

**Case No.: 1577**

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty 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 am. S.O. 1978, c. 88

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

**THE UNIVERSITY OF TORONTO**

**- and -**

**D [REDACTED] B [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** June 3, 2024, via Zoom

**Members of the Panel:**

F. Paul Morrison, Chair

Professor Joseph Clarke, Faculty Panel Member

Alexander Bowie, Student Panel Member

**Appearances:**

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

Chloe Hendrie, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

D [REDACTED] B [REDACTED]

**Hearing Secretary:**

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

1. On the 3<sup>rd</sup> day of June 2024, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against D [REDACTED] B [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

**A. CHARGES AND PARTICULARS**

2. The Charges were as follows:
  1. On or about July 8, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the Term Test in MAT102H5 2021(5), contrary to section B.I.1(b) of the Code.
  2. In the alternative to Charge 1, on or about July 8, 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 Term Test in MAT102H5 2021(5), contrary to section B.I.3(b) of the Code.
  3. On or about August 13, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Assignment 2 in CSC148H5S 2021(5), contrary to section B.I.1(b) of the Code.
  4. In the alternative to Charge 3, on or about August 13, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in Assignment 2 in CSC148H5S 2021(5), contrary to section B.I.1(d) of the Code.
  5. In the alternative to Charges 3 and 4, on or about August 13, 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 Assignment 2 in CSC148H5S 2021(5), contrary to section B.I.3(b) of the Code.

6. On or about February 22, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Assignment 1 in CSC148H5S 2022(1), contrary to section B.I.1(b) of the Code.
7. In the alternative to Charge 6, on or about February 22, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Assignment 1 in CSC148H5S 2022(1), contrary to section B.I.1(d) of the Code.
8. In the alternative to Charges 6 and 7, on or about February 22, 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 contrary to section B.I.3(b) of the Code, in connection with Assignment 1 in CSC148H5S 2022(1).
9. On or about April 5, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Assignment 2 in CSC148H5S 2022(1), contrary to section B.I.1(b) of the Code.
10. In the alternative to Charge 9, on or about April 5, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Assignment 2 in CSC148H5S 2022(1), contrary to section B.I.1(d) of the Code.
11. In the alternative to Charges 9 and 10, on or about April 5, 2022, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Assignment 2 in CSC148H5S 2022(1), contrary to section B.I.3(b) of the Code.

**Particulars of the offences charged are as follows:**

1. You were a student enrolled at the University of Toronto Mississauga at all material times.

MAT102H5Y 2021(5) Offences — Charges 1 to 2

2. In Summer 2021, you enrolled in MAT102H5Y 2021(5): Introduction to Mathematical Proofs ("MAT102").
3. Students in MAT102 were required to write a Term Test, which was worth 24% of their final grade.
4. The Term Test was administered online on July 8, 2021, from 6:10 pm to 8:00 pm. The instructions for the Term Test stated that students were only allowed to use class notes, the textbook, and their own knowledge and understanding of the course material to complete the test. Students were expected to solve the problems on their own, without external assistance. Students were prohibited from using any other aids and were prohibited from transmitting and receiving information from others by any means.
5. On or about July 8, 2021, you wrote and submitted the Term Test.
6. You knew that you were required to submit your own work in the Term Test, and that you were not permitted to collaborate with others or to utilize information from a source that was not your class notes, the textbook, and your own knowledge and understanding of the course materials to complete the Term Test.
7. You knowingly used or possessed an unauthorized aid or aids, including notes from a prior semester's tutorial, which were obtained from a source outside of your class notes or the textbook, and/or obtained unauthorized assistance from others to complete your Term Test.

8. You knowingly submitted your Term Test 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.
9. 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 Term Test.

CSC148H55 2021(5) Offences — Charges 3 to 5

10. In Summer 2021, you enrolled in CSC148H5S 2021(5): Introduction to Computer Science ("CSC148 2021").
11. Students in CSC148 2021 were required to submit two assignments, among other things. Each assignment was worth 15% of the total course mark.
12. The course syllabus for CSC148 2021 clearly stated that the work that students submitted was required to be their own and that it was an academic offence to copy someone else's work, with or without changes, or to allow someone to copy their work. Students were prohibited from collaborating on assignment solutions.
13. On or about August 13, 2021, you submitted your Assignment 2.
14. You knew that you were required to submit your own work in Assignment 2, and that you were not permitted to collaborate with or copy from others and/or to obtain unauthorized assistance from anyone else in completing the assignment.
15. You knowingly obtained unauthorized assistance from other students or others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Assignment 2.
16. You submitted the Assignment 2:

- (a) to obtain academic credit;
- (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including other students in CSC148 2021; and
- (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.

17. You knowingly submitted Assignment 2 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.
18. You knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Assignment 2.

CSC148H5S 2022(1) Offences — Charges 6 to 11

19. In Winter 2022, you enrolled in CSC148H5S 2022(1): Introduction to Computer Science ("CSC148 2022").
20. Students in CSC148 2022 were required to submit two assignments, among other things. Each assignment was worth 15% of the total course mark.
21. The course syllabus for CSC148 2022 stated that it was an offence to obtain or provide unauthorized assistance on any assignment and to use someone else's ideas or words without appropriate acknowledgement in an assignment. Students were instructed to never look at another student's assignment solution(s) and to never show another student their assignment solution(s). The course syllabus also clearly stated that the work that students submitted was required to be their own and that it was an academic offence to copy someone else's work, with or without changes, or to allow someone to

copy their work. Students were prohibited from collaborating on assignment solutions.

22. On or about February 22, 2022, you submitted your Assignment 1 in CSC148 2022.
23. On or about April 5, 2022, you submitted your Assignment 2 in CSC148 2022.
24. You knew that you were required to submit your own work in Assignment 1 and Assignment 2, and that you were not permitted to collaborate with or copy from others and/or to obtain unauthorized assistance from anyone else in completing these academic requirements.
25. You knowingly obtained unauthorized assistance from other students or others, and/or you knowingly provided unauthorized assistance to other students or others in connection with Assignment 1 and Assignment 2.
26. You submitted the Assignment 1 and Assignment 2:
  - (a) to obtain academic credit; and
  - (b) knowing that they contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including other students in CSC148 2022 and a student who had been previously enrolled in CSC148; and
  - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
27. You knowingly submitted Assignment 1 and Assignment 2 with the intention that the University of Toronto rely on them as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

28. You knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with Assignment 1 and Assignment 2.

**B. AGREED STATEMENT OF FACTS**

3. The hearing proceeded, on consent, by way of an Agreed Statement of Facts (the "Agreed Statement" or "ASF"). Included as part of the submission of the Agreed Statement was a Book of Documents (Re: Finding of Offence) which was marked as Exhibit 1 at the hearing.
4. The Agreed Statement provides as follows:
  1. This matter arises out of charges of academic misconduct filed on November 14, 2023 (the "Charges") by the Provost of the University of Toronto (the "Provost" and the "University") under the Code of Behaviour on Academic Matters (the "Code"). The Provost and D [REDACTED] B [REDACTED] (the "Student") have prepared this Agreed Statement of Facts ("ASF") and a Joint Book of Documents ("JBD"). The Provost and the Student agree that:
    - (a) each document contained in the JBD may be admitted into evidence for all purposes, including for the truth of the document's contents (unless otherwise indicated in this ASF), 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 (unless otherwise indicated in this ASF).
  2. The Student acknowledges that he has received a copy of the charges, waives the reading of the charges, and pleads guilty to all charges. A copy of the charges is included in the JBD at Tab 1.
  3. The Provost agrees that if the Tribunal returns a conviction on charges 1, 3, 6, and 10, the Provost will withdraw the remaining alternative charges.



4. The Student admits that he received a copy of the Notice of Virtual Hearing in this matter and that he has received reasonable notice of this hearing. A copy of the Notice of Virtual Hearing is included in the JBD at Tab 2.

**A. *The Student's Academic History***

5. The Student first registered with the University of Toronto Mississauga ("UTM") in Fall 2018. He has completed 6.5 credits and has a cumulative GPA of 1.37. The Student was placed on academic probation after the Winter 2019 term due to a low cumulative GPA. The Student served a one-year suspension following the Fall 2019 term. The Student returned to UTM for the Fall 2020 term. The Student was again placed on academic probation following the Winter 2021, Winter 2022, and Winter 2023 terms. The Student has not enrolled in courses at the University since the Winter 2023 term ended. A copy of the Student's academic record is included in the JBD at Tab 3.

**B. *MAT102H5S 2021(5) – Summer 2021***

6. In the Summer 2021 term, the Student was enrolled in MAT102H5 2021(5): Introduction to Mathematical Proofs ("MAT102"), taught by Nadya Askaripour and Angel Martinez.

7. The syllabus for MAT102 contained a section on Academic Integrity (on page 4) which stated, among other things, that the work students submitted was required to be their own and could not contain anyone else's work or ideas without proper attribution. It also stated that students were expected to read a handout about how not to plagiarize and to be familiar with the Code. A copy of the MAT102 syllabus is included in the JBD at Tab 4.

8. As part of the MAT102 course requirements, students were required to write a term test worth 24% of their final grade (the "MAT102 Term Test"). The MAT102 Term Test was conducted virtually on July 8, 2021. It consisted of seven questions. Students had 90 minutes to answer the

questions, with an additional 20 minutes to upload and submit their answer files for each question through Crowdmark. The instructions for the MAT102 Term Test are included in the JBD at Tab 5.

9. Students were permitted to access only their class notes and the textbook; they were not permitted to access any other sources. The first page of the MAT102 Term Test instructions set out the rules about what materials could and could not be used:

-You are allowed to use your class notes and the textbook. . You are allowed to use your own knowledge and understanding of the course material. You are expected to solve the problems on your own, without external assistance. You are not allowed to use any other aids. You may not transmit or receive information from any other individual, whether in person, digitally, or by some other means. You may not access the internet, except to download and print your test, and to submit it digitally through Crowdmark.

10. As part of the MAT102 Term Test, students were required to sign an academic integrity declaration, which stated:

In submitting this test, I confirm that my conduct during this test adheres to the Code of Behaviour on Academic Matters. I confirm that I did 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.

11. The Student submitted his answers for the MAT102 Term Test on Crowdmark on July 8, 2021. The Student did not complete the academic integrity declaration. A copy of the Student's MAT102 Term Test submission, written in Booklet 178, is included in the JBD at Tab 6.

12. During the marking process, the Teaching Assistant who graded question 4 advised Ms. Askaripour that they had identified similarities between the Student's answer for question 4 and the answer submitted by Kiara Callendar ("K.C."), another student in MAT102. The Teaching Assistant also informed Ms. Askaripour that both the Student and K.C.'s answers for question 4 were incorrect.

13. A copy of K.C.'s MAT102 Term Test submission is included in the JBD at Tab 7.

14. Question 4 asked students whether a given set  $(\mathbb{Q} \cap (-1; 1))$  with usual addition and multiplication was a field. A field is a set with at least two elements and two operations that satisfy some axioms or rules ("Field Axioms"). Question 4 was not a true or false question; rather, students were expected to answer whether the given set was or was not a field. If the set was a field, students were expected to prove this; if the set was not a field, students were expected to show that at least one of the Field Axioms failed using a counterexample.

15. The correct answer to question 4 was that the given set was not a field. There was a range of possible counterexamples that could be given to correctly answer question 4, and these could be represented in different ways. There were also several Field Axioms that failed in the given set. Accordingly, when Ms. Askaripour reviewed the MAT102 Term Tests that students submitted, she saw a range of answers to question 4 from students who answered this question.

16. After being notified about the similarities between the Student's and K.C.'s test answers, Ms. Askaripour reviewed the Student's MAT102 Term Test and K.C.'s MAT102 Term Test. Upon reviewing, Ms. Askaripour identified that their answers to question 4 were nearly identical.

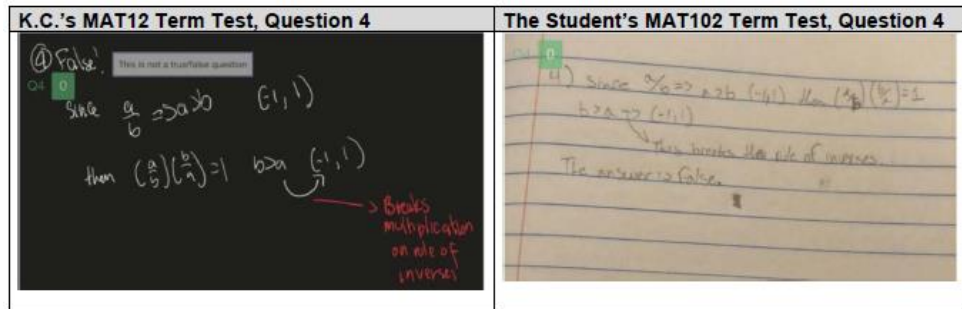
17. In particular, the Student and K.C.'s answers to question 4 were incorrect and illogical in the same ways. The similar illogical and/or unusual aspects of their answers included:

- (a) the Student and K.C. answered question 4 in a general way, using "a" and "b", rather than using numbers to provide numerical counterexamples. This was unusual and contrary to what students are taught: if they want to prove that something is not a field, they should use a specific numerical counterexample (rather than variables such as "a" and "b"). The majority of students who

answered question 4 in the MAT102 Term Test used numerical counterexamples;

- (b) neither the Student nor K.C. included an explanation about what “a” and “b” represented in their equations, nor did they include any explanation of what assumptions were being made about those variables in their answers. As a result, the Student and K.C.’s answers to question 4 included characters and variables that did not have much meaning (because they were missing the necessary explanation);
- (c) question 4 did not ask students to indicate if the answer was true or false, yet both the Student and K.C. answered that it was false; and
- (d) the Student and K.C.’s answers both stated that the given set broke the “Rule of Inverses”. The more commonly used terminology is the Axiom of Inverses, although both are correct to use.

18. A side-by-side of the Student and K.C.’s answers to question 4 of the MAT102 Term Test is included below, and in the JBD at Tab 8:



19. During her review of the Student and K.C.’s MAT102 Term Tests, Ms. Askaripour also identified similarities in the Student and K.C.’s answers to question 3. In particular, she identified that:

- (a) the Student and K.C. both used “G” as a variable in their equations which was very uncommon. Students in MAT102 had

encountered questions similar to question 3 in the course materials, and “G” was not used as a variable in the solutions for those questions. The Student and K.C. were the only two students to use the variable “G” to answer question 3; and

- (b) the Student and K.C.’s answers were structured similarly. The way that the Student and K.C. structured their answers (for instance, “G = (a,b)”) differed from how the majority of the other students who answered question 3 structured their answers (which was “(x,y) ← A”).

20. A side-by-side comparison of the Student and K.C.’s answers to question 3 is included in the JBD at Tab 9.

21. Given the nature and extent of the similarities she observed in the Student and K.C.’s answers, Ms. Askaripour concluded that it was very likely they worked together or shared their work to questions 3 and 4 with one another, or obtained their answers from the same source. In her experience, it was very unlikely that the Student and K.C. could have written such highly similar answers by coincidence.

22. Ms. Askaripour met with the Student to discuss her concerns about the Student’s MAT102 Term Test on July 29, 2021. Ms. Askaripour also met with K.C. in a separate meeting.

**C. CSC148 2021(5) – Summer 2021**

23. In Summer 2021 the Student was also enrolled in CSC148H5: Introduction to Computer Science (“CSC148 2021”). CSC148 2021 was taught by Professor Ilir Dema and Michael Miljanovic.

24. K.C. was also enrolled in CSC148 2021.

25. The CSC148 2021 syllabus contained a detailed Academic Integrity section (on page 3) that emphasized the importance of academic integrity and advised that the University takes academic offences seriously. The

Code was hyperlinked in this section of the syllabus. The Academic Integrity section included the following:

The work you submit must be your own. It is an academic offence to copy someone else's work, with or without changes. This includes their code, their words, and even their ideas. Whether you copy or let someone else copy, it is an academic offence...

At the same time, we want you to benefit from working with other students. You are welcome to work **appropriately** with other students. To clarify, it is appropriate to discuss course material and technology related to assignments, and we encourage you to do so. For example, you may work through examples that help you understand course material or new technology or help each other configure your system to run a supporting piece of software. You may also discuss assignment requirements.

However, **collaboration on preps or assignment solutions is strictly forbidden**. The most certain way to protect yourself is not to discuss solutions or the ideas behind them with other students. Certainly, you must not let others see your solutions, even in draft form. Please don't cheat. We want you to succeed and are here to help if you are having difficulty.

26. A copy of the syllabus for CSC148 2021 is included in the JBD at Tab 10.

27. As part of the CSC148 2021 requirements, students were required to submit two assignments that were each worth 15%. Assignment 2 ("CSC148 2021 Assignment 2") was due on August 13, 2021.

28. The Student submitted CSC148 2021 Assignment 2 as required.

29. The Student's CSC148 2021 Assignment 2 was submitted to Measure of Software Similarity ("MOSS"). MOSS detects programming and coding similarities and is used as a plagiarism detection program for software. MOSS creates a report identifying similarities in the structure and content of code in two assignments, and uses colour coding to identify similar code fragments (including similar fragments that differ slightly due to cosmetic changes). Black text in a MOSS report typically indicates code that was given to a student – such as assignment instructions or starter code – or code that is sufficiently different as between assignments. Coloured text

typically indicates similarities in code fragments and colour matches identify the similar pieces of code in the two pieces of work.<sup>1</sup>

30. MOSS identified similarities in the codes submitted by the Student and by K.C. in their CSC148 2021 Assignment 2. The MOSS report indicated a 22% similarity index between the code in their assignments. An annotated excerpt of the MOSS report for the Student's and K.C.'s CSC148 2021 Assignment 2 is included in the JBD at Tab 11 and below.

31. Upon review, Professor Dema identified that both students' CSC148 2021 Assignment 2 contained two pieces of identical code, coloured in red and blue in the MOSS report. The pieces of identical code were as follows:

The Student's CSC148 2021 Assignment 2	K.C.'s CSC148 2021 Assignment 2
<pre>        return None         node._value = ''         if not bool(node._children):             self._children.pop(key)         else:             result = self._children.get(key[0])._delhelper(key)             if result:                 self._children.pop(key[0])  def _delhelper(self, key: str) -&gt; bool:     if len(key) == 1:         self._value = ''         if not bool(self._children):             return True # True means destroy child false means don't         else:             return False     new_key = key[1:]     next_letter = key[1]     next_node = self._children.get(next_letter)     result = next_node._delhelper(new_key)</pre>	<pre>        return None         branch._value = ''         if not bool(branch._children):             self._children.pop(key)         else:             fin_state = self._children.get(key[0])._delhelper(key)             if fin_state:                 self._children.pop(key[0])  def _delhelper(self, key: str) -&gt; bool:     if len(key) == 1:         self._value = ''         if not bool(self._children):             return True # True means destroy child false means don't         else:             return False     keys = key[1:]     letters = key[1]     branches = self._children.get(letters)     fin_state = branches._delhelper(keys)</pre>
<pre>&gt;&gt;&gt; trie.sort() ['apple', 'banana', 'cherry'] &gt;&gt;&gt; trie.sort(decreasing=True) ['cherry', 'banana', 'apple'] '''  words = [] self.sort_help(words, float("inf")) if bool(decreasing):     return words[::-1]</pre>	<pre>&gt;&gt;&gt; trie.sort() ['apple', 'banana', 'cherry'] &gt;&gt;&gt; trie.sort(decreasing=True) ['cherry', 'banana', 'apple'] '''  lst_of_words = [] self.sort_help(lst_of_words, float("inf")) if bool(decreasing):     return lst_of_words[::-1]</pre>

32. Professor Dema met with the Student via Zoom to discuss CSC148 2021 Assignment 2. Professor Dema also met with K.C. via Zoom. At her meeting, K.C. admitted that she discussed parts of the solutions for CSC148 2021 Assignment 2 with other students.

**D. Meetings with Dean's Designates about MAT102 and CSC148 2021**

<sup>1</sup> MOSS may not identify all similarities in two assignments. It is also possible that MOSS will identify content that is given to students (either as starter code or assignment instructions) as similarities (using colour matches) in the MOSS report. Accordingly, MOSS reports are a tool used to detect plagiarism but human review is nevertheless required.

### **1. The Student's Dean's Meeting**

33. On February 24, 2022, the Student met with Professor Timothy Yusun, Dean's Designate for Academic Offences at UTM to discuss the allegations in respect of the MAT201 Term Test and CSC148 2021 Assignment 2. The Student was accompanied by a representative from Downtown Legal Services. Professor Yusun read the Student the required warnings from the Code.

34. During the meeting, the Student admitted to receiving unauthorized assistance for the MAT102 Term Test. He said he had used notes from a prior semester which he had received from K.C. to write the test.

35. The Student also admitted at this meeting to receiving unauthorized assistance to complete his CSC148 2021 Assignment 2. He said that: he sent K.C. his code to test it for him; he thought K.C. may have forgotten to take out the piece of code in her CSC148 2021 Assignment 2 before she submitted her assignment; and he had done poorly on the first assignment in CSC148 2021 and knew he needed to do better on CSC148 2021 Assignment 2 because the Computer Sciences major required an 80% in the course.

36. Towards the end of the meeting, the Student read out a statement in which he apologized for his mistakes and said he was ashamed of his actions and that he had sought out resources and advice about how to prevent similar incidents in the future. The Student asked that he be given the chance to prove that mistakes like these would not happen again.

37. The matters were forwarded to the Vice-Provost's office.

### **2. K. C.'s Dean's Meeting**

38. On April 8, 2022, K.C. met with Professor Shay Fuchs, Dean's Designate for Academic Offences at UTM. K.C. admitted to obtaining unauthorized assistance in the MAT102 Term Test and to obtaining unauthorized assistance to complete CSC148 2021 Assignment 2. K.C.



gave a similar explanation to the explanation given by the Student about CSC148 2021 Assignment 2. K.C. was sanctioned by Professor Fuchs.

***E. CSC148 2022(1) – Winter 2022***

39. In Winter 2022, the Student enrolled again in CSC148H5S 2022(1): Introduction to Computer Science (“CSC148 2022”). CSC148 2022 was taught by Pooja Vashisth and Professor Bogdan Simion.

40. The CSC148 2022 syllabus contained a detailed Academic Integrity section (on pages 5 and 6). A copy of the CSC148 2022 syllabus is included in the JBD at Tab 12.

41. The Academic Integrity section of the CSC48 2022 syllabus linked the Code and provided examples of potential academic offences, including that it may be an offence in papers and assignments to “[use] someone else’s ideas or words without appropriate acknowledgment” and “[obtain] or [provide] unauthorized assistance on any assignment”. The syllabus also provided several tips for students to help them avoid committing an academic offence, including:

Never look at another student’s lab/assignment solution(s). Never show another student your lab/assignment solution. This applies to all drafts of a solution and to incomplete and even incorrect solutions.

42. The Academic Integrity section of the CSC148 2022 syllabus also contained similar instructions to those in the CSC148 2021 syllabus (excerpted above at paragraph 25), as follows:

The work you submit must be your own. It is an **academic offence to copy someone else's work, with or without changes**. This includes their code, their words, and even their ideas. **Whether you copy or let someone else copy, it is an academic offence**. The department uses software that compares programs for evidence of similar code. **Academic offences are taken very seriously.**

At the same time, we want you to benefit from working with other students...You are also welcome to work appropriately with other students. To clarify, it is appropriate to discuss course material

and technology related to assignments, and we encourage you to do so. For example, you may work through examples that help you understand course material or a new technology, or help each other configure your system to run a supporting piece of software. You may also discuss assignment requirements.

However, **collaboration on preps or assignment solutions is strictly forbidden**. The most certain way to protect yourself is not to discuss solutions or the ideas behind them with other students. Certainly you must not let others see your solutions, even in draft form. Please don't cheat. We want you to succeed and are here to help if you are having difficulty.

43. As part of the CSC148 2022 requirements, students were required to submit two assignments that were each worth 15% of their final grade in the CSC148 2022 ("CSC148 2022 Assignment 1" and "CSC148 2022 Assignment 2", respectively). 1. CSC148 2022 Assignment 1 44. CSC148 2022 Assignment 1 was due on February 22, 2022. CSC148 2022 Assignment 1 was called "The MewbileTech phone company". Students were required to develop a software program to help a mobile phone company track historic customer data. Students were required to complete a warmup task, five coding tasks (including sub-tasks for each), and a written component. The five tasks included Task 3 "Contracts" ("Task 3") and Task 4 "Filtering events and displaying bills" ("Task 4"). A copy of the CSC148 2022 Assignment 1 instructions are included in the JBD at Tab 13.

45. The CSC148 2022 Assignment 1 instructions for the coding portion included general guidelines for the assignment (on page 2), including that students must complete the assignment individually.

46. To complete CSC148 2022 Assignment 1, students were provided with starter code. A copy of the starter code files provided to students for this assignment are included in the JBD at Tab 14 (A-M).

47. The Student submitted CSC148 2022 Assignment 1 as required.

48. As part of the grading process, all CSC148 2022 Assignment 1 submissions were run through MOSS.

49. MOSS detected similarities between the Student's Task 3 and Task 4 submissions for CSC148 2022 Assignment 1 and the assignments submitted by four other students in CSC148 2022: Khahn Nguyen ("K.N."); Mohamed Omar ("M.O."); Shaoze Zhang ("S.Z."); and Yitong Zhou ("Y.Z.").

### **Task 3 – Contract**

50. For Task 3, MOSS identified similarities between the Student's code and the code submitted by each of M.O., K.N., and Y.Z. In particular:

- (a) MOSS identified that 55% of the Student's Task 3 code was similar to M.O.'s Task 3 code. The MOSS report for the Student's and M.O.'s Task 3 code and an annotated side-by-side comparison<sup>2</sup> of their Task 3 codes are included in the JBD at Tab 15 and Tab 16, respectively;
- (b) MOSS identified that 45% of the Student's Task 3 code was similar to K.N.'s Task 3 code. The MOSS report for the Student's and K.N.'s Task 3 code and an annotated side-by-side comparison of their Task 3 codes are included in the JBD at Tab 17 and Tab 18, respectively; and
- (c) MOSS identified that 39% of the Student's Task 3 code was similar to Y.Z.'s Task 3 code. The MOSS report for the Student and Y.Z.'s Task 3 code and an annotated side-by-side comparison of their Task 3 codes are included in the JBD at Tab 19 and Tab 20, respectively.

### **The Student and M.O.**

51. Professor Simion reviewed the Student and M.O.'s Task 3 codes. He found that most of the docstrings in the Student and M.O.'s codes were

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<sup>2</sup> The annotations indicate what lines of the students' code each colour match corresponds to. As noted above, the MOSS reports may not identify all similarities in two assignments, and may flag content that was given to students as similarities (using colour matches). According to Professor Simion, content that was given to students is indicated between three quotation marks (""") in the MOSS reports. The lines of code are set out on the first page of each MOSS report.

virtually identical. He also found that the “free\_minutes” description in the TermContract docstring was identical and that there was identical unusual indentation for several lines in the “Public Attributes” section of code, which included the “free\_minutes” description.

52. In respect of the indentation, Professor Simion observed that in the “Public Attributes” section of the Student and M.O.’s Task 3, the line of code stating “end date for the contract” (underneath “end”) was indented less than the line of code stating “amount of free call minutes given to a customer each month” (underneath “free\_minutes”), which in turn was indented more than the line of code stating “indicated of whether end date of contract passed or not” (underneath “expired”). The amount of indentation of each of these lines of code differed from the others. As shown in green in the MOSS report excerpt below (and at page 128 of the JBD at Tab 16, between lines 73-107 in M.O.’s code and lines 85-119 in the Student’s code), M.O. and the Student’s code both included the same unusual indentation for the code in the “Public Attributes” section.

M.O.'s CSC148 2022 Assignment 1 – Task 3 (Contract)	The Student's CSC148 2022 Assignment 1 – Task 3 (Contract)
<pre data-bbox="402 1144 836 1344">=== Public Attributes === end:     end date for the contract free_minutes:     amount of free call minutes given to customer each month expired:     indicated of whether end date of contract passed or not. === end: datetime.datetime free_minutes: int expired: bool</pre>	<pre data-bbox="883 1144 1317 1344">=== Public Attributes === end:     end date for the contract free_minutes:     amount of free call minutes given to customer each month expired:     indicated of whether end date of contract passed or not. === end: datetime.datetime free_minutes: int expired: bool</pre>

53. As described below, Professor Simion also observed identical indentation in this section of Y.Z.’s Task 3 code.

54. In Professor Simion’s experience, these similarities could not occur by pure coincidence. This is because students had to implement the “Public Attributes” section of code on their own, as it was not provided in the starter code. To achieve the particular indentations shown above, the students would have had to manually input all of the spaces themselves into each line of code, and to have done so in exactly the same way.

55. Based on his review, Professor Simion suspected that entire portions of code had been copied and that the Student and M.O. had not worked independently on their codes.

The Student and K.N.

56. Professor Simion reviewed the Student’s and K.N.’s Task 3 codes. He found that both students included identical docstrings. In particular, Professor Simion found that both the Student and K.N. used an identical attribute in the “TermContract” with identical grammatically incorrect descriptions – “indicated of whether end date of contract passed or not” – as shown in the first line of green text in the MOSS report excerpt below (and at page 141 of the JBD at Tab 18, at line 102 in the Student’s code and line 105 in K.N.’s code):

The Student’s CSC148 2022 Assignment 1 – Task 3 (Contract)	K.N.’s CSC148 2022 Assignment 1 – Task 3 (Contract)
<pre>expired: amount of free call minutes given to customer each month other indicated of whether end date of contract passed or not. ... end: datetime.datetime free_minutes: int expired: bool  def __init__(self, start: datetime.date, end: datetime.date) -&gt; None:</pre>	<pre>Amount of free call minutes given to customer each month. expired: other indicated of whether end date of contract passed or not. ... end: datetime.date free_mins: int expired: bool  def __init__(self, start: datetime.date, end: datetime.date) -&gt; None:</pre>

57. M.O.’s code also included the identical grammatically incorrect description of this attribute in the “TermContract” (at page 141 of the JBD at Tab 16, in/around line 90 in M.O.’s code).

58. Overall, Professor Simion identified entire passages of code in the Student and K.N.’s Task 3 code, including identical docstrings, that he suspected had been copied from each other or another unauthorized source. His impression was that the students had made cosmetic changes to the code in an effort to obscure the similarities in their codes. In Professor Simion’s experience, these similarities could not have arisen by sheer coincidence.

The Student and Y.Z

59. Professor Simion reviewed the Student and Y.Z.'s Task 3 codes. Based on his review, Professor Simion identified entire passages of code in the Student and Y.Z.'s CSC148 2022 Assignment 1 that he suspected were copied from each other or another unauthorized source. The similarities he observed included docstrings that students had to write themselves from scratch that were too similar in both the Student's and Y.Z.'s Task 3 code to have occurred by coincidence.

60. In particular, Professor Simion observed identical indentation of the Student and Y.Z.'s code in the "Public Attributes" section of code. In particular, Professor Simion identified that "end date for the contract" (under "end") was indented less than "amount of free call minutes given to customers each month" (under "free\_minutes"), which in turn was indented more than the line of code under "expired" (in the Student's code) and "active" (in Y.Z.'s code). The level of indentation in each of these lines of code was identical in the Student and Y.Z.'s code, as shown in red in the MOSS report excerpt below (and at page 154 of the JBD at Tab 20, at lines 94-102 in the Student's code and lines 94-101 of Y.Z.'s code). In Professor Simion's experience, this similarity could not happen by pure coincidence for the same reasons described above in paragraph 54.

The Student's CSC148 2022 Assignment 1 – Task 3 (Contract)	Y.Z.'s CSC148 2022 Assignment 1 – Task 3 (Contract)
<pre>This class inherits Contract superclass.  === Public Attributes === end:   end date for the contract free_minutes:   amount of free call minutes given to customer each month expired:   indicated of whether end date of contract passed or not.</pre>	<pre>=== Public Attributes === end:   end date for the contract free_minutes:   amount of free call minutes given to customer each month active:   status of the TernContract, depends on if the &lt;end&gt; is passed.</pre>

61. As noted above in paragraphs 51-53, Professor Simion also identified similarities in the indentation of the Student and M.O.'s "Public Attributes" code for their Task 3 code. The indentation was the same across the Student, M.O.'s, and Y.Z.'s code. Professor Simion compared this section of three students' code, and observed that the wording in this section of the Student and M.O.'s code was identical and that Y.Z.'s code was largely the same, except for cosmetic changes in the last two lines of this section of code (for instance, changing "active" to "expired").

#### **Task 4 – Filter**

62. For Task 4, MOSS identified similarities between the Student’s code and the code submitted by M.O. and S.Z. In particular:

- (a) MOSS identified that 34% of the Student’s Task 4 code was similar to M.O.’s Task 4 code. The MOSS report for the Student and M.O.’s Task 4 code and an annotated side-by-side comparison of their Task 4 code are included in the JBD at Tab 21 and Tab 22, respectively.
- (b) MOSS identified that 25% of the Student’s Task 4 code was similar to Y.Z.’s Task 4 code. The MOSS report for the Student and Y.Z.’s Task 4 code and an annotated side-by-side comparison of their Task 4 code are included in the JBD at Tab 23 and Tab 24, respectively.

#### **The Student and M.O.**

63. Professor Simion reviewed the Student and M.O.’s Task 4 codes. He identified similarities in their codes, including identical docstrings and that the Student and M.O. listed the “Error” types in the exact same order in their ‘apply’ methods. Professor Simion was of the view that these similarities could not have occurred by coincidence. He suspected that entire portions of code had been copied and that the Student and M.O. had not worked independently on their codes.

#### **The Student and S.Z.**

64. Professor Simion reviewed the Student’s and S.Z.’s Task 4 codes. He found that both students’ code contained identical implementation of the filters, with only cosmetic changes that Professor Simion suspected had been made with the intention of thwarting plagiarism detection. Professor Simion also found that in the ‘apply’ methods of their code, the Student and S.Z.’s codes handled the exceptions in the exact same order, had the same order of assertions, had the same variable assignment order, and followed

the same structure. In Professor Simion's experience, these similarities could not have happened by coincidence.

### **Academic Offence Meetings**

65. The Student met with Professor Simion about his CSC148 2022 Assignment 1 on March 2, 2022. The matter was subsequently forwarded to the UTM Academic Integrity Office. The Student declined to meet with a Dean's Designate about this matter, and it was forwarded to the Vice-Provost's Office.

66. K.N., M.O., and S.Z. admitted either to Professor Simion or to the UTM Academic Integrity Office that they had collaborated with others and/or obtained unauthorized assistance from online sources to complete CSC148 2022 Assignment 1.

### **2. CSC148 2022 Assignment 2**

67. CSC148 2022 Assignment 2 was due on April 5, 2022. CSC148 2022 Assignment 2 was called "Huffman tree compression". The assignment required students to complete functions that could be used to compress and decompress a file using the Huffman form of compression. A copy of the CSC148 2022 Assignment 2 instructions is included in the JBD at Tab 25.

68. On page 2 of the CSC148 2022 Assignment 2 instructions, students were instructed to read the Plagiarism Acknowledgment (on pages 11 and 12) carefully. Students were required to submit a Plagiarism Acknowledgment as a separate file in their CSC148 2022 Assignment 2 submission. The Plagiarism Acknowledgment stated:

I, \_\_\_\_\_ [FULL NAME HERE] declare that I have not committed an Academic Offence on this assignment.  
Specifically:  
- I have read the Academic Code of Conduct linked in the course syllabus  
- I am aware of what constitutes plagiarism  
- No code other than my own (plus starter code) has been submitted



- I have not received any pieces of code from others (including test cases), I have not obtained pieces of code available publicly, nor modified such code to pass as my own work.
  - I have not shared any parts of my code with others (including test cases), nor shared specific details on how others may reproduce similar code.
  - I did not instruct another classmate on what to write in their assignment code
  - I did not receive instruction on specifically what to write in my code, and have come up with the solution myself
  - I did not look for assignment solutions online
  - I did not attend private tutoring sessions (including in other languages) which are not explicitly sanctioned by UTM where the assignment was discussed.
  - I did not post my own code publicly online on places like Github, pastebin, etc.
- I acknowledge that this declaration is truthful and does not include any misrepresentation.
- I acknowledge that not being able to explain in detail my own work will result in a zero on this assignment, and that if the code is detected to be plagiarised, severe academic penalties will be applied when the case is brought forward to the Dean.

69. Students were also told in the CSC148 2022 Assignment 2 (on page 4) that copying someone else's code, "even bits and pieces of code, whether from online sources or from other students", constituted an academic offence and would jeopardize their academic status.

70. To complete CSC148 2022 Assignment 2, students were provided with starter code. Students were also provided with an example of a Huffman coding tree. A copy of the starter code files provided to students for this assignment are included in the JBD at Tab 26 (A-D). A copy of the example Huffman coding tree is included in the JBD at Tab 27.

71. The Student submitted CSC148 2022 Assignment 2 as required, including the plagiarism acknowledgment. A copy of the Student's plagiarism acknowledgment for CSC148 2022 Assignment 2 is included in the JBD at Tab 28.

72. As part of the grading process, all CSC148 2022 Assignment 2 submissions were run through MOSS.

73. MOSS detected similarities between the Student's submission for CSC148 2022 Assignment 2 and an assignment submitted by another student in January 2020 (the "Prior Assignment" and the "Prior Assignment Submission"). The Prior Assignment was a similar, but not identical, iteration of CSC148 2022 Assignment 2, which had been run in CSC148 in the Winter 2020 term.

74. MOSS identified similarities between 39% of the Student's code for CSC148 2022 Assignment 2 with the Prior Assignment Submission. A copy of the MOSS report for the Student's code and the Prior Assignment Submission and an annotated side-by-side comparison of the Student's code and the Prior Assignment Submission are included in the JBD at Tab 29 and Tab 30, respectively.

75. Professor Simion reviewed the Student's code and the Prior Assignment code. He found that every function in the Student's code had virtually identical implementations to the Prior Assignment Submission, other than cosmetic changes such as renaming variables or adding extra spacing. Professor Simion determined that the Student's code was nearly identical to the Prior Assignment Submission in all of the functions that the Student was required to implement, including on sections of the code that students were required to write themselves from scratch, such as the "improve\_tree" function (as shown in green in lines 431-459 of the Student's code and lines 681-714 of the Prior Assignment Submission code at Tab 30, pages 246 and 250 of the JBD, respectively).

76. Professor Simion found that the progression of the Student's code was the same as the progression in the Prior Assignment Submission code. The only differences between the Student's code and the Prior Assignment Submission code that Professor Simion identified were merely cosmetic changes, such as adding extra spacing and changing variable names, including replacing "all node" (in the Prior Assignment Submission code) with "every node" (in the Student's code). He was of the view that the similarities he identified could not occur by coincidence.

77. The Student met with Professor Simion about his CSC148 2022 Assignment 2 on April 21, 2022. The matter was subsequently forwarded to the UTM Academic Integrity Office. The Student declined to meet with a Dean's Designate about this matter, and it was forwarded to the Vice-Provost's Office.

***F. Admissions and acknowledgments***

78. In respect of the MAT102 Term Test, the Student admits that:

- (a) he knew that he was required to work independently on the MAT102 Term Test and that he was not to discuss the questions or share his work or answers with anyone else or to collaborate or otherwise obtain assistance from anyone or any unauthorized source;
- (b) he did not work independently as required, but instead knowingly obtained unauthorized assistance in the MAT102 Term Test by collaborating with K.C. during the test;
- (c) he knowingly obtained and provided unauthorized assistance contrary to section B.I.1(b) of the Code; and
- (d) he 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 MAT102 Term Test, contrary to section B.I.3(b) of the Code.

79. In respect of CSC148 2021 Assignment 2, the Student admits that:

- (a) he knew that he was required to work independently on his CSC148 2021 Assignment 2, and that he was not to share his work with anyone else or to obtain assistance from anyone or anything;

- (b) he did not work independently on his CSC148 2021 Assignment 2; instead he shared his code with K.C. to complete his CSC148 2021 Assignment 1 and asked her to test his code to assist him;
- (c) he did so for the purpose of obtaining K.C.'s help to complete his CSC148 2021 Assignment 1;
- (d) his CSC148 2021 Assignment 1 and K.C.'s CSC148 2021 Assignment 1 contained pieces of code that were identical;
- (e) the colour matches in the MOSS report excerpt included at Tab 11 of the JBD accurately reflect at least some of the identical pieces of code in the Student and K.C.'s CSC148 2021 Assignment 2 submissions;
- (f) he knowingly received unauthorized assistance contrary to section B.I.1(b) of the Code;
- (g) he 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 CSC148 2021 Assignment 2, contrary to section B.I.3(b) of the Code.

80. In respect of CSC148 2022 Assignment 1, the Student admits and acknowledges that:

- (a) he knew that he was required to work independently on his CSC148 2022 Assignment 1, and that he was not to share his work with anyone else or to collaborate or obtain unauthorized assistance from anyone or anything;
- (b) he knowingly collaborated with K.N., M.O., S.Z., and Y.Z. to complete an extensive amount of his Task 3 and Task 4 codes for CSC148 2022 Assignment 1;

- (c) he did not independently complete or submit his own work for CSC148 2022 Assignment 1;
- (d) he knowingly obtained and provided unauthorized assistance in CSC148 2022 Assignment 1 contrary to section B.I.1(b) of the Code;
- (e) he knowingly represented as his own an idea or expression of an idea or work of another (K.N., M.O., S.Z., and/or Y.Z.) in CSC148 2022 Assignment 1 contrary to section B.I.1(d) of the Code; and
- (f) he 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 CSC148 2022 Assignment 1, contrary to section B.I.3(b) of the Code.

81. In respect of CSC148 2022 Assignment 2, the Student admits and acknowledges:

- (a) he knew that he was required to work independently on his CSC148 2022 Assignment 2, and that he was not to share his work with anyone else or to obtain unauthorized assistance from anyone or anything;
- (b) he accessed, used, and copied from the Prior Assignment Submission which had been submitted by another student in January 2020 to complete his CSC148 2022 Assignment 2;
- (c) he did no independent work in order to complete his CSC148 2022 Assignment 2;
- (d) he knowingly used or possessed an unauthorized aid in order to complete his CSC148 2022 Assignment 2, namely the Prior Assignment Submission, contrary to section B.I.1(b) of the Code;

- (e) he knowingly represented as his own an idea or expression of an idea or work of another (the author of the Prior Assignment Submission) in CSC148 2022 Assignment 2, contrary to section B.I.1(d) of the Code; and
- (f) he 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 CSC148 2022 Assignment 2, contrary to section B.I.3(b) of the Code.

82. The Student acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, that he has been given the opportunity to seek the advice of counsel, and that he has done so.

5. In the course of the hearing, counsel for the University reviewed at some length and in detail the content of the Agreed Statement. The Student was present throughout this presentation. He did not object to the presentation of the ASF in any respect. Indeed, he acquiesced in the presentation and its content.
6. In closing submissions, counsel for the University emphasized that all of the elements of the offences charged were proven by the content of the Agreed Statement, and that the Agreed Statement was executed by the Student, acknowledging that he had been given the opportunity to seek the advice of counsel and had done so.
7. The Panel carefully considered all of the submissions made and the contents of the Agreed Statement. The Panel was particularly influenced by the admissions of the Student and that the Student had admitted all elements of the offences charged, as reflected in particular by paragraphs 78-82 of the Agreed Statement.
8. The Panel registered a finding of guilt and entered convictions on Charges 1, 3, 6 and 10, as sought by the University. In accordance with its undertaking, on the

return of convictions on Charges 1, 3, 6 and 10, the University withdrew the remaining alternative charges.

**C. SANCTION / PENALTY**

9. For purposes of the hearing as to penalty, counsel for the University and the Student jointly submitted a Book of Documents (re: Sanction). This was marked as Exhibit 2 at the hearing. Included in Exhibit 2 was an Agreed Statement of Facts on Penalty and Joint Submission on Penalty (the "ASFP/JSP"). The ASFP/JSP was executed by counsel for the University and by the Student. It set out the following:

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (the "Code"), the Provost of the University of Toronto and D [REDACTED] B [REDACTED] ("the Student") have prepared this Agreed Statement of Facts on Penalty and Joint Submission on Penalty ("ASFP/JSP"). The Provost and the Student agree that:
  - (a) the document attached to the ASFP/JSP may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
  - (b) if the document indicates that it was sent or received by someone, that is prima facie proof that the document was sent and received as indicated.

**A. Agreed Statement of Facts on Penalty**

2. The University of Toronto Mississauga ("UTM") maintains a database of allegations of academic misconduct that have been made against students. There is an academic offence entry or a discipline case report for each allegation in the database, which records the details relating to the allegation and the outcome.

3. According to UTM's records, the Student has committed and been previously sanctioned for academic misconduct in two assignments. These allegations were treated as concurrent offences.
4. In Fall 2020, the Student was alleged to have committed the academic offence of obtaining unauthorized assistance to complete each of Assignments 2 and 3, collectively worth 18%, in CSC108H5: Introduction to Computer Programming ("CSC108").
5. On March 2, 2021, Jade Hazell, on behalf of Dean's Designate Professor Michael Lettieri, sent the Student a letter about the CSC108 allegations. Professor Lettieri's letter included a resolution offer that the Student could accept if he forewent a Dean's meeting with Professor Lettieri. Professor Lettieri's letter also stated in part:

[p]lease note that should a subsequent allegation of misconduct be brought to my attention, it will be taken into account that this is not your first allegation and the consequences may be more severe.
6. The Student admitted to the CSC108 offences on March 14, 2021 via email. A copy of the Student's email exchange with Ms. Hazell, which includes Professor Lettieri's letter, is included in the ASFP/JSP at Tab 1.
7. The Student was sanctioned with a mark of zero on both Assignment 2 and Assignment 3 and a 12-month notation on his transcript that stated "Mark reduced in CSC108H5F, 2020(9) due to academic misconduct." The notation was in place from March 19, 2021 to March 19, 2022.
8. If the Student were to testify, he would state the following:
  - (a) Beginning in 2017 until around 2021, he was dealing with a difficult domestic situation that involved heated fights between his parents, including discussions of divorce, in which the Student had to act as a mediator between them;



- (b) The issues between his parents affected him and his sister and, in respect of the Student, made it difficult for him to focus on his studies, which caused him to receive poor grades and make poor choices that he now regrets;
- (c) He is now a motivated student who is trying to get his life back on track, both academically and personally. He currently attends Sheridan College to study Computer Systems Technology – Software Development and Network Engineering and has improved his GPA;
- (d) He anticipates that he will graduate from Sheridan College in 2026 and intends to apply for a transfer to a partnered university (not the University of Toronto) once he receives his diploma; and
- (e) He is currently employed as a FedEx express delivery driver to support himself. He also provides financial support to his family.

**B. Joint Submission on Penalty**

9. The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:
  - (a) A final grade of zero in each of MAT102H5 (Summer 2021), CSC148H5 (Summer 2021), and CSC148H5 (Winter 2022);
  - (b) A suspension from the University for a period of 5 years to commence on May 1, 2023 and end on April 30, 2028; and
  - (c) A notation of the offence on the Student's academic record and transcript for a period of 5 years from the date of the University Tribunal's order.
10. The parties agree that this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the Student's name withheld.

**C. Acknowledgements**

11. The Student acknowledges that the Provost has advised the Student of their right to obtain legal counsel and that the Student has obtained that advice, or waived their right to obtain that advice.
  12. The Student acknowledges that they are signing this ASFP/JSP freely and voluntarily, knowing of the potential consequences they face and knowing that the University Tribunal is not bound by this ASFP/JSP and has the discretion to impose and/or recommend a different sanction, including one that is more severe than the ASFP/JSP recommends.
10. In her submissions as to penalty, counsel for the University emphasized that the chronology of offences committed by the Student evidenced recurrent academic misbehavior beginning as early as 2020 and continuing. She made the submission that, but for his cooperation with respect to this prosecution, the Student could be facing a penalty that would include expulsion from the University. The Student did not dissent from this submission. Rather, in mitigation of his misconduct, he relied upon his cooperation and difficult personal circumstances that contributed to his misbehavior, as set out in the ASFP/JSP.
11. In its deliberations, the Panel reviewed carefully the ASFP/JSP and the submissions of the parties. The Panel recognized and accepted that, but for his cooperation, the Student could be facing a penalty that would include expulsion from the University. The Panel also recognized and accepted that, although under no obligation to accept the joint submission on penalty, the case law has repeatedly and consistently emphasized that a hearing panel ought to impose the sentence agreed upon by the parties in their joint submission, unless to do so would be fundamentally contrary to the interests of the University community and objectively unreasonable or unconscionable. In this way, the greater interests of the discipline process in fairness and efficiency is furthered and the system, as a whole, benefits.

12. The Panel accepts and adopts the guidance and direction of this case law and, accordingly, is prepared to accept the penalty agreed upon by the parties in the ASFP/JSP.
13. In the course of its deliberations, the Panel considered that the joint submission asked the Panel to accept that the Order sought would include a suspension from the University for five years, to begin on May 1, 2023, rather than beginning on the date of the issuance of the Order. The Panel recognized that some case law does support the “backdating” of the commencement of a suspension, although the bulk of the case law is to the contrary.
14. To obtain further context for its deliberations on this matter, the Panel requested that the parties make submissions as to whether this suspension and any future academic suspension that the Student would be subject to would run consecutively or concurrently. The parties did so and jointly provided the Panel with “Written Submission of the Parties (Re: Suspensions)”, which also addressed backdating.
15. After considering those Written Submissions carefully, the Panel determined that any remaining questions it might have about the timing of this suspension would not satisfy the high bar for rejecting a Joint Submission on Penalty. Accordingly, the Panel confirmed that it was prepared to issue the Order as requested jointly by the parties.

**D. ORDER**

16. Accordingly, the Panel issued the following Order on July 3, 2024:
  1. the Student is guilty of three counts of using or possessing an unauthorized aid or obtaining unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(b) of the Code;
  2. the Student is guilty of one count of knowingly representing as one’s own any idea or expression of an idea or work of another in an

academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(d) of the Code;

3. the following sanctions shall be imposed on the Student:
  - (a) A final grade of zero in:
    - (i) CSC148H5 in Summer 2021;
    - (ii) MAT102H5 in Summer 2021; and
    - (iii) CSC148H5 in Winter 2022;
  - (b) A suspension from the University for five years, to begin on May 1, 2023 and end on April 30, 2028; and
  - (c) A notation of the sanction on the Student's academic record and transcript for five years from the date of this Order.
4. 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 30<sup>th</sup> day of September, 2024.

Originally signed by: \_\_\_\_\_  
F. Paul Morrison, Chair  
On behalf of the Panel