

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on July 23, 2019

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995,*

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:

THE UNIVERSITY OF TORONTO (the “University”)

- and -

Y [REDACTED] T [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Date: December 3, 2020, via Zoom

Panel Members:

Ms. Alexi Wood, Chair

Professor Ken Derry, Faculty Panel Member

Ms. Emily Hawes, Student Panel Member

Appearances:

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

Mr. Daniel Walker, Bobila Walker Law LLP

Hearing Secretary:

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances,
University of Toronto

A. OVERVIEW

1. On December 3, 2020, a Panel of the University Tribunal (the “Tribunal”) convened to hear the Provost’s allegations that the Student violated the Code of Behaviour on Academic Matters (the “Code”). By letter dated 23 July 2020, the charges against the Student were that:

1. On or about November 1, 2018, [the Student] knowingly represented as [her] own an idea or expression of an idea, and/or the work of another in an assignment titled “BIN-SX-Chimera” (“BIN-SX-Chimera Report”) that [she] submitted in partial completion of the requirements for BCH441H1: Bioinformatics (“Course”) contrary to section B.I.1(d) of the *Code*.

2. In addition and in the alternative to paragraph 1, on or about November 1, 2018, [the Student] knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with [her] BIN-SX-Chimera Report that [she] submitted in partial completion of the requirements for the Course contrary to section B.I.1(b) of the *Code*.

3. In addition and in the alternative to paragraphs 1 and 2, on or about November 1, 2018, [the Student] knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in connection with [her] BIN-SX-Chimera Report that [she] submitted in order to obtain academic credit or other academic advantage of any kind in the Course, contrary to section B.I.3(b) of the *Code*.

4. On or about November 21, 2018, [the Student] knowingly represented as [her] own an idea or expression of an idea, and/or the work of another in an assignment submitted as a prerequisite to an oral test in the Integrator Unit Mutation Impact (“Oral Test Code”) that

[she] submitted in partial completion of the requirements for the Course contrary to section B.I.1(d) of the *Code*.

5. In addition and in the alternative to paragraph 4, on or about November 21, 2018, [the Student] knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in [her] Oral Test Code that [she] submitted in partial completion of the requirements for the Course contrary to section B.I.1(b) of the *Code*.

6. In the alternative to paragraphs 4 and 5, on or about November 21, 2018, [the Student] knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in connection with [her] Oral Test Code submitted in order to obtain academic credit or other academic advantage of any kind in the Course, contrary to section B.I.3(b) of the *Code*.

2. The particulars related to the charges are:

1. At all material times, [the Student was] a registered student in the Faculty of Arts & Sciences at the University of Toronto.

2. In Fall 2018, [she] registered in the Course, which was taught by Professor Boris Steipe.

3. Students in the Course were required to choose a variety of formats for evaluation in the Course, which included:

(a) written assignments on chosen learning units, worth 6% each; and

- (b) an oral test, for which [the Student was] required in advance to complete a chosen Integrator Unit and to have submitted a report containing the related computer code and results, worth 16% of the Course mark.
4. In fulfillment of these Course requirements [the Student] submitted the following assignments:
- (a) [t]he BIN-SX-Chimera Report for the Learning Unit UCSF Chimera: Structure Visualization and Analysis on November 1, 2018; and
- (b) [t]he Oral Test Code for purposes of [her] oral test in the Integrator Unit Mutation Impact on or about November 21, 2018.
5. [The Student] submitted each of the BIN-SX-Chimera Report and the Oral Test Code after knowingly using an unauthorized aid and/or obtaining unauthorized assistance to write them, and knowing that they contained ideas and the expression of ideas and text from an unnamed source or sources which were not written by [her] and to which [she] gave no attribution.
6. [The Student] knowingly represented the work of another person, or persons, as [her] own. [She] knowingly included in the BIN-SX-Chimera Report and the Oral Test Code ideas and expressions that were not [her] own, but were the ideas and expressions of another person, or persons, which [she] did not properly acknowledge in [her] BIN-SX-Chimera Report or [her] Oral Test Code.
7. [The Student] knowingly submitted each of the BIN-SX-Chimera Report and the Oral Test Code with the intention that the University of Toronto rely on them as containing

[her] own ideas, expressions of ideas or work in considering the appropriate academic credit to be assigned to [her] work.

8. For the purposes of obtaining academic credit and/or other academic advantage, [The Student] knowingly committed plagiarism in and used an unauthorized aid and/or obtained unauthorized assistance with [her] BIN-SX-Chimera Report and the Oral Test Code in the Course.

3. The parties provided the Tribunal with an Agreed Statement of Facts (“ASF”), that the Student acknowledged she signed freely and voluntarily, knowing the consequences she faced, and with the advice of counsel. In the ASF, the Student confirmed she had received a copy of the charges. After hearing the submissions of counsel for both parties and reviewing the facts outlined in the ASF, the Tribunal found that the Student had committed the offence in paragraph 1(1) and 1(4) above, specifically that the Student had:

- 1) on or about November 1, 2018, knowingly represented as her own an idea or expression of an idea, and / or the work of another in the BIN-SX-Chimera Report that she submitted in partial completion of the requirements for the Course contrary to section B.I.1(d) of the Code; and
- 2) on or about November 21, 2018, knowingly represented as her own an idea or expression of an idea, and / or the work of another in the Oral Test Code that she submitted in partial completion of the requirements for the Course contrary to section B.I.1(d) of the Code.

4. As a result of this finding, the Provost agreed to withdraw the charges in paragraphs 1(2), 1(3), 1(5) and 1(6) above.

5. The Student also signed an Agreed Statement of Facts for Penalty, again, freely and voluntarily, knowing the potential consequences she faced, and with the advice of counsel.

6. The Tribunal imposed the penalty agreed to by the parties in a Joint Submission on Penalty and ordered that:

- 1) the Student receive a grade of zero in BCH441H1 in the Fall 2018 term;
- 2) the Student be suspended from the University for three and a half years from December 3, 2020 to June 2, 2024; and
- 3) a notation be placed on the Student's academic record and transcript from the day the Tribunal makes its order to the earlier date of:
 - a) May 31, 2025; or
 - b) the date on which she graduates from the University; and
- 4) this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

7. At the conclusion of the hearing, the Tribunal made its order with reasons to follow. These are the reasons.

B. AGREED FACTS

8. At all material times, the Student was registered at the University of Toronto. As of November 19, 2020, the Student had earned 18 credits and had a GPA of 2.31.

9. In the 2018 Fall term, the Student was enrolled in the Course at the University of Toronto. The Course was taught by Professor Boris Steipe. The Course is an introduction to computational methods and internet resources in modern biochemistry and molecular biology.

10. The Student received a copy of the syllabus for the Course. The syllabus contained the instructions for marking, including describing how students in the Course were expected to work through various learning units independently, in whatever order made sense to them, with the goal of bringing their knowledge and skill together in four main Integrator Units. Three of the Integrator Units were worth eight marks. The students had to choose a fourth Integrator Unit that would constitute their oral test, and would be worth 16 marks.

11. The students also had to submit various preparatory Learning Units. Students could choose which Learning Units to submit for marking, with each typically worth six marks, to a maximum of 30 marks in total for all submitted Learning Units.

12. At the start of the Course, students were required to complete a self-study unit on plagiarism. The Student completed the plagiarism self-study unit on September 26, 2018.

The Student Submits a Learning Unit

13. For one of her Learning Units, the Student submitted the UCSF Chimera unit. The Student was required to choose one of three topics, load and study a particular structure, produce illustrative stereo-images, and write a short report to illustrate and interpret her findings. The

Student chose the topic “Helix dipole: Transcription factor” using the structure 4Y60 (the “4Y60 Report”).

14. On November 1, 2018, the Student submitted the 4Y60 Report. Portions of the 4Y60 Report contained sentences, often re-ordered, which also appear in reports on the same topic submitted by two other students in December 2017 (the “December 2017 Reports”). In addition, most of the text in the first two paragraphs of the 4Y60 Report was copied verbatim from assignment text written by Professor Steipe. The 4Y60 Report reproduced spelling errors that appeared in Professor Steipe’s assignment text and the December 2017 Reports, as well as unusual expressions that appeared in the December 2017 Reports.

15. No attribution was given to Professor Steipe or the December 2017 Reports.

The Student’s Oral Test

16. The Student chose to do her oral test on the Integrator Unit “Mutation Impact” on November 21, 2018 (the “Oral Test”). As a prerequisite for the Oral Test, the Student was required to submit computer code (the “Test Code”) and the results from running the Test Code (the “Results”). The Test Code contained significant errors, which meant that it was impossible to produce the Results.

17. Professor Steipe discovered that the Student’s Test Code shared non-trivial similarities with the code submitted in November 2017 by student S.Y. (“S.Y.’s Code”).

18. A comparison of the Student’s Test Code and S.Y.’s Code reveals that they are identical but for changed variable names and comments. In addition, the Student reproduced verbatim critical errors which also appeared in S.Y.’s Code.

19. The Student's Results were also virtually identical for S.Y.'s results, but for the last digit for four and five digit numbers. The Test Code runs three sets of 100,000 random trials. A similarity of the results is not explained from a similarity of the codes. Professor Steipe determined that the probability of similarities between the Student's Test Code and S.Y.'s Code being due to chance to be approximately 1 in 5.6 billion.

20. Moreover, during her Oral Test, the Student was unable to answer simple questions about the details of her Test Code. The Student also claimed that her Test Code ran for 20 minutes, when in fact, when run, it terminated immediately due to its errors. Even when the errors were corrected, the Test Code ran for less than 10 seconds.

21. Twelve hours after her Oral Test, the Student emailed Professor Steipe to attempt to explain the errors in the Test Code. She claimed that she had uploaded the incorrect file for use at the Oral Test. However, the Student only corrected one of the two critical errors in her Test Code.

Admissions Relating to the 4Y60 Report

22. The Student admits that she knowingly plagiarized the work of others in relation to the 4Y60 Report, contrary to section B.I.1(d) of the Code. The Student also admits that she knowingly obtained unauthorized assistance in relation to the 4Y60 Report, contrary to section B.I.1(b) of the Code. She further admits she 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 for the 4Y60 Report, contrary to section B.I.3(b) of the Code.

Admissions Relating to the Oral Test

23. The Student admits she plagiarized the work of others in order to obtain academic credit for the Oral Test, contrary to section B.I.3(d) of the Code. She further admits that she knowingly obtained unauthorized assistance in connection with the Oral Test, contrary to section B.I.1(b) of the Code. She admits she also 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 for the Oral Test, contrary to section B.I.3(b) of the Code.

C. FINDING OF GUILT

24. Based on the evidence submitted by way of the ASF, and hearing the submissions from counsel for both parties, the Tribunal is satisfied, based on clear and convincing evidence, that the Student:

- 1) knowingly plagiarized the work of others in relation to the 4Y60 Report, contrary to section B.I.1(d) of the Code;
- 2) knowingly obtained unauthorized assistance in relation to the 4Y60 Report, contrary to section B.I.1(b) of the Code;
- 3) 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 for the 4Y60 Report, contrary to section B.I.3(b) of the Code;
- 4) plagiarized the work of others in order to obtain academic credit for the Oral Test, contrary to section B.I.3(d) of the Code;

- 5) knowingly obtained unauthorized assistance in connection with the Oral Test, contrary to section B.I.1(b) of the Code; and
- 6) 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 for the Oral Test, contrary to section B.I.3(b) of the Code.

25. The Tribunal accepts the Student's guilty plea to charges outlined in paragraph 1(1) and 1(4) above. Counsel for the University, accordingly, withdrew the charges outlined in paragraph 1(2), 1(3), 1(5) and 1(6) above.

D. PENALTY

26. The parties provided a Joint Submission on Penalty.

27. A joint submission on penalty should only be rejected in circumstances where giving it effect would be contrary to the public interest or would bring the administration of justice into disrepute. The Tribunal must determine if the outcome falls within a reasonable range of outcomes, recognizing the institutional value, efficiency and importance of outcomes that are achieved through such joint submissions. The Tribunal's role is not to determine if it would impose the same penalty as that proposed by the parties.¹

28. For the purposes of penalty, the Tribunal considered the following mitigating factors. The Student:

- 1) has apologized for the breaches of the Code;

¹ See, for example, the case of *S.K.* (Case No.: 1031, November 11, 2019).

- 2) takes responsibility for her actions;
- 3) is 2.5 credits from graduation;
- 4) expressed an interest in returning to the University to finish her degree; and
- 5) will take the time in which she is suspended to reflect on her conduct.

29. There is no doubt that plagiarism is a serious offence that must be treated with the appropriate penalty. The Tribunal also considered the following aggravating factors:

- 1) The extent of the plagiarism is extensive.
- 2) The Student attempted to hide her plagiarism in the 4Y60 Report by altering the last digit in the Results.
- 3) The Student initially attempted to cover up her plagiarism by emailing Professor Steipe to provide a purported explanation of the error in the Test Code.

30. The parties submitted the appropriate penalty ought to be that:

- 1) the Student receive a grade of zero in BCH441H1 in the Fall 2018 term;
- 2) the Student be suspended from the University for three and a half years from December 3, 2020 to June 2, 2024; and
- 3) a notation be placed on the Student's academic record and transcript from the day the Tribunal makes its order to the earlier date of:
 - a) May 31, 2025; or

- b) the date on which she graduates from the University; and
- 4) this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

31. The Tribunal was provided with several cases from which the Tribunal concluded that the penalty falls within a reasonable range of outcomes. The penalty is not contrary to the public interest nor would it bring the administration of justice into disrepute. The Tribunal therefore orders the penalty proposed by the parties.

E. ORDER

32. The Tribunal orders that:

- 1) the Student receive a grade of zero in BCH441H1 in the Fall 2018 term;
- 2) the Student be suspended from the University for three and a half years from December 3, 2020 to June 2, 2024; and
- 3) a notation be placed on the Student's academic record and transcript from the day the Tribunal makes its order to the earlier date of:
 - a) May 31, 2025; or
 - b) the date on which she graduates from the University; and
- 4) this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

DATED at Toronto, March 24, 2021.



Alexi Wood, Chair

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

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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 -

Y █ T █ (█)

AGREED STATEMENT OF FACTS ON SANCTION

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the Provost of the University of Toronto (the “Provost”) and Y █ T █ (“Ms. █”) have prepared this Agreed Statement of Facts on Sanction (“ASF on Sanction”). The Provost and Ms. █ agree that:

- (a) each document attached to this JBD 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.

1. Ms. T █ was enrolled in LIN200H1F in Fall 2017, taught by Professor Nathan Sanders (the “LIN Course”). Ms. T █ submitted a homework assignment worth 3% of the grade in the LIN Course (the “Homework Assignment”).

2. On November 28, 2017, Ms. T■■■■ attended a dean's meeting with Professor Elizabeth Cowper, Dean's Designate. Ms. T■■■■ admitted at this meeting that she committed an offence with respect to the Homework Assignment. In particular, the following was discussed at the dean's meeting:

- (a) students in the LIN Course were permitted to work together but were required to write the Homework Assignment on their own;
- (b) if students worked with other students in the LIN Course, there was a space on the Homework Assignment titled "worked with" where students were required to write the names of the student(s) that they had worked with;
- (c) Ms. T■■■■ did not write any names in the "worked with" section of her Homework Assignment;
- (d) Ms. T■■■■ did in fact work together with another student in the Course;
- (e) Ms. T■■■■ admitted that she had shown the other student in the Course her Homework Assignment and told him that he could copy it down; and
- (f) Ms. T■■■■ admitted that she had worked too closely with this other student in the Course, contrary to the LIN Course instructions.

3. Ms. T■■■■ received a sanction of a zero on the Homework Assignment and a further 2% reduction in the final grade for the LIN Course. A copy of Professor Cowper's letter to Ms. T■■■■, dated November 29, 2017, is attached as **Tab A**.

4. Ms. T [REDACTED] acknowledges that she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on November 26, 2020

[REDACTED]
Y [REDACTED] T [REDACTED]

Signed on November 27, 2020



Lily Harmer
Assistant Discipline Counsel
University of Toronto

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on July 23, 2019,

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B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

Y [REDACTED] T [REDACTED] [REDACTED])

JOINT SUBMISSION ON PENALTY

1. This matter arises out of charges of academic misconduct filed on July 23, 2019 (the “Charges”) by the Provost of the University of Toronto (the “Provost”) under the *Code of Behaviour on Academic Matters* (“Code”). The Provost and Y [REDACTED] T [REDACTED] have prepared this Joint Submission on Penalty (“JSP”).

2. Ms. T [REDACTED] understands that the University Tribunal may depart from the recommendations contained in this JSP and may impose sanctions against her as set out in the *Code*.

3. The Provost and Ms. T [REDACTED] submit that, in all the circumstances of this case, the University Tribunal should impose the following sanctions on Ms. T [REDACTED]:

- (a) a final grade of zero in BCH441H1 in the Fall 2018 term;

- (b) a suspension from the University of Toronto for a period of three and a half years, from December 3, 2020 to June 2, 2023; and
- (c) a notation of the sanction on her academic record and transcript until the earlier of:
 - (i) a period of four and a half years has passed, until May 31, 2024; or
 - (ii) her graduation from the University.

4. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the student withheld.

5. Ms. T [REDACTED] acknowledges that she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel. Ms. T [REDACTED] is signing this JSP knowing that the Tribunal is not bound by this JSP and has the discretion to impose a different penalty, including one that is more severe than the JSP recommends.

Signed on November 26th, 2020

[REDACTED]

 Y [REDACTED] T [REDACTED]

Signed on November 26, 2020



Lily Harmer
 Assistant Discipline Counsel
 University of Toronto