

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on October 26, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: April 17, 2024, via Zoom

Members of the Panel:

R. Seumas M. Woods, Chair

Dr. Emily Nacol, Faculty Panel Member

Samantha Chang, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, for the University

Sonia Patel, Co-Counsel, for the University

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

Y [REDACTED] Z [REDACTED]

The Charges

1. On October 26, 2023, the University of Toronto (the “University”) laid the following charges (the “Charges”) against Y [REDACTED] Z [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”):

1. On or about December 17, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam you submitted in MAT135H5: Differential Calculus (“**MAT135**”), contrary to section B.I.1(b) of the *Code*.
2. In the alternative, on or about December 17, 2021, you knowingly represented as your own an idea or expression of an idea or the work of another in the final exam you submitted in MAT135, contrary to section B.I.1(d) of the *Code*.
3. In the further alternative, on or about December 17, 2021, 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 exam you submitted in MAT135, contrary to section B.I.3(b) of the *Code*.
4. On or about February 17, 2022, you knowingly had another person personate you during an online test in ENV100Y5 (“**ENV100**”), contrary to section B.I.1(c) of the *Code*.
5. In the alternative, on or about February 17, 2022, you knowingly obtained unauthorized assistance during the online test in ENV100, contrary to section B.I.1(b) of the *Code*.
6. In the further alternative, on or about February 17, 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 the final exam you submitted in ENV100, contrary to section B.1.3(b) of the *Code*.

The Hearing

2. The Tribunal heard the Charges on April 17, 2024 over Zoom. Counsel for the University was present at the start of the virtual hearing, but the Student was not.

Ability to Proceed in the Student's Absence

3. As a result of the Student's failure to attend the hearing, after waiting 15 minutes to ensure that the Student had the opportunity to attend the hearing, the Tribunal started by considering whether or not it could proceed in the Student's absence. Counsel for the University, Ms. Patel, submitted that the University Tribunal's *Rules of Practice and Procedure* (the "Rules") entitled the Tribunal to proceed since the Student had been provided with adequate notice of the hearing. In support of that position, she provided the Tribunal with affidavits from Natalia Botelho and Andrew Wagg.

4. Ms. Botelho is an assistant with Ms. Patel's law firm. In her affidavit, Ms. Botelho provided information about the Student's contact information and the efforts the University made to contact them based on that information. Ms. Botelho affirmed that:

- (a) during the course of a meeting between the Student and the Dean's Designate, Professor Shay Fuchs, Professor Fuchs reminded the Student that they needed to check their email regularly for important emails, and that if there was something important, the Student needed to reply and could not ignore the emails;

- (b) on October 26, 2023, the Office of the Vice-Provost, Faculty and Academic Life, emailed the charges in this matter to the Student at the Student's email address in the University's Repository of Student Information ("ROSI");
- (c) on November 1, 2023, counsel for the University emailed the Student, at the Student's email address on ROSI, a disclosure letter and brief, and a copy of the University's *Policy on Official Correspondence with Students*. That same day, counsel for the University also attempted to call the Student at the phone number given for them on ROSI but did not get through. When counsel's assistant attempted to contact the Student at that number, she received an automated message stating that the call could not be completed as dialed;
- (d) on January 11, 2024, counsel for the University emailed the Student at the Student's address on ROSI, asking about possible hearing dates. The Student responded to that email, stating that "I'm not at U of T anymore. I transferred. Therefore, I do not think it is necessary for me to attend this meeting, and I will not reply to all the following matters.";
- (e) after counsel for the University asked for a hearing date, on March 8, 2024, the Office of Appeals, Discipline and Faculty Grievances (the "ADFG Office") scheduled the hearing for April 17, 2024 at 5:15 p.m., notifying the Student about the hearing date by email sent to the Student's address on ROSI that same day;
- (f) on March 10, 2024, counsel for the University emailed the Student, forwarding the ADFG Office's email notifying the Student about the date of the hearing, and warning them about the Tribunal's ability to proceed in the Student's absence;

(g) on April 5, 2024, counsel for the University emailed the Student copies of the affidavits on which the University intended to rely in respect of the merits of the Charges. Counsel asked the Student if they intended to cross-examine any of the affiants;

(h) on April 9, 2024, Ms. Botelho did a Google search on the Student's mailing address. She discovered that it was linked to the Kent School, a private high school.

5. Mr. Wagg is the Manager, Incident Response at Information Security, Information Technology Services at the University. His affidavit evidence was that on March 25, 2024 he checked to determine the last time anyone had accessed the email account for the Student in ROSI. Mr. Wagg determined that the last time someone had accessed the email account was March 9, 2024.

6. Under rule 13(c) of the Rules, service of charges, notices of hearing and disclosure, amongst other things, may be served on a student by emailing a copy of the document to the students email address contained in ROSI.

7. While direct evidence that the Student had personally accessed the email account identified as the Student's email account in ROSI after the Charges and the initial Notice of Virtual Hearing were emailed to the Student would have established that the Student had had actual notice of both the Charges and the date of this hearing, the Rules do not require the University to establish actual notice. To the contrary, the Rules allow the University to provide students with documents by emailing them to the student at their email address in ROSI. Students are responsible for monitoring their account in ROSI. They fail to do so at their own risk.

8. In this case, the Student was notified of the Charges by email sent to the Student's address on ROSI on October 26, 2023. Counsel for the University emailed the Student about possible hearing dates on January 11, 2024. The Student responded that same day, stating in his response that in his view he did not believe it necessary to attend the hearing because he was no longer at the University. The Student was specifically notified of the date of this hearing by emails sent to the Student's email address in ROSI on March 8 and 10, 2024.

9. Based on the evidence before us, we believe that the Student had actual notice of both the charges and the hearing based on the fact that he responded to the email counsel for the University sent to the Student's ROSI email address on January 11, 2024, after the charges had been emailed to him, and Mr. Wagg's evidence that someone accessed the Student's email account on March 9, 2024, the day after the ADFG Office emailed the Student notice of this hearing. While that in itself does not establish that the Student themselves accessed the account on that day, we infer that the person accessing the account was the Student, given the Student's previous response to counsel's January 11, 2024 email.

10. Applying the Rules to the above evidence, the Student had notice of both the Charges and the date of this hearing. We could therefore proceed to hear and consider the University's evidence in the Student's absence under rule 17 of the Rules.

Merits of the Charges

11. In support of its position on the merits of the Charges, the University relied on three affidavits, the affidavits of Maria Wesslén, Monika Havelka and Shay Fuchs.

Professor Wesslén's Evidence

12. Professor Wesslén's evidence dealt with the charges related to MAT135. Professor Wesslén is an Associate Professor, Teaching Stream, in the Department of Mathematical and Computation Science at the University of Toronto Mississauga ("UTM"). Professor Wesslén was the course coordinator for MAT135 in Fall 2021. MAT135 was an online course. The Student was a student in it.

13. The syllabus for MAT135 included a section entitled "Academic Integrity" which reminded students that the Code continued to apply in the online learning environment. It set out examples of potential academic offences, including accessing unauthorized resources during assessments and posting test, essay, or exam questions to message boards or social media:

With regard to remote learning and online courses, UTM wishes to remind students that they are expected to adhere to the Code of Behaviour on Academic Matters regardless of the course delivery method. By offering students the opportunity to learn remotely, UTM expects that students will maintain the same academic honesty and integrity that they would in a classroom setting. Potential academic offences in a digital context include, but are not limited to:

- Accessing unauthorized resources (search engines, chat rooms, Reddit, etc.) for assessments.
- Using technological aids (e.g. software) beyond what is listed as permitted in an assessment.
- Posting test, essay, or exam questions to message boards or social media.
- Creating, accessing, and sharing assessment questions and answers in virtual "course groups."
- Working collaboratively, in-person or online, with others on assessments that are expected to be completed individually.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources.

14. Students in MAT135 were evaluated on the basis of, among other things, a final exam

worth 34% of the final grade in the Course. The exam took place online. Students were required to upload their exam answers to Crowdmark in scan, photo, or PDF form. Students were permitted to use certain specified resources and websites when writing the exam. These authorized aids were limited to resources that had been posted on Quercus by the instructors or Teaching Assistants, a scientific or graphic calculator, the Course textbook, personal notes related to official Course material, and certain other websites (namely Crowdmark, DESMOS, Piazza, and Zoom). Students were prohibited from using any aids outside of these permitted resources.

15. The exam coversheet included several reminders about academic integrity and the use of unauthorized aids. The coversheet reminded students that they “may be charged with an academic offence for possessing any unauthorized aids during the writing of an exam” and that if “during an exam, [they made] use of any unauthorized aid [they] may be charged with an academic offence.” The exam coversheet included a specific reminder that it was “**NOT OK** to use any online resources other than: Quercus, Crowdmark, OpenStax, Calculus Volume 1, DESMOS, Piazza (ONLY for making a private post to instructors), Zoom (ONLY for contacting the instructors)” (emphasis in original). It also reminded students that they were required to complete the exam independently. Students were instructed that it was “**NOT OK** to communicate with anyone other than the instructors during the test” (emphasis in original).

16. Students writing the exam were required to complete a digital academic integrity declaration during the exam window. By signing the declaration, students affirmed that their conduct during the exam adhered to the Code and that they had not and would not act in such a way that would constitute cheating, misrepresentation, or unfairness, including but not limited to using unauthorized aids and assistance, impersonating another person, and committing plagiarism. The Student signed the declaration on December 17, 2021 at 12:39 p.m. and submitted their final

exam on that same date.

17. After the final exam window had closed, the instructor team for MAT135 became aware that some of the exam questions had been posted to Chegg.com (“Chegg”). Chegg is a subscription-based website that allows students to post questions which are then answered by “experts”. Chegg was not one of the permitted online resources for the exam.

18. When Professor Wesslén was reviewing the Student’s final exam answers, she discovered that his answer to question 6 of the exam was strikingly similar to the Chegg solution for question 6, but with certain words removed. In particular, Professor Wesslén noted that:

- (a) the Student’s answer and the Chegg solution used basically identical line breaks and structure. While the paragraph beginning “when bird is x km from...” was not in the Student’s answer, the rest of the answers were near identical. The line breaks in both answers appeared in the same places;
- (b) the diagrams in both answers faced the same way and used the point labels of A, B, and C. These letters were not given in the question and there was no need for any labels at all;
- (c) both answers placed the bird at point B, when it should have been at C;
- (d) both answers used “S” to represent distance, but S was not used in the question. This is unusual, as usually distance is shown with “D” or “d”;
- (e) both answers did identical “pre-work” before starting question 6(a). Most students began by writing (a) at the top of the page, but both the Student and the Chegg

solution instead structured their answers by only beginning to directly answer (a) halfway down the page'

- (f) the solutions contained identical structure in situations where there were several correct ways to structure their solutions, including: (i) using x for multiplication; (ii) bringing up the 42 in the numerator, but not simplifying 7×42 as 296; and (iii) in the same step, simplifying $7^2 + 25$ to 74;
- (g) both answers used very similar words in the last few lines. The Chegg solution included the word "at" which appeared to be scribbled out. The Student's solution also included the "at". Similarly, both used the word "so" to start the next line; and,
- (h) both answers used the same style of skipping conjunctions in the final sentence, "therefore distance not changing", rather than the full sentence, "therefore the distance is not changing".

19. Taken as a whole, Professor Wesslén concluded that there were too many similarities between the Student's answer and the Chegg solution to be a coincidence. On January 5, 2022, she therefore sent the Student an email outlining her concerns with the Student's exam and inviting the Student to meet with her. She advised the Student that their "solution to Question 6 appears very similar to a solution found online."

20. The Student responded that the question had appeared in their tutoring class before, and that the teaching assistant had told the class how to solve the problem. Professor Wesslén advised the Student that someone from the Academic Integrity Unit would be in contact to set up a meeting

and to provide information on the next steps.

Professor Havelka's Evidence

21. Professor Havelka is an Associate Professor, Teaching Stream, in the Department of Geography, Geomatics and Environment at UTM. She was one of the instructors for ENV100. Like MAT135, ENV100 was an online course in which the Student was a student. Its syllabus included the same sections on academic integrity as the syllabus for MAT135.

22. ENV100 was divided into three thematic modules. At the end of each module, students were required to complete a test. Each test was worth 10% of the final grade in the Course.

23. The second test in ENV100 took place on February 17, 2022. The test was administered remotely, and students were expected to complete the test independently. Students were provided with a cover sheet for the test in advance so that they could prepare for the test. The cover sheet for the test included the following declaration and instructions about academic integrity:

Academic Integrity

The University of Toronto Mississauga and you, as a student, share a commitment to academic integrity.

“In submitting this test, I confirm that my conduct adheres to the Code of Behaviour on Academic Matters. I confirm that I will NOT act in any way that would constitute cheating, misrepresentation, or unfairness, include but not limited to, using unauthorized aids and assistance; impersonating another person; communicating with anyone during the test for any reason other than logistical or technical problems; and committing plagiarism.”

Aids Permitted:

During the test, you may consult:

- The course required textbook (*Environment: The Science Behind the Stories* by Withgott *et al.*, 2017 – digital or print version);
- Course lectures and lecture notes (posted on our Quercus site); and

- Your own written notes on the lectures or readings (digital or print), *as long as they only contain your own work, in your own words.*

Aids Not Permitted:

- **Do not access any external websites or apps** – only our Quercus site, the textbook, the posted lecture notes, and your own writing notes.
- **Do not communicate with anyone during the test**, either in person or electronically.
- **Do not copy-and-paste or quote directly from lecture notes, the textbook, or any other source; this will be an academic offence, even if you include a citation and quotation marks.**

We will be looking for YOUR thoughts, words, and ideas in response to these questions, not ideas from the textbook or notes. If you are reporting on your own understanding of the course material, in your own words, you should not need to cite a source. If you do refer specifically to information, data, or a figure from the textbook, you should include a proper in-text citation (such as Withgott *et al.*, 2017, p. 34).

USING ANY SOURCES OTHER THAN THE ALLOWED AIDS IS A SERIOUS ACADEMIC OFFENCE

[Emphasis in original]

24. The test included three scenario-based questions. Each scenario contained multiple questions. The questions were a mix of multiple choice and short answer questions. Students were only required to answer questions for two out of the three scenarios.

25. The Student submitted their test on February 17, 2022, at 8 p.m. The marking Teaching Assistants flagged the Student's test as a potential case of academic misconduct. Once the test was flagged, Professor Havelka and her co-instructor reviewed the test in greater detail. They discovered that the Student had answered most of the questions for Scenario 1 in a different language. Of the five questions for Scenario 1, only question 1, which was a multiple-choice question, was answered in English. As ENV100 was offered in English, students were not permitted to answer questions in any other languages. The Student therefore received no marks for questions 2 to 5 of Scenario 1.

26. The Student also chose to answer questions for Scenario 2, which similarly consisted of one multiple choice question and four short answer questions. The Student answered all of the questions for Scenario 2 in English, but in doing so used wording that was unusually sophisticated. In some instances, this wording went beyond the scope of the Course material or what students in the Course (or in any first-year environmental science course at the University) would be expected to know. For example, question 4 of Scenario 2 asked the following question:

The interviewer is particularly interested in forest fires. As a forest scientist, you know that boreal forest ecosystems are fire-adapted. What does this mean? Mention and briefly explain at least three aspects of fire adaptation in boreal forests. What does it mean when we say that forest fires can set up a positive feedback cycle, and is this a good thing? **(4 marks)**

27. The Student answered the question as follows:

There are many kinds of soil fungi with powerful functions, including saprophytic fungi that feed on litter and ectomycorrhizal fungi that associate with white birch and *Larix gmelinii*. Moreover, the northern forest ecosystem has a strong ability to restore the flora. After the fire, with the increase of post fire recovery time, the composition of ectophytic colonies changes sharply and the diversity is also significantly improved.

28. Professor Havelka's evidence was that terms and details such as "ectophytic colonies" and "*Larix gmelinii*" (i.e., Gmeli larch) were not taught in ENV100 and were not covered in the Course textbook or notes. The instructors in that course did not discuss changes in the diversity of saprophytic or ectomycorrhizal fungi in relation to fire adaptation in boreal forests. The Student's answer required sophisticated knowledge of boreal forest ecology beyond the scope of the Course and did not fundamentally answer the question about fire-adaptation in forests. Professor Havelka's evidence was that she would expect a student with this type of sophisticated knowledge to know that their answer was not responsive to the question asked.

29. Upon reviewing the Student's test answers, she and her co-instructor searched the language online to determine whether it had been copied from an online source. While they did not find an exact match for the wording used in the Student's test, they identified a news article titled "The post-fire 'road to reconstruction' of the subterranean fungal kingdom in the boreal forest" that contained similar wording. The news article was published on new.qq.com, which is a Chinese language news website. The English translation of the article included the following sentence which was similar to the Student's answer for question 4 of Scenario 2: "**Soil fungi** are diverse and **powerful, including saprophytic fungi that feed on litter, and ectomycorrhizal fungi that associate with birch and Xing'an larch**" (emphasis added to show similarities).

30. On March 2, 2022, Professor Havelka and her co-instructor emailed the Student to inform the Student that they suspected that the Student had obtained unauthorized assistance to complete the second test. They invited the Student to meet with them to discuss the allegation in greater detail or, if the Student did not wish to meet, to respond to the allegation in writing. The Student did not respond to the emails. Professor Havelka and her co-instructor therefore reported the matter to the Chair of the Department of Geology, Geomatics and Environment.

Professor Fuchs' Evidence

31. Professor Fuchs is an Associate Professor, Teaching Stream, in the Department of Mathematical and Computational Sciences at UTM. He also serves as the Dean's Designate for Academic Integrity. In his evidence, Professor Fuchs detailed the Academic Integrity Unit's attempts to set up a meeting with the Student, and what happened at the meeting when it took place on October 4, 2022.

32. After explaining the academic misconduct process, reminding them that they did not have to say anything at the meeting but that anything the Student did say would be recorded, and explaining the possible sanctions if the Student was found guilty of an academic offence, and the Student acknowledging that they understood, Professor Fuchs outlined the allegations.

33. Addressing the allegations with respect to MAT135, Professor Fuchs said that a question that had been posted online looked similar to an answer on the Student's final exam and that it appeared that the Student may have accessed it. The Student said that they had searched for the answer online, found it, and written it in their test. When Professor Fuchs asked the Student for the name of the website, the Student said that he was not sure because it was their friend who had searched for the answer, not them. The Student explained that the friend was their roommate who attended a different school. When Professor Fuchs asked whether the website was Chegg, the Student said yes. Professor Fuchs explained that in addition to copying a solution that was not their own, communicating with another person during the exam was itself an offence. Professor Fuchs asked the Student why he had communicated with his roommate during the exam and copied the answer from Chegg. The Student stated that they wanted to get a higher score on the final test and that when they could not solve the problem, they asked their friend to search for it.

34. Professor Fuchs asked the Student about the ENV100 allegations. He explained that the instructor for the course had observed that the answer to one of the questions used complex sentences and that this answer was found online. Professor Fuchs told the Student that it seemed that they may have used phrases from a website as their own. The Student responded that ENV100 was an online course and that they had asked someone else to attend the class for them. They said they had not attended the class. Professor Fuchs asked the Student to confirm that they had not written the test themselves and that someone else had completed it for them. The Student

responded “yes”. Professor Fuchs informed the Student that this was a pretty severe academic offence and that they could not ask someone to do work and pretend it was the Student. He asked the Student how they pleaded. The Student said “guilty”.

35. After returning from a short break during which the Student was put into the waiting room, the Student explained that there may have been something wrong with their earlier explanation. They explained that they had only asked their friend to do one question on the ENV100 test, not the whole test. I noted that the Student had said that someone had taken the whole course for them. The Student clarified that it was “just the test, not the class.” The Student went on to confirm that someone else had taken the test on their behalf and submitted it on their behalf.

36. Professor Fuchs informed the Student that having someone else write their test for them was considered personation, a very serious offence, and indicated that due to the severity of the offence, he was unable to resolve the MAT135 and ENV100 cases and would be sending the cases to the Tribunal level for resolution. Professor Fuchs concluded the meeting by emphasizing the seriousness of the personation allegation in particular. Professor Fuchs advised the Student that it was very important that they consult a lawyer or law student and that they were eligible for free legal counsel through Downtown Legal Services. The Student indicated that they understood.

Assessment and Conclusion

37. Based on the evidence before the Tribunal the Student is guilty of charge one. We agree with Professor Wesslén that the similarities between the Student’s answer to question 6 of the final exam in MAT135 to the answer for that question on Chegg is not a coincidence. They are so similar because the Student must have used the answer posted on Chegg to complete the exam. Were we in any doubt that the Student had used the Chegg answer to complete their answer on the

exam, that doubt would have been removed by the Student's initial admission to Professor Fuchs that he had searched for the answer online, found it, and then written it in his answer on the exam. His subsequent statement that it was a friend who had looked up the answer and provided it does not alter the fact that the Student used an unauthorized aid or obtained unauthorized assistance in answering the question.

38. Based on the evidence before the Tribunal the Student is also guilty of charge four of having someone impersonate the Student in writing the final exam in ENV100. We accept Professor Fuchs' evidence that the Student admitted that they had committed the offence during the Dean's Designate meeting between the Student and Professor Fuchs, that the Student had asked a friend to complete one question of the ENV100 test. We believe that in answering some of Professor Fuchs' questions the Student may have been confused, but the Student's admission that someone else had written the test for him did not change at any point during the meeting. The finding that someone else wrote the test is also consistent with Professor Havelka's evidence about the sophisticated language in the answer to the second scenario in the test.

39. Having concluded that the Student was guilty of the first and fourth charges, the University withdrew charges two, three, five and six.

Sanction

40. After the Tribunal accepted the Student's guilty plea on the first of the charges, the hearing moved into the sanction phase. The University did not adduce any further evidence during this stage of the proceedings.

41. Counsel for the University asked the Tribunal to make an order recommending to the President of the University that the President recommend to the Governing Council that the Student be expelled, that the Student be immediately suspended from the University for a period of up to five years or until the Governing Council makes its decision on expulsion, whichever came first, the Student receive final grades of zero in each of MAT135 and ENV100, and that the 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.

42. Counsel for the University submitted that personation in itself was a very serious offence, for which the typical penalty was a recommendation of expulsion. In support of that submission, she referred to a number of cases including *University of Toronto and A.N.* (Case No. 663, May 9, 2013), *University of Toronto and M.W.* (Case No. 585, September 1, 2010), *University of Toronto and Z.G. and M.J.S.* (Cases No. 734 and 735, October 2, 2014) and *University of Toronto and D.W. and H.L.* (Cases No. 578 and 583, December 16, 2010). In all those cases the students were found guilty of having someone personate them, or themselves had personated a student on a test or examination. In each of those cases the Tribunal concluded that recommending expulsion was the appropriate penalty.

43. Counsel for the University noted that there were cases in which the Tribunal had imposed the lesser sanction of a lengthy suspension, but in each of those cases there was one or more mitigating factors. Examples of such cases include *University of Toronto and H.Z.* (Case No. 1475, July 17, 2023), *University of Toronto and F.Z.* (Case No. 1243, December 20, 2022) and *University of Toronto and P.L.* (Case No. 1211, September 23, 2021). In each of those cases, the Student admitted their guilt at an early stage, cooperated with the disciplinary process, and offered

some explanation and displayed some form of remorse for their actions. The Student did none of those things here.

44. The factors this Tribunal must consider in deciding what sanction to impose are well established. The leading case is *University of Toronto v Mr. C.* (Case No. 1976/1977-3, November 5, 1976) in which, sitting as a member of the Appellate Division of this Tribunal, former Supreme Court of Canada Justice Sopinka described them this way:

What then are the principles that this Tribunal should follow in dealing with an appeal from sentence? First, in my opinion, punishment is not intended to be retribution to get even, as it were, with the student for what he has done. It must serve a useful function. The classical components of enlightened punishment are reformation, deterrence, and protection of the public. In applying these criteria, a tribunal should consider all of 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.

45. Considering each of the above factors, the sanction the University seeks is appropriate.

- (a) **Character:** The Student chose not to participate in the disciplinary process including the hearing before us. As such, the only evidence of character we have are the acts themselves and the Student's decision not to participate in the disciplinary process. Both the acts and the decision not to participate tend to support a recommendation for expulsion rather than any lesser penalty.

- (b) ***Likelihood of Repetition:*** The fact that the Student had someone impersonate them in ENV100, only about a month after Professor Wesslén emailed the Student about her concerns with the Student's answers to the test in MAT135, leads us to conclude that there is a high risk of repetition if we do not impose a significant sanction.
- (c) ***Nature of the Offence:*** Using an unauthorized aid to assist oneself in writing a test or exam is a serious offence. Impersonation is an even more serious offence, meriting a serious sanction.
- (d) ***Extenuating Circumstances:*** There is no evidence of any extenuating circumstances.
- (e) ***Detriment to the University:*** Honesty and integrity form part of the University's core values. Few actions are more dishonest and display a lack of integrity than having someone take an examination for oneself. It cannot be tolerated. As such, this factor weighs in favour of a serious sanction.
- (f) ***Deterrence:*** A serious sanction will send the message to students that impersonation is not tolerated at the University. As such, as a matter of general deterrence, the Tribunal ought to impose a serious sanction, consistent with those imposed by past Tribunals.

46. Taking all of the above into consideration, we have concluded that the penalty requested by counsel for the University is the appropriate sanction in this case.

Order

47. For the reasons set out above, the Tribunal orders that:

- (a) the hearing may proceed in the absence of the Student;
- (b) the Student is guilty of knowingly using or possessing an unauthorized aid or aids or obtaining unauthorized assistance in connection with the final exam in MAT135H5, contrary to section B.I.1(b) of the *Code*;
- (c) the Student is guilty of knowingly having someone personate them during an online test in ENV100Y5, contrary to section B.I.1(c) of the *Code* ;
- (d) the following sanctions shall be imposed on the Student:
 - (i) the Tribunal recommends to the President of the University that the President recommend to the Governing Council that the Student be expelled from the University;
 - (ii) the Student shall be immediately suspended from the University for a period of up to five years from April 17, 2024, or until the Governing Council makes its decision on expulsion, whichever comes first, and a corresponding notation shall be placed on the Student's academic record and transcript;
 - (iii) the Student shall receive a final grade of zero in MAT135H5; and
 - (iv) the Student shall receive a final grade of zero in ENV100Y5;

- (e) the case be reported to the Provost for publication of a notice of the Tribunal's decision and the sanctions imposed, with the Student's name withheld.

Dated at Toronto at this 16th day of August, 2024.

Original signed by:

Seumas Woods, Chair
On behalf of the Panel