documents in support of this sanction, most significantly that the Student has a history of academic discipline: he previously pleaded guilty to charges of using an unauthorized aid or obtaining unauthorized assistance, and plagiarism, in connection with a final exam in MAT344. For that he received a final grade of zero, and a notation of the offence and sanction on his transcript until December 2022.

13. It is trite before this Tribunal that the appropriate sanction is decided by reference to factors set out in the case *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5,

1976). However, there are special considerations when there has been a joint submission as to penalty. In those cases, the Discipline Appeals Board has made it clear that “a joint submission may be rejected only in circumstances where to give effect to it would be contrary to the public interest or bring the administration of justice into disrepute.” (*University of Toronto and S.F.*, Case No. 690, October 20, 2014, para. 18). In other words, only a truly unreasonable or unconscionable joint submission should be rejected (*University of Toronto and S.F.*, *supra*, para. 22).

14. This sanction is neither unreasonable nor unconscionable. It is, if anything, lenient. This case has all the hallmarks of the most serious cases. The Student has a prior history of serious academic misconduct. The very next semester after his transcript notation was removed, he engaged in it again. Personation is a very serious offence, and paying someone to personate makes it worse.

15. For these reasons, the Tribunal accepted the joint submission on sanction, and (subject to the adjustment on timing) signed an order at the hearing imposing the following sanctions on the Student:

- (a) a final grade of zero in STA303H1 in Winter 2023;
- (b) a suspension from the University for five years from the date of the order; and
- (c) a permanent notation of the offence on the Student’s academic record and transcript from the date of the order.

16. This case shall 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, this 28<sup>th</sup> day of August, 2024.

Original signed by:

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Andrew Bernstein, Chair  
On behalf of the Panel