

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 7, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

P [REDACTED] F [REDACTED]

REASONS FOR DECISION

Hearing Dates: October 22, 2024, via Zoom

Members of the Panel:

Alexi Wood, Chair

Professor Faye Mishna, Faculty Panel Member

Liwei Liao, Student Panel Member

Appearances:

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

Chloe Hendrie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Samanthe Huang, Coordinator and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

P [REDACTED] F [REDACTED]

A. OVERVIEW

1. On October 22, 2024, a Panel of the University Tribunal convened by videoconference to hear the University of Toronto's (the "University") allegations that P████ F████ (the "Student") violated various sections of the *Code of Behaviour on Academic Matters, 2019* (the "Code").

2. The Student did not attend the hearing. The Panel found that the Student had reasonable notice of the hearing and the charges pursuant to the *Statutory Powers Procedure Act* ("SPPA")¹ and The University Tribunal's *Rules of Practice and Procedure* (the "Rules"). The hearing proceeded in the Student's absence.

3. The Panel found the Student guilty of two counts of plagiarism. The Panel also found that the Student participated in a premeditated, coordinated, and organized scheme to sell exam ghostwriting services through WeChat. As a result of this serious misconduct, the Panel recommended one of the most severe penalties available: that the President recommend the Governing Counsel expel the Student. In addition, the Panel ordered that the Student be immediately suspended from the University, that she receive a final grade of zero in two classes, and that the case be reported to the Provost for publication of the decision.

B. THE CHARGES

4. By letter dated February 7, 2024, the University outlined the charges against the Student as follows:

¹ RSO 1990, c S.22

- a. On or about February 5, 2021, the Student knowingly represented as her own an idea or expression of an idea or work of another in assignment 1 in FAH292, contrary to section B.I.1(d) of the Code.
- b. On or about March 10, 2021, the Student knowingly represented as her own an idea or expression of an idea or work of another in a quiz in FAH215, contrary to section B.I.1(d) of the Code.
- c. In the alternative, on or about March 10, 2021, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in a quiz in FAH215, contrary to section B.I.1(b) of the Code.
- d. On or about April 24, 2023, in connection with the MAT135 final exam, the Student knowingly did or omitted to do anything for the purpose of aiding or assisting another member or other members to commit an offence under section B.I.1(b) of the Code, or attempted to do so, contrary to sections B.II.1(a)(ii) and/or B.II.2 of the Code.
- e. On or about April 24, 2023, in connection with the MAT135 final exam, the Student knowingly did or omitted to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed an offence under sections B.I.1(b) and B.II.1(a)(ii) of the Code, or attempted to do so, contrary to sections B.II.1(a)(iii) and/or B.II.2 of the Code.
- f. On or about April 24, 2023, in connection with the MAT135 final exam, the Student knowingly abetted, counseled, procured or conspired with another member or other members to commit or be a party to an offence under section B.I.1(b) of the Code, contrary to section B.II.1(a)(iv) of the Code.
- g. On or about April 24, 2023, in connection with the MAT135 final exam, the Student knowingly abetted, counseled, procured or conspired with any other person or persons who, if they were a

member, would have committed or have been a party to an offence under section B.I.1(b) of the Code, contrary to section B.II.1(a)(v) of the Code.

- h. In the alternative to each of the above charges, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.

5. The particulars related to the charges are as follows:

- a. The Student was a member of the University of Toronto Mississauga at all material times.

FAH292: Canadian Art

- b. In Winter 2021, the Student enrolled in FAH292: Canadian Art, which was taught by Professor Jocelyn Anderson.
- c. Students in FAH292 were required to write an assignment, which was worth 15% of their final grade.
- d. On or about February 5, 2021, the Student submitted the FAH292 assignment.
- e. the Student submitted the FAH292 assignment:
 - (i) to obtain academic credit;
 - (ii) knowing that it contained ideas, expressions of ideas or work that were not the Student's, but were the ideas, expressions of ideas or work of others, including but not limited to the authors of: https://www.aci-iac.ca/wp-content/uploads/2020/10/Art-Canada-Institute_Helen-McNicoll.pdf (the "Burton Source"); and

- (iii) knowing that the Student did not properly reference the ideas, expressions of ideas or work that the Student drew from the Burton Source or from others.
- f. The Student submitted FAH292 assignment with the intention that the University rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to the Student's work.

FAH215: Early Medieval Art and Architecture

- g. In Winter 2021, the Student enrolled in FAH215: Early Medieval Art and Architecture, which was taught by Professor Jill Caskey.
- h. Students in FAH215 were required to write an online quiz, which was worth 15% of their final grade. Students were prohibited from using or possessing an aid or aids or obtaining assistance on the quiz.
- i. On or about March 10, 2021, the Student submitted the FAH215 quiz.
- j. The Student submitted the FAH215 quiz:
 - (i) to obtain academic credit;
 - (ii) knowing that it contained ideas, expressions of ideas or work that were not the Student's own, but were the ideas, expressions of ideas or work of others, including but not limited to the authors of: <https://whc.unesco.org/uploads/nominations/1077.pdf> (the "UNESCO Source"); and
 - (iii) knowing that the Student did not properly reference the ideas, expressions of ideas or work that the Student drew from the UNESCO Source or from others.

- k. The Student knowingly obtained unauthorized assistance from the internet, the UNESCO Source, other sources, and/or others in connection with the FAH215 quiz.
- l. The Student submitted FAH215 quiz with the intention that the University rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to the Student's work.

MAT135: Calculus I

- m. In Winter 2023, Professor Eva Politou taught MAT135: Calculus I.
- n. The Student was not a student in MAT135.
- o. Students in MAT135 were required to write a final exam, which was worth 35% of their final grade.
- p. The MAT135 final exam was administered in person on April 24, 2023. Students were prohibited from using or possessing an aid or aids or obtaining assistance on the MAT135 final exam.
- q. On or about April 24, 2023, the Student:
 - (i) attended the MAT135 final exam;
 - (ii) took, or attempted to take, pictures or videos of the MAT135 final exam; and/or
 - (iii) sent, or attempted to send, pictures or videos of the MAT135 final exam to another person or persons who provided, or attempted to provide, answers to students.
- r. The Student knowingly aided or assisted, or attempted to aid or assist, others to commit offences, including but not limited to unauthorized assistance.

- s. The Student knowingly abetted, counseled, procured, or conspired with others, including but not limited to “Iamwicked888”, other students, and/or others, to commit offences or be a party to an offence or offences, including but not limited to unauthorized assistance.
- t. The Student received compensation for committing or attempting to commit offences in connection with the MAT135 final exam.

C. FINDING

6. After hearing the submissions of Assistant Discipline Counsel, the Panel found that the Student committed the offences listed in paragraph 4(a) and (b). The Panel also found the Student guilty “of knowingly doing or omitting to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed an offence under sections B.I.1(b) and B.II.1(a)(ii) of the Code, or attempted to do so, contrary to section B.II.2 of the Code.” The Provost charged the Student (in paragraph 4(e)) with “knowingly omitting to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed an offence under sections B.I.1(b) and B.II.1(a)(ii) of the Code, or attempting to do so, contrary to sections **B.II.1(a)(iii) and/or** B.II.2 of the Code” (emphasis added). However, the Panel did not find that the Provost met its burden to sustain a charge under B.II.1(a)(iii).

7. As a result of this finding, the Provost agreed to withdraw the remaining charges listed in paragraph 4.

8. Put colloquially, the Panel found that the Student had committed the academic offence of plagiarism in one assignment and one quiz. The Panel also found that the Student participated in a premeditated, coordinated, and organized scheme to sell exam ghostwriting services through

WeChat. The Student entered an exam when she was no longer enrolled in classes, took pictures of an exam booklet, and then admitted that she intended to send the pictures to an online service that provides exam ghostwriting for a fee.

9. At the conclusion of the hearing, the Panel recommended to the President of the University that the President recommend to Governing Council that the Student be expelled from the University.

10. The Panel also ordered that:

- a. the Student shall 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 notation be placed on their academic record and transcript;
- b. the Student receive a final grade of zero in the course FAH292;
- c. the Student receive a final grade of zero in the course FAH215; and
- d. 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.

11. Paragraphs 9 and 10 will be referred to as the Penalty Ordered.

D. FACTS

12. This case addresses three separate acts:

- a. In February 2021, failing to properly reference a source in an assignment in FAH292: Canadian Art (the “Canadian Art Assignment”);

- b. In March 2021, failing to properly reference a source in a quiz in FAH215: Early Medieval Art (the “Medieval Art Quiz”); and
- c. In April 2023, attempting to take and distribute pictures or videos of the MAT135: Calculus 1 exam (the “Calculus 1 Exam”).

13. At the time of the Calculus 1 Exam, the Student was not enrolled in classes at the University. She last attended class in April 2022.

The Canadian Art Assignment

14. In the Winter 2021, the Student enrolled in FAH292: Canadian Art. The class was fully remote and was taught by Professor Jocelyn Anderson. The FAH292 syllabus contained a statement about the importance of academic integrity, a warning about the possible repercussions of academic misconduct, and a hyperlink to the Code.

15. On February 6, 2021, the Student submitted the Canadian Art Assignment. This was one of five assignments that collectively accounted for 80% of the total mark. The Canadian Art Assignment instructions included an express statement reminding students to “provide citations in the form of footnotes (please use Chicago style).” Students were instructed not to research any sources beyond the texts listed in the Assignment. The Student submitted an academic integrity checklist with the Canadian Art Assignment, where she affirmed that the Assignment represented her own efforts, and that she had correctly referenced sources.

16. The Canadian Art Assignment was submitted through Turnitin, a program that detects textual similarities between submitted work and other online sources and work. Turnitin identified

unusual similarities between the Student's Canadian Art Assignment and an online source by Samantha Burton.

17. Professor Anderson contacted Professor Jill Caskey, the Chair of the Department of Visual Studies and a professor at the University of Toronto Mississauga. Professor Anderson told Professor Caskey that she was concerned the Student had plagiarized in the Canadian Art Assignment. Professor Anderson provided Professor Caskey with a copy of the Turnitin report, which confirms the use of verbatim or near verbatim language between the Samantha Burton source and the Student's Canadian Art Assignment.

The Medieval Art Quiz

18. In the Winter of 2021, the Student was also enrolled in FAH215: Early Medieval Art. This class, which was also entirely remote, was taught by Professor Jill Caskey.

19. Similar to the syllabus for FAH292, the syllabus for FAH215 also contained a statement about the importance of academic integrity, a warning about the possible repercussions of academic misconduct, and a hyperlink to the Code.

20. Students in FAH215 were required to write three online quizzes. The lowest mark would be dropped, and the remaining two quizzes were each worth 15% of the final mark. The second of the three quizzes was held online on March 10, 2021. Students were required to write the quiz while online in a Zoom meeting. Students were required to have their cameras on throughout the quiz.

21. Professor Caskey was personally online for this quiz.

22. Question 1 of the quiz asked students to acknowledge they were aware of the academic integrity policies at the University and that they were not using any unauthorized aids. This was a true or false question. The Student answered true, which confirmed she was aware of the policy and was not using any unauthorized aid.

23. When Professor Caskey was grading the Student's quiz, she noticed that the language was, as she put it, "old fashioned" and "had little to do with the course material or the questions." Professor Caskey performed an internet search and found that the Student's answer to one of the questions contained verbatim or near verbatim content to an online source. Professor Caskey provided a colour coded, side by side comparison of the Student's answer and the online source that confirmed the verbatim or near verbatim copying.

The University Contacts the Student

24. Professor Caskey emailed the Student about the Medieval Art Quiz. The Student did not respond to the first two emails, sent on March 15 and 25, 2021 but did respond to the third email, sent on April 20, 2021. Professor Caskey met with the Student via Zoom on April 22, 2021. During that meeting, Professor Caskey told the Student about her concerns that the Student had engaged in academic misconduct and that Professor Caskey was going to forward the matter to the Office of the Vice Dean for review.

25. In November 2021, the Academic Integrity Unit emailed the Student to schedule a Dean's Designate meeting to discuss the allegations that she committed academic offences in both the Canadian Art Assignment and the Medieval Art Quiz. The Student did not respond to these emails.

The Calculus 1 Exam

26. In the Winter of 2023, Eva Politou was a PhD student in the Department of Mathematics at the University. At the time of the hearing, Dr. Politou was a Preceptor in the Department of Mathematics at Harvard University.

27. In the Winter of 2023, Ms. Politou, as she was at the time, was a course instructor in the Department of Mathematics and taught MAT135: Calculus 1. The Student was not enrolled in the class and had not attended classes at the University since April 2022.

28. The University has an “Old Exam Repository” where students can access copies of exams for certain subjects. The goal is to help students study for upcoming exams. MAT135 allows students to keep copies of their marked final exam and copies of the exam are in the Old Exam Repository.

29. The MAT135 final exam was held in person on April 24, 2023, from 7 to 10 pm. Earlier that day, Ms. Politou received an anonymous email warning her that there was a scheme to cheat on the MAT135 exam. The email stated that a ghostwriting agency was planning to help students cheat on the exam.

30. As students entered the exam room, the Chief Presiding Officer (“CPO”) reminded students that electronic devices were prohibited and that students were not allowed to open the exam until instructed. As students were still entering the room, and before the exam had started, Ms. Politou saw someone open the exam booklet and take pictures of the exam with her phone. Ms. Politou did not recognize this person.

31. Ms. Politou told the person she was not allowed to open the exam or take pictures. Ms. Politou asked the person if she was a student, and she said she was not. Ms. Politou asked the person to delete the pictures. The person initially refused, but then agreed.

32. Ms. Politou took the person to the CPO and told the CPO what had happened. Ms. Politou, the CPO, and the person went to the hallway. The person refused to provide identification when asked, and said she wanted to leave. At that point, Ms. Politou returned to the exam room. The CPO called Campus Security.

33. Special Constable Phillip Warner, Acting Corporal E. Evelyn, and Special Constable J. Quan arrived at the exam site at approximately 7:19 pm. The CPO met them in the hall and told Campus Security that a person had taken pictures of the exam and that she was not a current student at the University.

34. Special Constable Warner asked the person for identification. She produced a University TCard for “Jiarong Guo.” Special Constable Warner examined the picture and told the person that the TCard picture was not her. She then produced a second TCard belonging to “Yingying Chen” and admitted that that was not her either. Finally, the person showed Special Constable Warner a picture of a passport on her phone. The passport identified this person as the Student. Special Constable Warner contacted Campus Safety dispatch and confirmed that the Student was a former University student.

35. Special Constable Warner questioned the Student, and she admitted that she took photographs of the MAT135 exam with the intention of sending them to a WeChat account called “Iamwicked888.” The Student showed Special Constable Warner the WeChat logs between her and “Iamwicked888.”

36. The University provided evidence from Andrea Russell who was the Director of Academic Affairs in the Office of the Vice-President and Provost from June 2014 to August 2024 and from Yuying Chen, an Examinations Assistant in the Office of the Registrar at the University of Toronto Scarborough campus. Ms. Chen is fluent in Mandarin and English and uses WeChat daily.

37. Taken together, Ms. Russell and Ms. Chen’s evidence is that “Iamwicked888” (the WeChat user with whom the Student had corresponded and to whom the Student admitted she was planning to send pictures of the MAT135 exam) provides exam ghostwriting services for hire. “Iamwicked888” advertises its cheating services for hire on WeChat. There is no evidence that “Iamwicked888” is a student.

38. In June 2023, the AIU emailed the Student to schedule a meeting with the Dean’s Designate to discuss allegations that she committed an academic offence in relation to the Calculus 1 Exam. The Student did not respond to this email. On September 6, 2023, the AIU emailed the Student to advise that her case had been referred to the Provost’s office.

E. JURISDICTION

39. The Student committed two offences while still a student at the University. However, the third, and most serious offence, occurred when the Student was not enrolled in classes. The Panel determined that it had jurisdiction to hear allegations relating to all three offences even though the Student was not an active student nor enrolled in classes for one of the offences.

40. The Codes uses the term “member” and “student.” According to Appendix “A” to the Code, “member” includes a “student.” “Student” is defined as someone who “is currently or was

previously engaged in academic work...” at the University. As a result, the Tribunal has jurisdiction to hear a matter that involves someone who was formerly a student.²

F. NOTICE

41. The Student was neither present nor represented at the hearing.

42. Section 6 of the SPPA requires reasonable notice of the hearing be provided to the parties. Rule 13 of the Rules provides for the methods of service of documents, including charges and notices of hearing. This includes personal service, sending a copy of the document by courier to the student’s mailing address contained in the University’s Repository of Student Information (“ROSI”), or sending a copy of the document by email to the email address contained in ROSI.

43. Section 7 of the SPPA and rule 21 of the Rules allow this tribunal to proceed in the absence of a student where notice has been given. When proceeding in the absence of a student, the University must demonstrate it took reasonable steps to notify the student of the charges and of the hearing. The University does not need to prove actual notice.³

44. The University has met its burden. Although it did not prove actual notice, the Panel was satisfied the University demonstrated that it took all available reasonable steps to notify the Student of the charges and the hearing.

45. As outlined above, the Student first enrolled in classes in 2019 and last attended classes in April 2022.

² See also the *University of Toronto and S.K.* (Case No. 492, July 31, 2008) , at paras 7 and 8.

³ *The University of Toronto and O.E.R.* (Case No. 981, March 4, 2019) at para 37.

The Student is Given Notice of Dean's Designate Meeting

46. In April 2021, when the Student was still enrolled in and taking classes, Professor Caskey met with and advised the Student about Professor Caskey's concerns that the Student had plagiarized in the Medieval Art Quiz. Professor Caskey told the Student that the matter was being forwarded to the Office of the Vice Dean for review.

47. After that, in November 2021, the AIU emailed the Student to schedule a Dean's Designate meeting to discuss the allegations arising from both the Canadian Art Assignment and the Medieval Art Quiz. The Student did not respond to these emails.

48. On November 23, 2021, the AIU advised the Student by email that the University had placed holds and conditions on her account, which would include a restriction on her ability to request her transcript and register in further courses. That email included a warning that reminded the Student that it was her responsibility, regardless of enrolment status, to check and respond to her University email. The Student did not respond to this email.

49. In June 2023, the AIU emailed the Student to schedule a Dean's Designate meeting to discuss the allegations that she committed an academic offence in relation to the Calculus 1 Exam. These emails also contained the reminder that it was the Student's responsibility to check and respond to her University email. The Student did not respond to these emails.

50. On September 6, 2023, the AIU advised the Student by email that her case had been referred to the Provost's office and would be heard by the Tribunal if the Provost agreed to lay charges. This email also contained the same reminder that it was the Student's responsibility to check and respond to University email.

51. According to Andrew Wagg, the Manager of Incident Response at Information Security, Information Technology Services at the University, the Student's University email address was last accessed on December 16, 2023. It is reasonable to assume, therefore, that the Student had knowledge that the University wanted to schedule a Dean's Designate meeting, that her case had been referred to the Provost's office, and that academic misconduct charges were contemplated. Despite repeated reminders that it was her responsibility to check her University email, the Student chose not to respond to these emails.

The Student is Served with the Charges

52. On February 7, 2024, the Office of the Vice-Provost, Faculty and Academic Life emailed the Student the charges in this matter. The email was sent to her University email address. On that same day, the Office of Appeals, Discipline and Faculty Grievances emailed the Student a letter with the charges, also to her University email address. This constitutes service under Rule 13.

53. Although no one has accessed the Student's email address since December 2023 (before the charges were emailed), the Student's ACORN⁴ account was accessed on March 9, 2024.

Assistant Discipline Counsel's Correspondence with the Student

54. On May 7, 2024, William Webb, Assistant Discipline Counsel emailed the Student a disclosure letter and brief. On July 31 and again on August 20, 2024, Mr. Webb emailed the Student to schedule a hearing date. Receiving no response to those emails, Mr. Webb requested a

⁴ Accessible Campus Online Resource Network. This is a web based tool that stores students' academic, personal, and financial records.

hearing date and on August 20, 2024, the ADFG Office issued a Notice of Virtual Hearing to take place via Zoom on October 22, 2024. The Student was copied on this email.

55. In addition, on September 10, 2024, Assistant Discipline Counsel's office couriered a package to the Student to her address listed in ROSI. This package contained the Notice of Virtual Hearing and the charges. This package was accepted at the address. Assistant Discipline Counsel's office also couriered a copy of that same package to the address that was listed in the General Report which is the report prepared by Campus Safety during the interaction with the Student in relation to the misconduct during the Calculus 1 Exam. That package was initially accepted but then returned to Assistant Discipline Counsel's office.

56. Mr. Webb also called the Student at the number in ROSI on September 10 and again on September 27, 2024. No one answered the call, and he left a message on the 10th. Mr. Webb also called the number listed in the General Report. He received a message that that number had not been assigned.

57. Finally, on October 3, 2023, Chloe Hendrie, co-counsel to Mr. Webb, emailed the Student at an email address that had been provided in 2019 when the Student made a transcript request. Ms. Hendrie, also called the Student at the phone number listed in that transcript request. The call went to voicemail and Ms. Hendrie left a message.

58. Assistant Discipline Counsel's office received no response from the Student.

Analysis and Conclusion Regarding Notice

59. The University is not required to provide actual notice. This Panel finds that the University complied with the Rules and has demonstrated that it took reasonable steps to notify the Student

of the charges and of the hearing. The University complied with Rule 13. Indeed, the University likely took more steps than necessary, but given the severity of the punishment sought, the Panel appreciates the extra steps taken.

60. The Panel determined it would proceed to hear the case on its merits in the Student's absence.

G. FINDING OF GUILT

61. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that the Student committed the academic offence charged.⁵

62. As outlined above, the Panel found that the University has met its burden and found that the Student had committed the academic offence of plagiarism in one assignment and one quiz. The Panel also found that the Student participated in a premeditated, coordinated, and organized scheme to sell exam ghostwriting services through WeChat. The Student entered an exam when she was no longer enrolled in classes, took pictures of an exam booklet, and then admitted that she intended to send the pictures to an online service that provides exam ghostwriting for a fee.

63. As a result, the Panel found that the Student committed the offence listed in paragraph 6(a) and (b). The Panel also found that the Student guilty "of knowingly doing or omitting to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed an offence under sections B.I.1(b) and B.II.1(a)(ii) of the Code, or attempted to do so, contrary to section B.II.2 of the Code."

⁵ *The University of Toronto and T.J.* (Case No. 1102, November 5, 2021), para 5.

The Canadian Art Assignment and the Medieval Art Quiz

64. The Panel finds that it is more likely than not that the Student committed plagiarism in both the Canadian Art Assignment and the Medieval Art Quiz. In both instances, the Provost provided clear and convincing evidence – in the form of side-by-side comparison charts – documenting that the text the Student submitted was identical or nearly identical to online sources that the Student did not properly credit.

The Calculus 1 Exam

65. The Student entered the Calculus 1 Exam at a time when she was no longer a student at the University. She was not enrolled in the course. Ms. Politou, as she then was, observed the Student take pictures of the exam with her cell phone. The Student later admitted that she took pictures to send to a contact who advertises exam ghostwriting services for a fee. There is no evidence that the Student sent the pictures to “Iamwicked888” or that “Iamwicked888” is a student or member as defined in the Code.

66. As a result of these actions, the Panel finds the Student guilty of the offences contained in B.I.1(b), B.II.1(a)(ii) and B.II.2 because the Student brought an unauthorized aid (her cell phone) into the Calculus 1 Exam. She then took pictures of the exam and intended to send them to another person (who is not a student or member) who offered ghostwriting services, in violation of B.II.1(a)(ii) and B.II.2.

H. PENALTY

67. The University sought, and the Panel imposed, the sanctions in the Penalty Ordered, which includes one of the most severe penalty this Panel can impose: a recommendation that the President

of the University recommend to Governing Council that the Student be expelled from the University.

68. Assistant Discipline Counsel submitted that this penalty is in keeping with past decisions of this Tribunal and appropriately considers the six factors outlined in *University of Toronto and Mr. C.*⁶ which are:

- a. the character of the person charged;
- b. the likelihood of a 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 occasioned by the offence; and
- f. the need to deter others from committing a similar offence.

69. No evidence was filed on the issue of penalty. However, Assistant Discipline Counsel submitted that all the evidence that was available reflected negatively on the Student and pointed to poor character including the fact that the Student had knowledge of pending charges when she entered the Calculus 1 Exam.

70. Similarly, Assistant Discipline Counsel submitted that the Student's pattern of behaviour suggested a likelihood she would reoffend. The Panel agrees. The Student had been warned about academic misconduct and still participated in the ghostwriting scheme.

⁶ Case No. 1976/77-3, November 5, 1976

71. As for the nature of the offence, Assistant Discipline Counsel submitted, and this Panel agrees, that the conduct relating to the Calculus I Exam was deliberate, premediated and egregious. The Student entered into a scheme with someone who clearly advertises exam ghostwriting services for a fee on WeChat. The Student coordinated with this person to find the time and location of the exam because the Student was not enrolled in the class.

72. The Panel had no evidence on any extenuating circumstances.

73. Plagiarism is a serious offence, which as this Panel has repeatedly noted, risks damaging the reputation of the University. However, participating in an online, for profit scheme to ghostwrite exams cuts at the core of the integrity of the University.

74. Finally, on deterrence, Assistant Discipline Counsel submitted, and the Panel agrees, that actions such as this must attract the most serious of consequences to ensure deterrence.

75. Therefore, Assistant Discipline Counsel requested that the Panel impose one of the most severe punishments available to it: a recommendation that the President of the University recommend to Governing Council that the Student be expelled from the University.

76. In support of the request, Assistant Discipline Counsel provided various cases including YM,⁷ YL,⁸ and WNB⁹ in which the Tribunal ordered sanctions that are consistent with the penalty being sought today.

⁷ *The University of Toronto and Y.M.* (Case No. 577, February 17, 2011)

⁸ *The University of Toronto and Y.L.* (Case No. 686, December 6, 2012)

⁹ *The University of Toronto and W.N.B.* (Case No. 729, January 20, 2014)

77. In the YM case, a student invigilator took pictures of an exam and sent the pictures directly to another student. The case proceeded by way of an agreed statement of facts and joint submission on penalty for a 5 year suspension. In that case, the fact that it was an invigilator who took the pictures increased the breach of trust, but the Panel notes that the student in that case participated and entered into an agreed statement of facts and joint submission on penalty, which did not occur in this case.

78. In YL and WNB, the student sold academic work to others and the student was expelled in both cases. While there is no evidence that the Student benefitted financially, she deliberately and knowingly engaged in a scheme with someone who advertised ghostwriting services for a fee. These sorts of schemes threaten the integrity of the University and involvement in these schemes must be punished severely. As a result, this Panel recommends to the President of the University that the President recommend to Governing Council that the Student be expelled from the University.

79. The Panel also orders that:

- a. the Student shall 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 notation be placed on their academic record and transcript;
- b. the Student receive a final grade of zero in the course FAH292;
- c. the Student receive a final grade of zero in the course FAH215; and

- d. this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto at this 10th day of January 2025

Original signed by:

Alexi Wood, Chair
On behalf of the Panel