

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic misconduct filed on February 13, 2024, as revised on May 2, 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

**B E T W E E N:**

**THE UNIVERSITY OF TORONTO**

**- AND -**

**J [REDACTED] F [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** November 13, 2024, via Zoom

**Members of the Panel:**

Christopher Wirth, Chair

Dr. Lynda Mainwaring, Faculty Panel Member

Maria Dzevitski, Student Panel Member

**Appearances:**

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Jesse Wright, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Jimin Lee, Representative for the Student, Downtown Legal Services

Sukhpreet Sangha, Supervising Lawyer, Downtown Legal Services

**Hearing Secretary:**

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

**In Attendance:**

**J [REDACTED] F [REDACTED]**

## Charges and Particulars

1. A Panel of the Trial Division of the University Tribunal was convened on November 13, 2024, by videoconference to consider charges brought by the University of Toronto (the “University”) against J■■■■■ P■■ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 2019* (the “Code”). The charges alleged against the Student as filed by the Provost on February 13, 2024, as revised on May 2, 2024 are as follows:
  1. On or about December 5, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in connection with Assignment 4 in CSC108H5: Introduction to Computer Programming (the “Course”), contrary to section B.I.1(d) of the *Code*.
  2. In the alternative, on or about December 5, 2022, you knowingly obtained and/or provided unauthorized assistance in connection with Assignment 4 in the Course, contrary to section B.I.(1)(b) and B.II.1. of the *Code*.
  3. In the alternative, on or about December 5, 2022, 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 Assignment 4 in the Course, contrary to section B.I.3(b) of the *Code*.
2. The particulars related to charges 1, 2 and 3 are as follows:
  1. You were a student enrolled at the University of Toronto Mississauga at all material times.
  2. In Fall 2022, you enrolled in the Course.
  3. Students in the course were required to submit a series of assignments, including assignment 4 which was worth 10% of their final grade. Students were required to submit their own work.
  4. On or about December 5, 2022, you submitted your Assignment 4.

5. Your code in Assignment 4 was highly similar to code submitted by other students in the Course.
  6. You submitted your Assignment 4:
    - (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;
    - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
  7. You knowingly obtained unauthorized assistance from external sources in connection with your Assignment 4.
  8. You knowingly submitted Assignment 4 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.
3. Assistant Discipline Counsel advised the Panel that if a finding of guilt was made for Charge 1, the Provost would then withdraw Charges 2 and 3.

### **The Student's Position**

4. The Student attended the hearing and entered into an Agreed Statement of Facts ("ASF") with the University.

### **The Evidence**

5. The ASF entered into by the University and the Student, without tabbed documents, provides as follows:
  1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (the "**Code**"), the Provost of the University of Toronto and J■■■■ F■■ (the "**Student**") have prepared this Agreed Statement of Facts ("**ASF**"). The Provost and the Student agree that:

- (a) unless otherwise stated, each document attached to the ASF may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. This hearing arises out of charges of academic misconduct filed by the Provost on February 13, 2024, amended through revised charges issued May 2, 2024. A copy of the original charges is attached to the ASF at **Tab A**; the revised charges are attached at **Tab B**. The revised charges will be the focus for the hearing.

3. The Student acknowledges that they have received a copy of the charges, waives the reading of the charges, and pleads guilty to charge #1.

4. The Provost agrees that if the Tribunal makes a finding of academic misconduct with respect to charge #1 the Provost will withdraw charges #2 and #3.

5. The Student acknowledges that they have received the Notice of Hearing, which is attached to the ASF at **Tab C**.

**A. *The Student's academic record***

6. The Student has been a student at the University of Toronto Mississauga ("UTM") at all material times. The Student has accumulated a total of 14.50 credits with a cumulative grade point average of 2.87. At the time of the offence, the Student was enrolled in 6 courses, which is equivalent to 3.5 credits. A copy of the Student's academic record is included in the JBD at **Tab D**.

**B. *CSC108***

7. In Fall 2022, the Student enrolled in CSC108H5: Introduction to Computer Science (the "**Course**"). The Course syllabus reminded students that it is an academic offence to submit someone else's work as their own, that they were required to do all of their work on their own, and that the department used computer software that compares programs for evidence of similar code.

8. Students in the Course were required, among other things, to submit a series of assignments. Assignment 4 was due on December 5, 2022. It was worth 10% of the Course mark.

It consisted of three questions for which students were required to write a program using Python code. Detailed instructions were provided. A copy of the instructions for Assignment 4 are attached to the ASF at **Tab E**.

9. The Student submitted his Assignment 4 on December 5, 2022. It was run through MOSS, a computer software that compares programs. A copy of the Student's Assignment 4 is attached to the ASF at **Tab F**.

10. MOSS flagged the Student's code as being highly similar to code submitted by other students in the Course. In particular, his code for questions 2 and 3 of Assignment 4 were virtually identical to the code and answers submitted by other students. A copy of the MOSS comparison reports involving the code submitted by the Student in his Assignment 4 is attached to the ASF at **Tab G**.

11. On December 20, 2022, the Course instructor informed the Student that similarities had been identified between the Student's Assignment 4 and those of other students in the class. The instructor advised the Student that those students who admitted to the commission of an academic offence should sign an Admission of Guilt form. The Student promptly signed and returned the Admission of Guilt Form the next day.

12. The Student attended a meeting with the dean's designate on July 14, 2023 to discuss the similarities in their Assignment 4 with assignments submitted by other students. Camille Angiers attended the meeting and took contemporaneous notes. At that meeting the Student was provided with the dean's warning as set out in section C.I.(a) (6) of the Code. The Student admitted that he had purchased all of the code he submitted for Assignment 4 from someone on WeChat for three hundred dollars. He submitted the purchased code as if it was his own work, without attribution. The dean's designate appreciated the Student's cooperation and accepted his apology as sincere. A copy of Ms. Angiers' notes from the meeting are attached to the ASF at **Tab H**.

**C. *Admissions and acknowledgements***

13. The Student admits that he did no meaningful work on his Assignment 4 that he submitted to fulfill the academic requirements of the Course, but that instead he paid a third party to provide him with the answers to Assignment 4. He further admits that he submitted Assignment 4 as if it was his own work, without any indication that it had been provided to him by someone else from whom he had purchased it.

14. The Student admits that, in doing so, he knowingly:
- (a) represented as his own the work of another in connection with Assignment 4 in the Course, contrary to section B.I.1.(d) of the *Code*.
  - (b) obtained unauthorized assistance in connection with Assignment 4 in the Course, contrary to section B.I.1.(b) of the *Code*; and
  - (c) 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 Assignment 4 in the Course, contrary to section B.I.3.(b) of the *Code*.
15. The Student acknowledges that they are signing this ASF freely and voluntarily, knowing of the potential consequences they face, and does so with the advice of counsel or having waived the right to obtain counsel.

### **University's Submissions**

6. Assistant Discipline Counsel submitted that the evidence as set out in the ASF clearly established that the Student committed the academic offences as alleged.

### **The Student's Submissions**

7. The Student's representative did not have any substantive submissions.

### **Standard of Proof**

8. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

### **Decision of the Tribunal**

9. Based on the evidence and the submissions by counsel for the Provost and by the Student's representative, the Student was found guilty of:
- (a) one count of representing as his own the work of another contrary to section B.I.1(d) of the *Code*;

10. Given this finding, the University withdrew Charges 2 and 3 from the charges filed on February 13, 2024, as revised on May 2, 2024.

### **Reasons for Decision**

11. The Panel was satisfied on a balance of probabilities that the evidence submitted before it as set out in the ASF above, including the Student's admissions, clearly established that in the Fall of 2022, the Student, a registered student at the University, was enrolled in CSC108H5 and submitted Assignment 4 as an assignment in this course.
12. The Panel was also satisfied based upon the evidence before it, as detailed above, that Assignment 4 clearly contained content which was not the Student's own idea or expression of an idea and was in fact the work of another.
13. Accordingly, the Panel was satisfied on a balance of probabilities that the Student committed the academic offence of knowingly submitting academic work in CSC108H5 in the form of Assignment 4 containing an idea or expression of an idea or work of another, which he knowingly represented as his own, contrary to section B.I.1(d) of the Code as alleged in Charge 1 filed by the Provost on February 13, 2024, as revised on May 2, 2024.

### **Sanction**

14. The University and the Student had entered into an Agreed Statement of Facts for Sanction and Joint Submission on Penalty ("JSP") which provides as follows:
  1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (the "*Code*"), the Provost of the University of Toronto and J■■■■ P■■ (the "**Student**") have prepared this Agreed Statement of Facts for Sanction and Joint Submission on Penalty ("**JSP**"). The Provost and the Student agree that:
    - (a) unless otherwise stated, each document attached to the JSP may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
    - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

**A. *Additional facts for sanction***

**1. *Prior offence***

2. The Student admitted to using an unauthorized aid in a term test worth 10%, written in MAT1331Y1 on December 3, 2021.

3. The Student was sanctioned by the department with a mark of zero on the term test in MAT1331Y1 in Fall 2021.

**2. *Personal circumstances***

4. If the Student were to testify, he would state the following:

(a) The Student is an international student from China who attended the University of Toronto on a study permit. He also completed his high school education in Canada as an international student, living apart from his parents from 2017 to 2021, during grades 9 to 12.

(b) The Student has been dealing with stress from his family. Letters from the Student's mother and an individual who acted as the Student's guardian while the Student attended high school are included in the ASFP/JSP at **Tab A**.

(c) On July 14, 2023, following the allegation of academic misconduct, the Student discussed the impact that the allegations had on him with a physician. In particular, he discussed how the incident had left him in a low and anxious mood, how it had negatively affected his sleep and appetite, and that he found it difficult to share details with his family.

**B. *Joint submission on penalty***

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

(a) A final grade of zero in CSC108H5 in Fall 2022;

(b) A suspension from the University for a period of five years commencing on the date of the University Tribunal's order; and

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

6. The parties agree that this case shall 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.

**C. Acknowledgements**

7. The Student acknowledges that they are signing this JSP freely and voluntarily, knowing of the potential consequences they face, and does so with the advice of counsel or having waived the right to obtain counsel.

**The University's Submissions**

- 15. Assistant Discipline Counsel provided the Panel with a Book of Documents (Re: Sanction) containing a number of prior decisions of this Tribunal and a chart summarizing the sanctions imposed by them, although previous decisions of this Tribunal are not binding, and reviewed with the Panel the *Provost's Guidance on Sanctions* (at Appendix C of the Code) which although also not binding, do provide guidelines for consistency so that students may know what to expect in similar circumstances.
- 16. In that regard, pursuant to the Provost's guidelines, where there has been a prior offence the Provost would have normally sought expulsion of the Student, however, as the Student has cooperated and entered into an ASF and JSP, Assistant Discipline Counsel submitted that the JSP was appropriate in the circumstances.
- 17. Assistant Discipline Counsel then reviewed with the Panel the principles relative to the JSP.
- 18. Assistant Discipline Counsel also reviewed with the Panel in detail several of the prior decisions of this Tribunal to demonstrate that the proposed penalty contained in the JSP was consistent with decisions of this Tribunal in similar circumstances.

## **The Student's Submissions**

19. The Student's representative submitted that the JSP should be accepted, reviewed the principles applicable to JSPs and set out why the JSP was appropriate in the circumstances of this case. In this regard, the Student's representative submitted that the Student has cooperated throughout and shown remorse. He admitted guilt early and accepted responsibility. His extenuating circumstances were reviewed and it was submitted that he was a low likelihood to re-offend.

## **Sanction Decision**

20. After deliberations, the Panel ordered that the following sanctions be imposed on the Student:
- (a) a final grade of zero in CSC108H5 in Fall 2022;
  - (b) a suspension from the University of Toronto for a period of five years from the date of the Order;
  - (c) a notation on the Student's academic record and transcript for a period of six years from the date of the Order; and
21. The Panel also ordered 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.
22. An Order was signed by the Panel to this effect.

## **Reasons for Sanction**

23. The Panel considered the submissions of Assistant Discipline Counsel and the Student's representative and considered the prior decisions of this Tribunal involving similar misconduct and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.

24. As the parties had negotiated and entered into a JSP, the Panel was required to accept the JSP unless to do so would bring the administration of justice into disrepute or would be contrary to the public interest. The Panel was satisfied that it was appropriate to accept the JSP, as the penalty contained therein was within the reasonable range of penalty for similar conduct established by prior decisions of this Tribunal.

Dated at Toronto, this 28<sup>th</sup> day of January 2025

Original signed by:

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Christopher Wirth, Chair  
On behalf of the Panel