

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 23, 2018,

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

AND IN THE MATTER OF the *University of Toronto Act, 1971,* S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO (the "University")

- AND -

Y [REDACTED] W [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: April 3, 2018

Panel Members:

Ms. Roslyn M. Tsao, Chair
Professor Graeme Hirst, Faculty Panel Member
Mr. Eric Bryce, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Barristers
Mr. Y [REDACTED] W [REDACTED], the Student

In Attendance:

Professor Luc De Nil, Vice-Dean, Students, School of Graduate Studies
Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on April 3, 2018. The Student was charged on January 23, 2018 with 7 charges which relate to his providing unauthorized assistance to another student, FJ, in the summer term of 2017 in Course ECO407H1F, by writing the majority of 3 assignments for FJ. The three charges of which the Student is found guilty herein relate to aiding or assisting another person contrary to Section B.II.1(a)(ii) to commit an offence under Section B.I.1(b) of the Code (obtain unauthorized assistance).
2. Three other charges laid, which were withdrawn by the University following sanctioning, related to aiding or assisting another person contrary to Section B.II.1(a)(ii) to commit an offence under Section B.I.1(d) of the Code (plagiarism). The last charge, also withdrawn by the University, related to assisting another person to commit an offence under Section B.I.3(b) of the Code (any form of cheating or academic dishonesty).
3. The Student attended at the hearing without representation and confirmed that he was aware that Downtown Legal Services could assist him.
4. The Student and University tendered an Agreed Statement of Facts ("ASF") signed by the Student on April 2, 2017 for a guilty plea.

Facts

5. Pursuant to the ASF, the Student admitted¹ the following facts:
 - The Student first registered at the University of Toronto in the Faculty of Arts & Science in Fall 2012. The Student graduated with an Honours Bachelor of Science in November 2015 with high distinction. The Student also received a

¹ At the Hearing, the Student advised of a correction to the ASF at the hearing to Paragraph 13 to advise that it was in the "Winter" not "Summer" of 2017 when he was the T.A. in the Course. The University concurred.

Masters of Arts degree in Economics on June 8, 2017. As such, the Student had graduated with a Masters degree at the time of the hearing.

- The Student entered into a Teaching Assistant (“T.A.”) contract with the University on August 19, 2016 for the period January 1 to April 30, 2017 for ECO349H1S.
- The Student entered into a second T.A. contract with the University on April 27, 2017 for the period May 1 to June 30, 2017 for the Course, ECO349H1F.
- The T.A. contracts made it clear that the Student would be subject to and bound by all applicable University policies of general application.
- As a T.A. employed by the University Department of Economics, the Student attended training sessions. The Conflict of Interest policy for T.A.s states that if a T.A. has a close personal relationship with any student in a course for which the T.A. is employed the T.A. is required to make this relationship known to his/her supervisor (who is normally the instructor of the course). The Code, the Office of Student Academic Integrity, and what constitutes academic misconduct was also reviewed. Assisting another student to commit an offence was specifically identified as academic misconduct.
- In Winter 2017, FJ, who was the Student’s girlfriend, enrolled in the ECO349H1S Course. the Student was the T.A. for the ECO349H1S Course but failed to report his personal relationship with FJ to the Course Instructor.
- In Summer 2017, FJ enrolled in ECO407H1F (the "Course").
- The Student was not a T.A. in the Course.
- FJ submitted three assignments in the Course (the “Assignments”), as follows:
 - Critical Review I on May 25, 2017, worth 12.5% of the Course mark;

- Critical Review II on June 1, 2017, worth 12.5% of the Course mark;
and
 - Term Paper on June 22, 2017, worth 30% of the Course mark.
- The electronic document properties of the Assignments all indicate the Student as the "Author".
 - FJ admitted at her Dean's meetings on August 1 and 15, 2017 that she had committed the offence of obtaining unauthorized assistance in connection with academic work, specifically that she had asked the Student to complete each of the Assignments for her and that the Student had done so. FJ received a final grade of zero in the Course and she was suspended from the University for a period of six months, from July 1, 2017 to December 31, 2017.
 - On September 29, 2017, Professor Luc De Nil, Dean's Designate for Academic Integrity, sent a Letter of Allegation to the Student to advise him that he had received a report alleging that he had committed a possible academic offence. The Student attended the resulting Dean's meeting on October 10, 2017 to discuss the allegations against him. The Student acknowledges that this meeting took place in a manner consistent with the requirements of the Code.
 - At the October 10, 2017 Dean's meeting, the Student admitted to having provided assistance to FJ in the Course and that over 90% of the work in the three Assignments submitted by was his work. The Student admitted to knowingly violating the Code.
 - The matter was referred to the Tribunal by the Dean's Designate.
6. The following documents were also admitted by the Student as evidence:
- (a) copies of the Assignments, namely:

- (i) Critical Review 1 submitted by Student FJ in the Course;
 - (ii) Critical Review 2 submitted by the Student FJ in the Course; and
 - (iii) Term Paper submitted by the Student FJ in the Course;
- (b) Properties "Details" from Word for above 3 submitted Assignments indicating the Student as "Author" for each;
 - (c) Letter dated August 21, 2017 from Office of Student Academic Integrity to Student FJ confirming that FJ admitted that she submitted the Assignments which were authored by the Student, her boyfriend, and was sanctioned for such offences; and
 - (d) Letter dated October 12, 2017 from School of Graduate Studies to the Student confirming the Student's admission to commission of offence of assisting another student in committing an offence at a meeting on October 10, 2017 with the Professor and Vice-Dean.

Decision of the Tribunal

- 7. Based on the ASF and the Panel's review of the documentary evidence, the Student is found guilty of Charges 1, 3 and 5 being three counts of knowingly aiding and assisting a student to obtain unauthorized assistance in connection with the three Assignments contrary to the Code.
- 8. The University has withdrawn Charges 2, 4, 6 and 7.

Penalty

- 9. The Student and University submitted a Joint Submission on Penalty ("JSP") in support of the following penalty:

- (a) that the Student's Master of Arts Degree conferred June 2017 be suspended for a period of three years, commencing on April 3, 2018 and ending on April 2, 2021²;
 - (b) a notation be recorded for a period of four years on the Student's academic record and transcript to the effect that he was sanctioned for academic misconduct, commencing on April 3, 2018 and ending on April 2, 2022
10. The Student has no prior history of academic misconduct and admitted guilt at the earliest possible stage at the Dean's Designate meeting.
 11. As indicated above, the Student has graduated with his Master's Degree from the University. His academic transcript is very strong. He is 23 years old and is currently employed in Toronto. His employer is aware of the within academic discipline proceedings. The Student has no current plans to pursue further post-graduate studies.
 12. The Panel was concerned that the Student was a T.A. in the term before the Course in another course in which his girlfriend, FJ, was enrolled. The Student was well aware, through training, that such a conflict of interest with a student in a class, was required to be disclosed but he failed to do so.
 13. The following term, FJ enrolled in the Course but the Student was not the T.A. in that course. The Student's failure to disclose the conflict of interest in the earlier course gives the impression of a deliberate attempt in that earlier course to skirt around the academic dishonesty safeguards put in place for T.A.s.
 14. The Panel notes that the impugned conduct by the Student did not directly provide him with personal gain in his own academic record. That said, the Student was

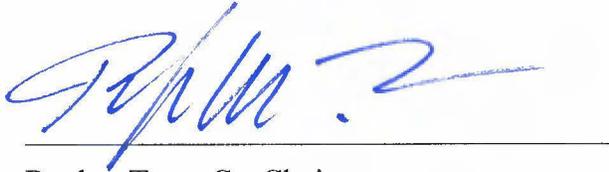
² Upon reviewing the Code and draft Order, the jurisdiction of the Tribunal with regard to a suspension of a degree is set out in Section C.ii.(b).1(j)(i) and permits the Tribunal to recommend same to Governing Council.,

cautioned that where there is a conflict of interest, errors in judgment can occur which can jeopardize one's own reputation and achievements.

15. There is a very high threshold for departing from a joint submission on penalty requiring the Panel to find that the acceptance of same would be contrary to the public interest and bring the administration of justice in to disrepute.
16. A review of the cases provided by the University demonstrate that the requested penalty is in the appropriate range of sanctions in similar circumstances. The penalties available for this Student who has graduated are more limited than for a current Student but the more serious sanction of revocation of the Student's degree was not appropriate given that it was a first offence, that the Student had admitted guilt early in the process and has acknowledged his misconduct in a frank and fulsome manner.
17. The Panel has also reviewed the C [REDACTED] factors as they apply to this Student and finds the joint submission on penalty appropriate in these circumstances.
18. An Order was signed at the hearing by the Panel on the following terms:
 - (a) **THAT** the Student is guilty of three counts of unauthorized assistance, contrary to sections B.II.1(a)(ii) and B.I.1(b) of the *Code of Behaviour on Academic Matters*;
 - (b) **THAT** the panel recommends to Governing Council that the Student's Master of Arts Degree conferred June 2017 be suspended for a period of three years, commencing on April 3, 2018 and ending on April 2, 2021;
 - (c) **THAT** the sanction be recorded for a period of four years on the Student's academic record and transcript to the effect that he was sanctioned for academic misconduct, commencing on April 3, 2018 and ending on April 2, 2022; and

- (d) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 6th day of June, 2018

A handwritten signature in blue ink, appearing to read 'Roslyn Tsao', written over a horizontal line.

Roslyn Tsao, Co-Chair