

Case No. 1609

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 29, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

H [REDACTED] G [REDACTED]

REASONS FOR DECISION

Hearing Date: June 20, 2024, via Zoom

Members of the Panel:

Cynthia Kuehl, Chair
Professor Marvin Zuker, Faculty Panel Member
Cameron Miranda-Radbord, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Sonia Patel, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP
Chew Chang, Representative for the Student, Chang Legal & Notary Public

Hearing Secretary:

Karen Bellinger, Associate Director, Office of Appeals, Discipline & Faculty Grievances
Christopher Lang, Director, Office of Appeals, Discipline & Faculty Grievances

In Attendance:

H [REDACTED] G [REDACTED]

1. The Trial Division of the University Tribunal was convened on June 20, 2024, by Zoom, to consider charges of academic dishonesty (the “Charges”) brought by the University of Toronto (the “University”) against H [REDACTED] G [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was informed of the Charges by letter dated February 29, 2024.

Liability

The Charges

2. At all material times, the Student was enrolled at the University of Toronto Mississauga. In the Charges, the University made the following three allegations:

- (i) On or about April 23, 2022, the Student knowingly had someone personate him during an online assessment in CSC309H5S: Programming on the Web (“the Course”), contrary to section B.I.1(c) of the Code.
- (ii) In the alternative, on or about April 23, 2022, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance during an online assessment in the Course, contrary to section B.I.1(b) of the Code.
- (iii) In the further alternative, on or about April 23, 2022, the Student 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 an online assessment in the Course, contrary to section B.I.3(b) of the Code.

3. The University advised that it would withdraw Allegations 2 and 3, which were charged in the alternative, if a finding of guilt was made on Allegation 1. Ultimately, Allegations 2 and 3 were withdrawn.

4. Detailed particulars in support of the allegations were provided in the Charges.

5. At the hearing, the Student pleaded guilty to the Charges.

The Evidence on Liability

6. The evidence in the hearing was presented in the form of an Agreed Statement of Facts (“ASF”). No witnesses gave evidence either orally or in writing.

7. The Student had been a student at the University of Toronto Mississauga since Fall 2019 and had earned 22 credits with a cumulative GPA of 3.19 as of April 10, 2024.

8. The Charges arise from the Student’s participation in a course, CSC309H5S: Programming on the Web (the “Course”) in Winter 2022. The ASF set out in detail the Course requirements. Key among them was a three-phase coding project for a social media website for restaurants. During each phase of the project, the students worked towards the end product, which was intended to be a fully functional website. Students were allowed to work in groups of two or three. Each phase was graded through an interview with a TA, during which the TA worked through the website to check if the code had been implemented correctly. The TA asked questions about each student’s role and the portions of the code that they had implemented. The students were permitted to keep their cameras off during the interviews.

9. Changes to computer code are called “commits”. Additions, modifications or deletions in a file in a repository create a record of changes so that the history of the project’s development can be maintained.

10. The Student was in a group of three. However, the history of the commits for phase 3 of the project showed that changes were made by four separate email addresses.

11. The interview for phase 3 of the project took place on April 23, 2022, over Zoom.

12. On the Zoom call were the TA and three other participants, all of whom were logged into Quercus, the University’s main online teaching and learning platform. The Zoom platform serves as a “virtual classroom”. During the Zoom interview, all the participants started with their cameras turned off.

13. The TA noted that the commits included four email addresses, and questioned why the Student's commits were made by an email address different than the Student's name. The individual on the Zoom interview advised that they had used a friend's computer to write part of their code. The TA then asked for proof that the person on the Zoom call was in fact the Student, asking them initially to log into ACORN, the University's student information system. The individual did not do so, instead refreshing the Quercus page. The individual was also unable to answer questions about the purpose and use of ACORN.

14. The TA then asked the individual to send him an email using their own computer. However, the individual did not do so for over four minutes after which the individual advised the TA that the email had been sent. The TA did not receive it and asked the individual to turn on their camera. Instead of turning on their camera, however, the individual exited the Zoom platform. The TA reported this conduct.

15. The Student met with the Dean's Designate for Academic Integrity on August 11, 2023. After receiving a warning about the potential implications of any admission to the Dean's Designate, the Student subsequently acknowledged to the Dean's Designate for Academic Integrity that he had asked his friend to present phase 3 for him and that it was his friend who had attended the interview as the Student. The Student explained that he was suffering from depression at the time and could not present or concentrate. He had not told the professor or the TA of any health concerns.

16. The Student also explained that his friend was a family friend from China who had initially helped tutor him on some concepts. The friend had not participated in previous phases of the project but did write some of the coding content for phase 3.

17. The Student acknowledged that the course syllabus contained a section on academic integrity, emphasizing its importance to the pursuit of learning and scholarship in any university and to ensuring that a degree from the University of Toronto Mississauga is a strong signal of their academic achievement. The syllabus provided examples of potential offences under the Code, which included obtaining unauthorized assistance and misrepresenting the student's identity on a test or exam.

18. As noted above, the Student pleaded guilty to personation and, in the alternative, to receiving unauthorized assistance.

Decision of the Tribunal on Charges

19. After considering the evidence presented in the ASF and the fact that the Student pleaded guilty, the Panel found the Student guilty of knowing personation.

20. In addition to the Student's admissions, the Panel was particularly struck by the significant evidence arising from the Zoom interview, the video for which was provided to the Panel. It was apparent that the individual who attended the interview was not knowledgeable of the University's systems, including Quercus and ACORN, which would have been well known to any student who had been at the University for two years at that time. The failure of the individual to identify themselves by turning on the camera was consistent with the fact that the Student was not present at the Zoom meeting but rather had another individual attending in their stead. This was confirmatory of the Student's admission that he had his family friend personate him for the purpose of the Zoom meeting. The Charge of personation was clearly established on the evidence.

21. Having found the Student guilty of personation, the University withdrew the other Charges set out in allegations 2 and 3.

Sanction

Areas of Dispute

22. During the sanction phase of the hearing, no additional evidence was led by either party. The Panel relied solely on the evidence in the ASF, the jurisprudence presented to it, and the submissions of counsel.

23. The University sought the following penalties:

- (a) A final grade of zero in the Course;

- (b) A suspension from the University for a period of five years from the date of this order; and
- (c) A notation of the sanction on the student's academic record and transcript from the date of the order to the date that he graduates from the University.

24. The Student agreed to receipt of a zero in the Course and to the notation of the sanction; however, the Student, through his representative, argued that the suspension should be for four years, as opposed to five. This was the only matter of contest between the University and the Student.

25. In addition, it was agreed that the case would 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, as is done in the normal course.

The Submissions on Sanction

26. In considering the appropriate length of the suspension, the Panel heard submissions from both counsel for the University and the representative for the Student and reviewed previous decisions of the Tribunal involving cases of knowing personation.

27. The University's submissions focused on these previous decisions, which were summarized in a chart provided to the Panel. Counsel for the University noted that, in cases of personation, the sanction was almost always a recommendation for expulsion or, in circumstances of cooperation of the student, a five-year suspension. The only decision in which less than a five-year suspension had been ordered was in a case in which the Tribunal found that the student's father had both contrived the idea of personation and pressured the student to engage in it. Noting these specific circumstances and the student's mental health condition, the Tribunal ordered a suspension of four years and eight months in that case.

28. Although the representative for the Student argued for a four-year suspension, no cases were cited. The representative's submissions focused on the fact that this was the

Student's first offence and the Student was very cooperative. The representative also noted that, given that the Student had completed all of his credits to otherwise graduate, a lengthy suspension was a particularly harsh penalty. There would also be financial repercussions as the Student would need to return to China and then come back to graduate in five years. In the interim, it would be difficult for the Student to seek employment.

29. In the submissions of the University, however, none of these were sufficiently compelling given the various factors to warrant a deviation from the case law, all of which supported a five-year suspension in the circumstances of this case.

Decision of the Tribunal on Sanctions

30. In making its decision, the Panel carefully considered the factors set out in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976) as follows:

(a) The character of the Student.

There was no evidence before the Panel regarding the Student's character other than the facts relating to this offence, and the fact that the Student had not committed any previous offences under the Code. The facts, however, were very concerning as the Student engaged another person in the commission of the offence.

(b) The likelihood of a repetition of the offence.

There is no evidence that this offence would likely be repeated in the future, nor was it presumed that the Student would engage in an academic offence again if given the opportunity to do so. The Panel accepted the submissions of the representative that the Student was remorseful for his conduct.

(c) The nature of the offence committed.

Together with deterrence, this is the most significant factor affecting the Panel's decision. Knowing personation is one of the most serious of academic offences. It

involves a high degree of dishonesty and a significant degree of planning to execute. Here, the Student had a friend both personate him on the attendance of the Zoom meeting and also assist him in the completion of the coding for phase 3. To give effect to this personation, the Student had to engage another individual to be involved in this academic offence. This was not a rash decision, made in the moment. This was a deliberate decision, executed with planning. Students must understand that engaging in such conduct will have significant repercussions, consistent with a high degree of dishonesty.

(d) Any extenuating circumstances surrounding the commission of the offence.

The only extenuating circumstances is that the Student acknowledged immediately that he had engaged in academic misconduct both to the Dean's Designate, and in the creation of a detailed ASF which included a specific plea. This was specifically considered by the Panel in the course of coming to its decision as to the appropriateness of a five-year suspension, in lieu of a recommendation for expulsion.

(e) The detriment to the University occasioned by the offence.

The University has had to become increasingly vigilant about the potential for abuse by students of a virtual classroom. Students cannot be allowed to use the opportunity to learn virtually, especially with their cameras turned off, as a means by which to engage in an academic offence.

The University must be able to trust that its students will participate in examinations, tests, and project reviews with academic integrity. This trust is betrayed when students knowingly engage others in personation. This conduct undermines the integrity that the broader community puts on the University and threatens the value that the community places on a degree from the University.

(f) The need to deter others from committing a similar offence.

General deterrence is an important factor in these cases. The University provided a number of relevant cases in which knowing personation had occurred. This type of cheating strikes at the heart of academic integrity and, as noted above, has been considered to be a significant form of dishonesty in the academic setting. It is appropriate to send a strong message to students that this type of misconduct will be treated most seriously.

31. The determination of an appropriate penalty depends on the assessment of these principles and factors in light of the individual circumstances. There also should be a general consistency in the approach of the Tribunal to sanction to ensure the fair, equitable and predictable treatment of students. This was significant to the Panel. While the Panel appreciated the submissions of the Student's representative that a five-year suspension would be particularly harsh given that the Student was on the verge of graduation, the fact is that the conduct at issue took place in 2022 and the Student has benefited from the last two years of his university education while he was afforded appropriate and necessary due process. In the circumstances, the Student should not fare better than the other students who have come before this Tribunal having also engaged in knowing personation.

32. There is no basis, aside from the Student's early participation and plea, which would warrant a deviation from the usual outcome in this case, which is most often a recommendation for expulsion. Because of this participation, the Student is being allowed to graduate, although in five years, as opposed to the four years for which the Student's representative made submissions. There is no reason here to deviate from the usual length of suspension in this case.

33. Accordingly, at the conclusion of the hearing and recognizing that the sanction was not being contested by the Student save for the issue of the length of the suspension, the Panel made the following order:

- (i) The Student is guilty of one count of personation in connection with the online assignment in CSC309H5S on April 23, 2022, contrary to B.I.1(c) of the *Code of Behaviour on Academic Matters*;

- (ii) The following sanctions shall be imposed on the Student:
- 1) a final grade of zero in CSC309H5S in Winter 2022;
 - 2) a suspension from the University for five years from the date of the order; and
 - 3) a notation of the sanction on the student's academic record and transcript from the date of the order to the date that the Student graduates from the University.
- (iii) 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 3rd day of September, 2024.

Original signed by:

Cynthia Kuehl, Chair
On behalf of the Panel