

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct filed on November 14, 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:

THE UNIVERSITY OF TORONTO

- and -

W [REDACTED] U

REASONS FOR DECISION

Hearing Date: October 25, 2024, via Zoom

Members of the Panel:

Cheryl Woodin, Chair

Professor Peter Coyte, Faculty Panel Member

Laiba Butt, Student Panel Member

Appearances:

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

Sonia Patel, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Varan Khurana, Representative for the Student, Stephen Price & Associates

Hearing Secretary:

Karen Bellinger, Associate Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

W [REDACTED] U

Introduction

1. The Trial Division of the University Tribunal was convened on October 25, 2024, via Zoom, to consider charges of academic misconduct brought by the University of Toronto ("**the University**") against W■■■■ L■■ ("**the Student**") under the University of Toronto *Code of Behaviour on Academic Matters, 2019* ("**the Code**").
2. The Student attended and participated in the hearing. Prior to the hearing, the University and the Student also entered into an Agreed Statement of Facts ("**ASF**") and Joint Submission on Penalty ("**JSP**"), all of which had been reviewed and agreed to by the Student.
3. For the reasons that follow, this Panel has accepted the ASF, determined that offences were committed as set out below, and imposed a penalty in accordance with the JSP.
4. The Panel recognizes and appreciates the Student's decision to come forward to the University to disclose the behaviour that is the subject of these findings and his participation in this process.

The Charges and Particulars

5. The Charges and Particulars alleged against the Student are as follows:

Charges:

1. In [sic] or about mid-April, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1152Y, contrary to section B.I.1(b) of the *Code*.
2. On or about April 14, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1162Y, contrary to section B.I.1(b) of the *Code*.

3. On or about April 17, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1172Y, contrary to section B.I.1(b) of the *Code*.
4. On or about October 19, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1251H, contrary to section B.I.1(b) of the *Code*.
5. On or about October 23, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1261H, contrary to section B.I.1(b) of the *Code*.
6. On or about October 19, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in OCT1271H, contrary to section B.I.1(b) of the *Code*.
7. In or about November 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the mid-term exam in OCT1252H, contrary to section B.I.1(b) of the *Code*.
8. On or about November 24, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the mid-term exam in OCT1262H, contrary to section B.I.1(b) of the *Code*.
9. On or about November 26, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the mid-term exam in OCT1272H, contrary to section B.I.1(b) of the *Code*.
10. In the alternative, 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.I.3(b) of the *Code*, in connection with:
 - (a) The final exam in OCT1152Y in or about mid-April 2020;
 - (b) The final exam in OCT1162Y on or about April 14, 2020;
 - (c) The final exam in OCT1172Y on or about April 17, 2020;

- (d) The final exam in OCT1251H on or about October 19, 2020;
- (e) The final exam in OCT1261H on or about October 23, 2020;
- (f) The final exam in OCT1271H on or about October 19, 2020;
- (g) The mid-term exam in OCT1252H in or about November 2020;
- (h) The mid-term exam in OCT1262H on or about November 24, 2020; and
- (i) The mid-term exam in OCT1272H on or about November 26, 2020.

Particulars:

1. At all material times you were a student enrolled at the University of Toronto School of Graduate Studies in a Master of Science program in the Department of Occupational Science and Occupational Therapy.
2. To meet program requirements, among other things you were required to write final exams in the following courses on the following dates:
 - (a) OCT1152Y in or about mid-April 2020;
 - (b) OCT1162Y on or about April 14, 2020;
 - (c) OCT1172Y on or about April 17, 2020;
 - (d) OCT1251H on or about October 19, 2020;
 - (e) OCT1261H on or about October 23, 2020; and
 - (f) OCT1271H on or about October 19, 2020 (collectively the “Final Exams”).
3. You were also required to write mid-term exams in the following courses:
 - (a) OCT1252H in or about November 2020;
 - (b) OCT1262H on or about November 24, 2020; and
 - (c) OCT1272H on or about November 26, 2020 (collectively the “Mid-term Exams”).

4. These Final Exams and Mid-term Exams were administered online. You were not permitted during the assessment periods for these exams to collaborate with others to obtain unauthorized assistance from other people or external documents.
 5. You knowingly collaborated with other students in the courses and Final Exams and Mid-term Exams listed in paragraphs 2 and 3 above, including by speaking with other students over the phone and contributing to and consulting a group Google document, during the assessment periods for these Final and Mid-term Exams.
 6. You knowingly submitted your Final Exams and Mid-term Exams with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
 7. 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 Exams and Mid-term Exams.
6. The Provost agreed to withdraw charges 7 and 10(g), and Mr. L agreed to plead guilty to each of the remaining charges. The Provost further agreed that if the Tribunal returned a conviction on charges 1-6 and 8-9 of the Charges that it would withdraw charge 10.

The Evidence

7. The evidence related to these charges was straightforward and was tendered by way of an ASF that was submitted for the truth of its contents and with agreement regarding the authenticity of documents referred to in it.

A. Mr. L's Academic History

8. Mr. L was registered as a student in the School of Graduate Studies ("SGS") at the University of Toronto from Fall 2019 to Fall 2021. In March 2022, he was conferred to Master of Science in Occupational Therapy *in absentia*.

B. The Occupational Therapy Program

9. The Master of Science in Occupational Therapy is a two-year, full-time program of continuous study. Students begin their studies in the Fall term and complete six consecutive sessions of study.
10. In Winter 2020, as a result of the COVID-19 pandemic, the Department of Occupational Science and Occupational Therapy (the “**Department**”) changed the delivery format of courses and assessments from in-person to online.
11. Mr. L was enrolled in the following courses in Winter 2020, among others:
 - (a) OCT1152Y: Musculo-Skeletal Foundations for Occupational Therapy Practice (“OCT1152”);
 - (b) OCT1162Y: Mental Health Foundations for Occupational Therapy Practice (“OCT1162”); and
 - (c) OCT1172Y: Neurological Foundations for Occupational Therapy Practice (“OCT1172”).
12. In Fall 2020, Mr. L enrolled in the following courses, among others:
 - (a) OCT1251H: Enabling Occupation with Children: Part I (“OCT1251”);
 - (b) OCT1261H: Enabling Occupation with Adults: Part I (“OCT1261”);
 - (c) OCT1262Y: Enabling Occupation with Adults: Part II (“OCT1262”);
 - (d) OCT1271H: Enabling Occupation with Older Adults: Part I (“OCT1271”);
and
 - (e) OCT1272H: Enabling Occupation with Older Adults: Par 11 (“OCT1272”).
13. The eight courses listed at paras. 11 and 12 are referred to collectively as the “Courses”.

A. The Courses

14. The course syllabuses for the Courses included reminders about the importance of academic integrity. For example, the syllabus for OCT1251 stated the following: “Students in graduate studies are expected to commit to the highest standards of integrity, and to understand the importance of protecting and acknowledging intellectual property.” The OCT1251 syllabus also directed students to the *Code* and the SGS regulations on academic offences.
15. Students in the Courses were required to write the following exams in April, October and November 2020 (the “Exams”):

Course	Date	Exam Type	Value
OCT1152	April 13, 2020	Final	25%
OCT1162	April 14, 2020	Final	35%
OCT1172	April 17, 2020	Final	20%
OCT1251	October 19, 2020	Final	25%
OCT1261	October 23, 2020	Final	35%
OCT1271	October 19, 2020	Final	35%
OCT1262	November 24, 2020	Midterm	25%
OCT1272	November 26, 2020	Midterm	30%

16. The Exams were all administered online due to the COVID-19 pandemic. Students were required to complete the Exams independently and were not permitted to collaborate or communicate with other students during the exam-writing windows.
17. Prior to the Exams, students were required to sign academic integrity statements in which they acknowledged that the Exams were to be completed independently, without the use of unauthorized aids or assistance. By signing the statements, students affirmed that their behaviour complied with these rules. Mr. L signed an academic integrity statement for the Exams.

18. Mr. L completed the Exams and was awarded the following final grades in the Courses:

Course	Final Grade
OCT1152	A
OCT1162	A-
OCT1172	A
OCT1251	A-
OCT1261	A
OCT1271	A
OCT1262	A
OCT1272	A

B. Mr. L's Admission letter

19. On March 10, 2022, Mr. L sent a letter to the Department in which he stated that he did not deserve to graduate from the program as a result of several violations of academic integrity he had committed during his studies. The letter was sent to Professor Mary Forhan, the Graduate Chair of the Department, with a copy to the Dean of the SGS.
20. In the letter, Mr. L admitted that he had completed multiple exams with the assistance of online documents that he had open on his computer while writing the exams. These documents were being simultaneously accessed by several classmates who were also writing the exams. Mr. L stated that while he wrote his own exam responses, he then shared these responses in the shared online documents. Mr. L also stated that he participated in phone calls with students while writing his exams.
21. Mr. L admitted in his letter that he was not coerced into cheating and that he had made the decision to cheat. He explained that he had acted during a stressful time in his life and that this stress and anxiety had clouded his judgment.

22. Upon receiving the letter, Professor Forhan immediately reached out to Mr. L for a wellness check.
23. Later that month, Mr. L provided a list to the Department of the specific courses and exams that he was referring to in his letter. This list corresponds to the Courses and Exams.

C. Mr. L Graduates

24. As Mr. L had completed his degree requirements for graduation by January 2022, he was required by SGS policy to either graduate *in absentia* in March 2022, or if he requested to attend convocation, in June 2022. Mr. L did not make a request to graduate or attend convocation. Therefore, his degree was automatically conferred *in absentia* on March 11, 2022, the day after he submitted his letter to the Department.
25. Mr. L has not picked up his degree certificate.

D. Meeting with Dean's Designate

26. On June 8, 2023, Mr. L met with Professor Luc De Nil, Dean's Designate for Academic Integrity at the SGS. Mr. L's legal representative attended the meeting with him. Mr. L acknowledges that Professor De Nil provided him with the Dean's warning contained in the *Code* and that he was aware that he did not have to say anything in the meeting.
27. Mr. L began by saying that he stood by the statements that he had made in the March 10 letter. He explained that at the start of the pandemic, he experienced a lot of stress due to the rapid change in schooling and move to online instructions. He had a conversation with another student prior to one of his exams in which the idea of completing the exams "together" was brought up.
28. During the exam, Mr. L joined a call with a small group of students and also shared answers in a Google Docs document in which other students also shared their answers.

29. Mr. L■ admitted that there were instructions given to him prior to the Exams in which he was reminded that the Exams were to be completed independently. He also acknowledged that he had been required to sign an academic integrity statement that clearly stated collaboration was not permitted prior to most of the Exams.
30. Mr. L■ said that he made one error of judgment, which progressed to a cycle that he could not break. He continued his pattern of communicating with this group of students by phone and/or shared online document during several other exams.
31. Mr. L■ explained that one day, he realized that what he was doing was wrong and that he wanted to break the cycle. Prior to the January 2021 exams, his final set of exams in his program, Mr. L■ informed the other students that he had collaborated with on previous exams that he did not want to participate anymore.
32. Mr. L■ further explained that he sent the March 10 letter because he did not want to have this in the back of his mind for the rest of his life. He said that he was at peace with having made his admission, regardless of the sanction, and that he wished he had put a stop to his behaviour earlier.

E. Admissions and Acknowledgements

33. Mr. L■ admitted that he did not write the Exams independently. Instead, he collaborated with other students during each of the Exams by communicating answers to the Exams over the phone and through a shared online document. He admits that he did so knowing that he was not permitted to collaborate with others to obtain or provide unauthorized assistance in any way during any of his Exams.
34. Mr. L■ admitted that in engaging in the conduct described above in respect of each of the Exams, he knowingly:
 - (a) obtained and provided unauthorized assistance on each of the Exams, contrary to sections B.I.1(b) of the *Code*; and
 - (b) 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 Exams, contrary to section B.I.3(b) of the *Code*.

35. Mr. L acknowledged that he signed the ASF freely and voluntarily, knowing of the potential consequences he faces. Mr. L also acknowledged that he had been given the opportunity to seek the advice of counsel before doing so.

Decision of the Tribunal on the Charges

36. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student. The Tribunal operates on a civil standard which requires proof only on a balance of probabilities, though that balance of probabilities must be met with evidence that is clear, convincing and cogent: *University of Toronto and O.M. (Case No. 497 (DAB), March 25, 2009) at para. 17*.
37. That standard is indisputably met here as a result of the Student's proactive and straightforward participation in this process as reflected in the facts as outlined in the ASF. Charges 1-6, 8-9 have been made out.
38. The evidence establishes that the expectations upon the Student with respect to academic integrity were communicated to the Student in the course syllabuses for the courses in which these academic offences were committed.
39. More directly, the Student admits that he signed statements which made clear that academic integrity required him to complete his exams independently and without any unauthorized aids or assistance. He understood the significance of those statements and their import for how he was to conduct himself during these exams. Those statements are reproduced here as follows:

Attestation Statement for Exams in the MScOT Program

A version of the following is used for all exams in the MScOT Program. Most instructors have a question at the start of the exam and then again at the end of the exam.

AGREE/True to move forward into the exam

In submitting this exam/quiz, I confirm that my conduct during this exam/quiz adheres to the Code of Behaviour on Academic Matters. I confirm that I will NOT act in such a way that would constitute cheating, misrepresentation, any manner or form, receiving any assistance from others, and/or using or unfairness, including but not limited to retaining copies of the exam in electronic communication or document sharing/collaboration of any kind with other students (e.g., texting, use of phone, Google Doc, Facebook). I will not discuss the exam with other students during or after the exam in case some students write the test at different times.

AGREE/True to submit the exam

In submitting this exam/quiz, I confirm that my conduct during this exam/quiz adheres to the Code of Behaviour on Academic Matters. I confirm that I have NOT and will NOT act in such a way that constitutes cheating, misrepresentation, any manner or form, receiving any assistance from others, and/or using or unfairness, including but not limited to retaining copies of the exam in electronic communication or document sharing/collaboration of any kind with other students (e.g., texting, use of phone, Google Doc, Facebook). I will not discuss the exam with other students during or after the exam in case some students write the test at different times.

40. The use of collective documents to complete exams did not comply with this requirement and therefore clearly constitutes the use of unauthorized assistance.

Decision of the Tribunal on Penalty:

41. The Provost and the Student submitted that, in all the circumstances of this case, it was appropriate that the University Tribunal impose the following sanctions on the Student:
- (a) a final grade of zero in the course OCT1152 in Winter 2020;
 - (b) a final grade of zero in the course OCT1162 in Winter 2020;
 - (c) a final grade of zero in the course OCT1172 in Winter 2020;
 - (d) a final grade of zero in the course OCT1251 in Fall 2020;

- (e) a final grade of zero in the course OCT1261 in Fall 2020;
 - (f) a final grade of zero in the course OCT1271 in Fall 2020;
 - (g) a final grade of zero in the course OCT1262 in Fall 2020;
 - (h) a final grade of zero in the course OCT1272 in Fall 2020;
 - (i) the Tribunal will recommend to the President that he recommend to the Governing Council that it cancel and recall the Student's Master of Science in Occupational Therapy degree, which was conferred in March 2022; and
 - (j) the sanction will be recorded on the Student's academic record and transcript for a period of five (5) years from the date of the Tribunal's order.
42. Section C.II. (b)1.j(i) of the *Code* provides authority for the recall of a degree in circumstances where a student has committed an offence while enrolled at the University which, if detected before the granting of the degree, would, in the judgment of the Tribunal, have resulted in a conviction and the application of a sanction sufficiently severe that the degree would not have been granted.
43. The Tribunal is not required to accept a joint submission as to penalty but such a joint submission may only be rejected if the effect of the submission would be contrary to the public interest or bring the administration of justice into disrepute: *S.F. and University of Toronto (Case No. 690 (DAB) October 20, 2014)*, at para 18. This will occur where the joint submissions are considered to be “truly unreasonable”, “unconscionable”, or “fundamentally offensive” to the University’s objectives: *S.F. at para. 22; University of Toronto and M.A. (Case No. 837, December 22, 2016)*, at para. 25.
44. The factors to be considered when determining a penalty are the following:
- (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;
- (f) The need to deter others from committing a similar offence;

University of Toronto and I.R (Case No. 969, April 29, 2019) at para. 54

- 45. There is no question that the academic offences committed by the Student are serious and significant in that they are clear breaches of academic integrity which occurred repeatedly. It is relevant that the Student was enrolled in a graduate program and had therefore already benefitted from a longer academic career. It is also relevant that the Student was enrolled in a health care program and therefore it was important that they have the skills relating to the degree that is conferred upon them.
- 46. For these reasons, the sanction must recognize the detriment to the University that they have caused as well as the need to deter others from committing similar offences, particularly in the context of the rapidly evolving technological environment in which students and the University operate: *University of Toronto and H.W. (Case No. 1486, August 8, 2024); University of Toronto and H.C. (Case No.1446, July 12, 2023).*
- 47. In considering the character of the person charged and any extenuating circumstances, the Student's approach to the circumstances of this case are somewhat unusual in that the Student has proactively brought the issue of his academic misconduct to the attention of the University. He is given a great deal of credit for having come forward. He has pleaded guilty and shown remorse, all of which is properly considered mitigating.
- 48. In considering any extenuating circumstances, the University accepts, for purposes of the assessment of sanction, that the academic offences were committed during a stressful time in the Student's life.

49. The Student is no longer enrolled at the University, though he could reapply under the terms of the proposed sanction. The University submits and the Panel accepts that the risk of reoffending is low. Mr. L's own behaviour demonstrates that he clearly understands the importance of academic integrity.
50. While the facts of this case are unusual, the Panel can nonetheless be guided by similar fact patterns involving voluntary and unprompted admissions at the graduate level. In each of those cases, the degree was recalled: *Mr. R (Case No. 1996/97-02, November 20, 1996)*; *University of Toronto and J.D. (Case No. 456, 2007)*; and *University of Toronto and S.M. (Case No. 736, February 19, 2015)*.
51. In three of those cases, a permanent notation was placed on the academic record: *J.D. (2007)*; *S.M. (2015)*; and *University of Toronto and D.K. (Case No. 901, September 6, 2017)*. There are also circumstances in which time limited notations have been imposed.
52. In this case a five-year notation is requested even though if he were expelled as a current student a permanent notation would have been available. The University opted for a notation in the lower end of range of time limited notations because of nature of the fact pattern. While in this case the Student's academic misconduct occurred repeatedly, it did not involve greater consequences such as will occur where concoctions occur in research or publications. In addition, the level of cooperation and remorse is significant and should be reflected in the penalty, which will permit the Student to reapply should he choose to do so after the penalty has expired.
53. In considering the proposed penalty in the context of the relevant factors "there should be some measure of uniformity or proportionality so that there should be similar sentences imposed for offences committed in similar circumstances": *University of Toronto and I.R. (Case No. 969, June 27, 2018), para. 54.*

54. The joint submission presented to this Panel is well situated within the ASF and within the range of sanctions for similar fact patterns and is accepted by the Tribunal.
55. The Panel notes that the Student's initials should be W.L.
56. The Tribunal orders as follows:
- (a) the Student is guilty of eight counts of using or possessing an unauthorized aid or obtaining unauthorized assistance in connection with an academic examination, contrary to section B.I. 1(b) of the *Code*;
 - (b) the Student will receive a final grade of zero in:
 - (i) OCT1152Y in Winter 2020;
 - (ii) OCT1162Y in Winter 2020;
 - (iii) OCT1172Y in Winter 2020;
 - (iv) OCT1251Y in Fall 2020;
 - (v) OCT1261Y in Fall 2020;
 - (vi) OCT1271Y in Fall 2020;
 - (vii) OCT1262Y in Fall 2020;
 - (viii) OCT1272Y in Fall 2020;
 - (c) the Tribunal will recommend to the Governing Council that it cancel and recall the Student's Master of Science in Occupational Therapy degree, which was conferred in March 2022; and
 - (d) a notation of the sanction on the Student's academic record and transcript for five years from the date of this Order.

- (e) 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 4th day of June, 2025

Original signed by:

Cheryl Woodin, Chair
On behalf of the Panel