

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct made on February 29, 2024,

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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

J [REDACTED] C [REDACTED]

REASONS FOR DECISION

Hearing Date: October 4, 2024, In Writing

Panel Members:

Michelle S. Henry, Chair

Professor Kevin Wang, Faculty Panel Member

Maria Dzevitski, Student Panel Member

Appearances via Written Submissions:

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

Hearing Secretary:

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

1. A written hearing of the Trial Division of the University Tribunal convened on October 4, 2024, to consider academic charges brought by the University of Toronto (the “University”) against J■■■■ C■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). At all material times, the Student was registered at the University of Toronto Mississauga (“UTM”).
2. This hearing arises out of charges of academic misconduct filed by the Provost on February 29, 2024 (the “Charges”). The hearing proceeded by way of written submissions.

THE CHARGES

3. The University brought the following charges against the Student:
 - a. On or about November 16, 2023, the Student knowingly had another person personate the Student at Test 2 in MAT223H5F: Linear Algebra I (the “Course”), contrary to section B.I.1(c) of the Code.
 - b. In the alternative, on or about November 16, 2023, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in the Course, contrary to section B.I.1(b) of the Code.
 - c. In the further alternative, on or about November 16, 2023, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Test 2 in the Course, contrary to section B.I.3(b) of the Code.

AGREED STATEMENT OF FACTS

4. The hearing proceeded by way of an Agreed Statement of Facts (“ASF”). The following is an abridged version of the ASF.
5. The Student first registered at UTM in Fall 2021. As of September 18, 2024, he had earned 16.5 credits with a cumulative GPA of 2.75.

6. In Fall 2023, the Student enrolled in the Course. Students in the Course were evaluated based on, among other things, two tests. Each test was worth 20% of the final grade in the Course. The second test (“Test 2”) was held in person on November 16, 2023.

7. During Test 2, an individual purporting to be the Student approached one of the Course instructors, to hand in their Test 2 paper. Along with their Test 2, this individual presented a TCard – the University’s photo identification card – with the name, student number, and photo of the Student. The TCard contained a notation stating that it was issued on November 3, 2021.

8. The Course Instructor compared the TCard photo to the individual purporting to be the Student and concluded that they did not match. The Course Instructor took a photo of the TCard and the individual purporting to be the Student.

9. The Course Instructor also asked the individual to explain why their TCard photo did not resemble them. The individual explained that the photo was old and that they looked different now.

10. On January 15, 2024, the Student met with the Dean’s Designate for Academic Integrity at UTM, to discuss the allegation that the Student had another person write Test 2 on his behalf. The Student’s friend, who attended to provide interpretation support, explained on the Student’s behalf that the Student was trying to find a way to get a good grade on Test 2 and found another person to take Test 2 for him. The Student admitted that he knew this was wrong. The Student’s friend also relayed on the Student’s behalf that he paid \$2,000 to this person so that they would write Test 2 on his behalf. The Student admitted that he had committed an academic offence by doing so.

11. As part of the ASF, the Student made the following admissions:

- a. He did not write Test 2 himself. Instead, he provided his TCard and the details about Test 2 to another individual so that this person could attend Test 2 using his identification to write Test 2 as if they were him. He paid this individual \$2,000 to write Test 2 on his behalf.

- b. He knowingly had someone personate him in order to write Test 2 and obtain a better mark than he expected to obtain for himself, contrary to sections B.I.1(c) and B.II.2 of the Code.
- c. He knowingly obtained unauthorized assistance on Test 2 from the individual who wrote Test 2 as if they were him, contrary to sections B.I.1(b) and B.II.2 of the Code.

FINDINGS ON CHARGES

12. Following deliberations and based on the ASF, the Panel concluded that the first charge was proven on a balance of probabilities. The Panel accepted the guilty plea of the Student in respect of the charge.

13. The Panel was advised that if it returns a conviction on the first charge, the University will withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to the alternative charges and treats them as withdrawn.

PENALTY

14. The University and the Student submitted a Joint Submission on Penalty (“JSP”) recommending the following sanction:

- a. a final grade of zero in the Course in Fall 2023;
- b. a suspension from the University of Toronto for a period of five years, to begin on January 1, 2025; and
- c. a notation of the sanction on the Student’s academic record and transcript from the day the Tribunal makes its order until the Student graduates from the University.

15. The parties agree that it is appropriate for this case to 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.

16. Assistant Discipline Counsel provided written submissions on the high threshold required for a Tribunal to deviate from a JSP. As set out in the Discipline Appeals Board decision in *University of Toronto and S.F.* (Case No. 690, October 20, 2014), “only truly unreasonable or ‘unconscionable’ joint submissions should be rejected” (para. 22).

17. The Panel also received written submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the relevant factors in sanctioning, namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and, 6) the need to deter others from committing a similar offence.

18. With respect to character of the person charged, the Provost acknowledged that the Student admitted to the offences both at his meeting with the Dean’s Designate on January 15, 2024, and before this Tribunal. The Student had also participated and cooperated in the academic discipline process, including by entering into the ASF.

19. Regarding the likelihood of a repetition of the offence, the Student did not have any prior offences. The University noted that, given the significant sanction set out in the JSP for a first offence, the expectation was that the Student understood the importance of academic integrity and would not reoffend.

20. With respect to the nature of the offence, the detriment to the University, and the need to deter others, as the University noted, this Tribunal has held that personation is “one of the most serious academic offences. It involves a high degree of dishonesty and a significant degree of planning to execute” (see *University of Toronto v. H.G.* (Case No. 1609, September 3, 2024)).

21. In this case, the Student hired someone to personate him on his in-person test, paid this individual \$2,000, and provided them with his TCard. We agree that this was a deliberate decision that required planning and the payment of a significant amount of money, and personation causes serious detriment to the University, as it undermines the trust and threatens the value that is placed on academic assessment, grades and degrees conferred by the University. It is even more concerning when a student pays for the services of an individual to personate them, bringing in a

commercial element to the offence. As noted by the University and this Tribunal, such personation fundamentally undermines the University's evaluative process which is "critical to the functioning of the University" (*University of Toronto v. Z.G. and M.J.S.* (Case No. 734 and 735, October 2, 2014)).

22. With respect to general deterrence in personation cases, this Tribunal agrees with the University that, given the seriousness of the offence, it is important to send a strong message that this type of misconduct, especially ones involving a commercial element, cannot be tolerated. As the University noted in its written submissions, the seriousness with which the Provost views the personation offence is also reflected in the Provost's Guidance on Sanctions (at Appendix "C" of the Code), which advises students that, absent exceptional circumstances, the Provost will request that the Tribunal recommend that a student be expelled where that student has had a student personate that student in a test, exam, or other academic evaluation.

23. Finally, with respect to any extenuating circumstances related to the misconduct at issue, the Student did not advise of any extenuating circumstances.

24. Having regard to the above, and based on the review of the cases provided by Assistant Discipline Counsel, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

DECISION OF THE PANEL

25. At the conclusion of the hearing, the Panel made the following order:

- a. **THAT** the Student is guilty of one count of knowingly having another person personate him at Test 2 in MAT223H5F (the "Course"), contrary to section B.I.1(c) of the Code.
- b. **THAT** the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in the Course in Fall 2023;
 - ii. a suspension from the University of Toronto for a period of five years, to begin on January 1, 2025; and

iii. a notation of the sanction on the Student's academic record and transcript from the day the Tribunal makes its order until the Student graduates from the University.

c. **THAT** 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.

26. An Order was signed after the hearing on October 4, 2024, by the Panel to this effect.

DATED at Toronto, January 8, 2025.

Original signed by:

Michelle S. Henry, Chair
On behalf of the Panel