

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on November 1, 2023, amended February 20, 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:

**UNIVERSITY OF TORONTO**

- and -

**H [REDACTED] L [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** February 20, 2024, via Zoom

**Members of the Panel:**

R. Seumas M. Woods, Chair  
Professor Marvin Zuker, Faculty Panel Member  
Konrad Samsel, Student Panel Member

**Appearances:**

Lily Harmer, Assistant Discipline Counsel, for the University  
Sonia Patel, Co-Counsel, for the University  
H [REDACTED] L [REDACTED]

**Hearing Secretary:**

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

## THE CHARGES

1. On November 1, 2023, the University of Toronto (the “University”) laid the following charges (the “Charges”) against H■■■■ L■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”):

1. On or about May 10, 2023, you knowingly had another person personate you at the final exam in MAT137Y1 (the “Course”), contrary to section B.I.1(c) of the *Code*.
2. In the alternative, on or about May 10, 2023, you knowingly obtained unauthorized assistance in connection with the final exam in the Course, contrary to section B.I.1(b) of the *Code*.
3. In the further alternative, on or about May 10, 2023, 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 in the Course, contrary to section B.1.3(b) of the *Code*.

2. Included in the Charges were particulars setting out details of the alleged offences. The particulars indicated that the offence had occurred on April 19, 2023 rather than May 10, 2023. Prior to the hearing, the Tribunal raised this inconsistency with counsel for the University. About six hours before the hearing was scheduled to take place, the Tribunal received amended charges (the “Amended Charges”). The Amended Charges were identical to the Charges apart from the date of the offences changing from May 10, 2023 to April 19, 2023.

### **The Hearing**

3. The Tribunal heard the Amended Charges on February 20, 2024 over Zoom. In advance of the hearing, counsel for the University provided the Tribunal with a joint book of documents (the "Joint Book of Documents") containing a copy of an agreed statement of facts (the "ASF") executed by the Student and the University. The Joint Book of Documents, including the ASF, was made an exhibit at the hearing.

4. The Student attended the hearing. The Student was not represented by counsel. The University was represented by Assistant Discipline Counsel.

### **The Amended Charges**

5. At the outset of the hearing, the Tribunal noted that the Charges had been amended earlier that same day. The Student confirmed that they were aware of the amendments and were prepared to proceed. Given the Student's confirmation that they were prepared to proceed, and having regard to the nature of the amendments, the full particulars which had been included in the original Charges which identified the correct date on which the offences were alleged to have taken place, as well as the Agreed Statement of Facts, the Tribunal concluded that it could proceed with the hearing on the basis of the Amended Charges.

### **Merits of the Amended Charges**

6. Based on the ASF, the Student and the University agree on the following facts:

- (a) the Student first registered as a student at the University's Faculty of Arts and Science in the Fall of 2021. As of November 3, 2023, the Student had earned 11.0 credits with a

cumulative Grade Point Average of 2.23. The ASF included a copy of the Student's academic record at the University;

- (b) in the Fall of 2022, the Student enrolled in the Course: Calculus with Proofs, which was a full-year course;
- (c) the Course syllabus contained a section on academic integrity. It stated that students were expected to be familiar with the *Code*, and that the University treated cases of academic misconduct very seriously. The syllabus provided examples of potential offences, including using or possessing unauthorized aids during an exam, misrepresenting one's identity, and using someone else's ideas or words without appropriate acknowledgment;
- (d) students in the Course were required to write a final exam (the "Exam") worth 30% of the final grade in the Course. The Exam took place in person on April 19, 2023 from 7:00 p.m. to 10:00 p.m.;
- (e) after the Exam started, invigilators in the Exam room began walking around the room to verify the identify of each student writing the Exam. Students were asked to show the invigilators their "TCards", the University's photo identification cards, to confirm that they were who they said they were;
- (f) Xincheng Zhang, a Teaching Assistant for the Course, was one of the Exam Invigilators. Due to the large number of students in the Course, Mr. Zhang did not know the Student personally. While the Exam was in progress, Mr. Zhang approached the individual who was writing the Student's Exam and asked to see their TCard. Comparing the photograph on the Student's TCard and the individual writing the Exam, Mr. Zhang became concerned that the individual did not resemble the photograph on the TCard.
- (g) Mr. Zhang reported his suspicions that someone was impersonating the Student to Dani Fischer a Chief Presiding Officer ("CPO") in the Exam room. Ms. Fischer looked at the Student's TCard. She concluded that the individual writing the Exam did not look like the person in the photograph on the TCard. She called the Office of the Registrar at the University for instructions on how to proceed;
- (h) in response to Ms. Fischer's call, Shelby Patrick was called to the Exam room to assist. Ms. Patrick had been working as a back-up CPO for exams taking place on April 19, 2023.

Ms. Patrick looked at the Student's TCard and compared it to the person who was writing the Exam. She concluded that they appeared to be different people.

- (i) Ms. Patrick asked the person writing the Student's Exam to step into the hallway to answer some questions. Once in the hallway, she explained that she was having difficulties verifying that the person writing the Exam was the same person pictured on the TCard. She asked the Exam writer to allow her to take a photograph of them. The individual agreed and cooperated with having their photograph taken. The individual explained that they were "more tan" than in the photograph on the TCard. Once Ms. Patrick had taken the photographs, she allowed the individual to return to the Exam room and complete the Exam;
- (j) the Exam writer submitted the Student's Exam with the following personal information on the front page of the Exam booklet [All bold in the original]:

**Last (Family) Name:** L■

**First (Given) Name:** H■

**Student Number:** ■■■■■■

**Utoronto email:** ■h■■■ @mail.utoronto.ca

The Student's Utoronto email address is h■■■.■■@mail.utoronto.ca and not ■h■■■@mail.utoronto.ca;

- (k) Ms. Patrick pulled the Student's Exam paper and filed it along with two reports of her suspicions that someone was impersonating the Student during the Exam. Ms. Fischer also included her observations in one of those reports;
- (l) on May 31, 2023, the Student met with Professor Susannah Varmuza, Dean's Designate for Academic Integrity at the Faculty of Arts and Science, via Zoom, to discuss the allegation that the Student had had another person write the Exam on the Student's behalf. The Student acknowledges that Professor Varmuza provided them with the Dean's warning contained in the *Code* and that they were aware that they did not have to say anything in the meeting;

- (m) Professor Varmuza explained that the person who presented the Student's TCard did not look like the Student and that in looking at the Student on Zoom, it was clear that the person who wrote the Exam was not the Student.
- (n) the Student read a statement that they had prepared prior to the meeting. In it, the Student admitted to the allegation of personation. The Student explained that because they were not doing well in the Course, their father had arranged for someone else to write the Exam for them. While the Student had initially tried to argue with their father that they could write the Exam themselves, the Student eventually gave this unknown person their TCard so that they could complete the Exam in the Student's place. The Student explained that their father was abusive and that they were experiencing physical and mental health challenges, as well as financial challenges; and
- (o) at the Dean's meeting, the Student admitted that they had not written the Exam in the Course. The Student admitted that he had committed an academic offence by providing their TCard to someone else with the intention that they would write the Exam for the Student.

7. In the ASF, the Student admitted and acknowledged that:

- (a) they did not write the Exam themselves. Instead, they provided their TCard and the details about the Exam to another individual so that this person, paid by the Student's father, could attend the Exam using the Student's identification to write the Exam as if they were the Student;
- (b) they knowingly had someone personate them in order to write the Exam and obtain a better mark than the Student expected to obtain for themselves, contrary to sections B.I.1(c) and B.II.2 of the *Code*; and,
- (c) they 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 Exam, contrary to section B.I.3(b) of the *Code*.

8. The Student further acknowledged in the ASF that they had received a copy of the Charges, waived reading of the Charges, and pleaded guilty to all of the Charges.

9. Counsel for the University submitted that based on the foregoing, it had established the factual basis for the Tribunal to accept the plea of guilty to charge 1 of the Amended Charges. Counsel advised the Tribunal that if the Tribunal returned a conviction on that charge, the University would withdraw the other two charges in the Amended Charges.

10. When invited to respond to counsel for the University's submissions on the merits of the charges, the Student read a statement consistent with the facts in the ASF.

11. Based on the facts set out in the ASF as set out above, the Tribunal finds that the Student did commit the offence set out in the first charge in the Amended Charges. The Student has admitted that they provided another person with the Student's TCard so that that person could write the Exam in the Student's place. That other person then did just that. Those actions constitute the offence of knowingly having another person personate the Student at the Exam in the Course contrary to section B.I.1(c) of the Code. The Tribunal therefore accepts the Student's plea of guilty and finds the Student guilty of the first charge in the Amended Charges. With the Tribunal having reached that decision, the University withdrew the other two charges in the Amended Charges.

## **Sanction**

### *Evidence*

12. After the Tribunal accepted the Student's guilty plea to charge 1 of the Amended Charges, the hearing moved into the sanction phase. At the outset of this phase, counsel for the University

provided the Tribunal with an agreed statement of facts on penalty (the “ASF on Penalty”). Appended to the ASF on Penalty were copies of:

- (a) text messages between the Student and their father dated April 1 and April 19, 2023;
- (b) text messages between the Student and their mother dated April 9, 2023;
- (c) a doctor’s letter from the Guangzhou Psychological Clinic dated April 8, 2023; and
- (d) an English translation of the above documents, which were all written in Chinese, prepared by the University.

13. Based on the English translation of the text messages prepared by the University, the text messages indicated that on April 1, 2023, the Student’s father had suggested that the Student was useless, slow-witted and a blockhead, and that the father wanted to hire a ghost writer to take the Exam instead of the Student. The Student’s father complained about how much it was costing to send the Student to school and said the Student needed to come back if the Student argued any more.

14. The text messages then show that on April 9, 2023, the Student told their mother that they had been diagnosed with depression and that after the talk (presumably with the Student’s father) the Student had no appetite and no interest in anything, all the Student wanted to do was sleep. The Student’s mother told the Student that his father had his own stresses, that they had spent a lot of money to support the Student while he was studying abroad, and that the family’s financial status was not as stable as before.

15. The texts between the Student and their father indicate that on the day of the Exam, April 19, 2023, the Student’s father texted the Student, telling the Student that someone would come to knock on his door, and reminding the Student to pass their TCard to that person.



16. The translation of the doctor's note indicated that the Student had seen Weijun Wang, a doctor with the Guangzhou Baiyun Psychological Clinic, on April 8, 2023. Dr. Wang concluded that the Student was intending to escape from reality and had moderate anxiety. Dr. Wang recommended that the Student keep an open, optimistic mind, seek help from their friends, and take practical actions to improve their self-confidence.

17. Counsel for the University took the position that although the text messages and doctor's letter were included as part of the ASF on Penalty, the University had not agreed to their authenticity or the truth of their contents, and as such, the Tribunal could attach no weight to them. Counsel for the University stated that for the Tribunal to give the text messages and doctor's letter any weight, the Student had to testify about them and be cross examined on that evidence. Without accepting the validity of that position, the Tribunal invited the Student to give evidence about the documents, while noting that in doing so the Student would be open to cross examination by the University's counsel. The Tribunal then adjourned the hearing to allow the Student an opportunity to consider how they wanted to proceed. When the hearing resumed, the Student advised the Tribunal that they were prepared to give evidence about the documents and be cross examined on that evidence.

18. After being affirmed, the Student testified that the texts were the texts they had exchanged with their father and mother before the Exam. The substance of the Student's evidence was that their father was unhappy with their marks in the Course. While the Student wanted to write the Exam themselves, their father did not believe they could achieve a good mark so decided to find someone else to write the Exam. The Student went along with that plan because they could not stand up to their father.

19. In cross examination, the Student repeated that their father was unhappy with them about their math grades. They confirmed that they were living in Toronto and their father was in China. They agreed that they lived about five minutes from the place where the Exam was being written. The person sent by their father showed up at their home about twenty minutes before the Exam. The Student gave their TCard to that person. The Student stated that they did not know if that person would know where the Exam was being written unless the Student told them. The Student stated that they did not have the courage to stand up to their father.

20. We accept the Student's evidence that the texts are genuine. Based on the texts and the Student's evidence at the hearing, we accept that the idea of having someone impersonate the Student originated with the Student's father. We accept the Student's evidence that their father pressured them into having someone write the Exam instead of them, and that they were experiencing mental health issues in this time period. At the same time, we also find that the Student provided their TCard to the person who impersonated them knowing that that person planned to write the Exam for them.

### ***Submissions***

21. Counsel for the University submitted that impersonation was a very serious offence deserving of very serious sanctions. Pointing to such cases as the *University of Toronto and H.Z.* (Case No. 1474, July 17, 2023), the *University of Toronto and F.Z.* (Case No. 1243, December 20, 2022) and the *University of Toronto and P.L.* (Case No. 1211, September 23, 2021), counsel argued that impersonation convictions typically resulted in a penalty of a mark of zero in the course and a five-year suspension. Recommending a student's expulsion was not without precedent as

could be seen by cases such as the *University of Toronto and Z.T.* (Case No. 758 December 4, 2015) and the *University of Toronto and M.J.S.* (Case No. 735, October 2, 2014).

22. Counsel for the University stated that ordinarily the University would be seeking expulsion, but based on the unique facts of this case, the University was seeking a lesser penalty having regard to the Student's admissions, cooperation, difficult family circumstances, and the fact that this was the Student's first offence. As a result of those circumstances, the University asked the Tribunal to impose a grade of zero in the Course and four years, eight-month suspension starting on May 1, 2024 and ending on December 31, 2028, and a notation of the sanction on the Student's academic record and transcript for five years and eight months from the date of the order.

23. Counsel for the University noted that delaying the starting date of the suspension to May 1, 2024, would provide the Student with the opportunity to complete the courses they were currently taking. The period of suspension was lower than the typical penalty in impersonation cases, but appropriate in this case considering that the Student had no prior record of any academic offences, had admitted their guilt, and had cooperated throughout the discipline process. At the same time the sanction was in line with the penalty imposed in previous impersonation cases, and reflected the fact that the Student committed the offence with full knowledge at all material times that they were doing so. Additionally, the Student had failed to reach out to anyone for help in the 18 days between the date on which the Student's father had first suggested hiring someone else to take the Exam and the date on which the Exam took place.

24. In response, the Student asked the Tribunal to impose a much lower penalty noting the financial consequences any suspension would have on them and their family, and the effect the

suspension would have on their future. When asked if they planned to return to the University after any suspension, the Student indicated that they did not know.

***Decision***

25. 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.

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

- (a) ***Character:*** Based on the oral and documentary evidence, and the fact that the Student cooperated with the disciplinary process and attended the hearing itself, and without excusing the Student's conduct in any way, we are prepared to accept that the Student succumbed to the pressure placed upon them by their father to allow someone to impersonate them rather than a general disregard of the values

embodied by the Code. As such, beyond the obvious issues posed by the offence itself, we do not believe that the Student's character is a negative factor in this case. The fact that the Student had no prior record of any academic offences reinforces this belief.

- (b) ***Likelihood of Repetition:*** Based on the evidence before us, we do not believe that the Student is likely to re-offend in the future. The Student had no prior record of academic offences while the circumstances of this particular offence are unlikely to be repeated.
  
- (c) ***Nature of the Offence:*** This is likely the most important factor in this case. As the precedent cases cited by counsel for the University make clear, impersonation is a very serious offence meriting a serious sanction. There are many reasons for its status. Having someone else write one's examination is not something done lightly or without advance planning. As such, it is rarely something done on the spur of the moment. Sometimes it involves monetary payments to the impersonator. It is much worse than simple plagiarism given that it involves an attempt to submit the work of a completely different person rather than one's own.

For all those reasons, penalties for impersonation convictions typically range from a suspension of five years to a recommendation for expulsion. Students who have cooperated with the University, admitted guilt, and shown extenuating circumstances have typically received a five-year suspension. Students who have a record of previous academic misconduct, have not cooperated, have not pleaded guilty or have failed to show any extenuating circumstances have typically received

a recommendation that they be expelled. Counsel for the University was not aware of any case (nor is the Tribunal) in which a student found guilty of impersonation has received a suspension of less than five years.

- (d) ***Extenuating Circumstances:*** As noted earlier, the Tribunal accepts the Student's evidence that the idea of having someone take the Exam for them was not their idea but rather originated with their father, as well as the evidence that the Student was under a high degree of stress and possibly suffering from depression at the time of the offence. There is no excuse for the Student's conduct, but these circumstances help to explain it, and as such tend to support a sanction that is at or possibly below the norm for such an offence.
- (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 tells 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.

27. 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. We are not prepared to recommend expulsion in this case. The Student has no prior record of academic offences, cooperated with the discipline process and pleaded guilty. Unlike some of the students in the cases where the Tribunal recommended expulsion, the Student attended and gave evidence at the

hearing, accepting that his conduct was wrong and attempting to explain it. Those factors tend to point to a penalty on the lower end of the typical range.

28. The Tribunal notes that the period of suspension requested by counsel for the University was not just at the lower end of the range, it was four months lower than the lowest period of suspension previously imposed, namely a five-year suspension. We conclude that this small deviation from the typical low end of the range is appropriate based on the specific facts of this case, in particular the fact that the Student did not originate the idea of having someone impersonate them, the pressure the Student's father placed on the Student, the Student's mental condition, the Student's early admission of guilt and cooperation with the discipline process, guilty plea, and attendance at the hearing. Had any of those circumstances not been present we would have imposed a longer period of suspension, and possibly recommended expulsion given the seriousness of the offence of impersonation.

### **Order**

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

- (a) the Student be found guilty of one count of impersonation in connection with the final exam in the Course on April 19, 2023 contrary to section B.I.1(c) of the *Code*;
- (b) the Student be given a final grade of zero in the Course;
- (c) the Student be suspended from the University for a period of four years and eight months from May 1, 2024 to December 31, 2028;

- (d) the sanction be noted on the Student's academic record and transcript for a period of five years and eight months starting as of February 21, 2024; and,
- (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 22nd day of May 2024.

Original signed by:

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Seumas Woods, Chair  
On behalf of the Panel