

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on May 4, 2023,

**AND IN THE MATTER OF** the University of Toronto *Code of Behaviour on Academic Matters, 2019*,

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

B E T W E E N:

**UNIVERSITY OF TORONTO**

- and -

Q ■ C ■

**REASONS FOR DECISION**

**Hearing Date:** September 12, 2023, via Zoom

**Members of the Panel:**

Douglas F. Harrison, Chair

Dr. Vivienne Luk, Faculty Panel Member

Matthaeus Ware, Student Panel Member

**Appearances:**

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Marcy Segal, Counsel for Q ■ C ■ Segal Law Professional Corporation

**Hearing Secretary:**

Samanthe Huang, Coordinator & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

**In Attendance:**

Q ■ C ■

## Charges and Hearing

1. The Trial Division of the Tribunal held a hearing by videoconference on September 12, 2023, to address the charges brought by the University of Toronto (the “University”) against Q■ C■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student attended the hearing, represented by counsel, Ms. Marcy Segal. The charges against the student were set out in a letter to the Student dated May 4, 2023, as follows:

1. On or about December 2, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with term test 2 in ECO220Y1Y, contrary to section B.I.1(b) of the Code.
2. On or about December 2, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in connection with term test 2 in ECO220Y1Y, contrary to section B.I.1(d) of the Code.
3. On or about December 2, 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 term test 2 in ECO220Y1Y.
4. On or about February 10, 2023, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with term test 3 in ECO220Y1Y, contrary to section B.I.1(b) of the Code.
5. On or about February 10, 2023, you knowingly represented as your own an idea or expression of an idea or work of another in connection with term test 3 in ECO220Y1Y, contrary to section B.I.1(d) of the Code.
6. On or about February 10, 2023, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with term test 3 in ECO220Y1Y.

Particulars of the offences charged are as follows:

1. You were a student enrolled at the University of Toronto, Faculty of Arts and Science at all material times.
2. In Fall 2022, you enrolled in ECO220Y1Y: Introduction to Data Analysis and Applied Econometrics, which was taught by Professor Jennifer Murdock.
3. Students in the course were required to write four in-person term tests, which were each worth 14% of their final grade. Students were prohibited from using aids or obtaining assistance on the term tests.
4. On or about December 2, 2022, you submitted term test 2.
5. On or about February 10, 2023, you submitted term test 3.
6. During term tests 2 and 3, you used:
  - a. A camera and/or other electronic device(s) to transmit video footage and/or images of the term tests to another individual or individuals who assisted you with the term tests; and/or
  - b. An earpiece and/or other electronic device(s) to transmit and/or receive audio from another individual or individuals who assisted you with the term tests.
7. You knew or ought to have known that, in connection with term tests 2 and 3:
  - a. You were not permitted to use a camera, an earpiece, and/or other electronic device(s); and/or
  - b. You were not permitted to obtain assistance from others.
8. You submitted term tests 2 and 3:
  - 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; and
  - c. Knowing that you did not properly reference the ideas, expressions of ideas or work

that you drew from others.

9. You knowingly submitted or intended to submit term tests 2 and 3 with the intention that the University rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

## **Facts**

2. The parties filed an Agreed Statement of Facts (“ASF”) with the Panel. The Student acknowledged that she had received a copy of the charges, waived the reading of them, and pled guilty to all charges. The facts agreed to are as follows.

3. The Student was a student at the University of Toronto at all material times.

4. In Fall 2022, the Student enrolled in ECO220Y1Y: Introduction to Data Analysis and Applied Econometrics, which was taught by Professor Jennifer Murdock. Students in the course were required to write four in-person term tests, each worth 14% of their final grade.

5. Students were required to attend workshops every week. The workshops gave students a chance to practice their skills, collaborate with others, and work with mini case studies. Students were expected to be active in solving questions, writing, and interacting with their classmates and the instructional team. Students’ preparation and regular and active participation counted towards their participation mark.

6. The Student attended 2 out of 12 workshops in Fall 2022.

7. Term test 1 was administered in person on October 28, 2022.

8. The Student wrote term test 1 on October 28, 2022. The Student received a final grade of 24.2% (23/95) on term test 1 because she wrote many incorrect and incomplete answers.

9. Term test 2 was administered in person on December 2, 2022.

10. The Student wrote term test 2 on December 2, 2022. The Student scored 84.61% (66/78) on questions 1-5(a), but she scored 0% (0/17) on questions 5(b)-(d) because she wrote nothing for these questions.

11. Professor Murdock tracked ECO220Y1Y students' academic progress during the course on a scatterplot. Professor Murdock reviewed the scatterplot and noticed that the Student had scored significantly better on term test 2 than term test 1. Professor Murdock found this unusual because no other student in the course had improved as much as the Student, and, to the best of Professor Murdock's recollection, she had not seen a student improve to this degree in her nearly two decades of teaching.

12. Professor Murdock reviewed the Student's academic progress and noticed that the Student only attended 2 out of 12 workshops in Fall 2022. Professor Murdock also noticed that the Student's term test 2 exhibited a strange pattern in that the Student wrote several excellent answers for questions 1-5(a), but she wrote nothing for questions 5(b)-(d).

13. Professor Murdock had heard about a new type of academic misconduct in which students were livestreaming their tests by using a miniature camera and earpiece to get answers in real time from paid tutors. Professor Murdock suspected that the Student used a miniature camera and earpiece on term test 2 based on the Student's unusual academic progress and answer patterns.

14. In the lead-up to term test 3, the Student attended 0 out of 5 workshops.

15. Term test 3 was administered in person on February 10, 2023. Professor Murdock put a mark next to the Student's name on the sign-in sheet and instructed the head teaching assistant, Aly Somani, to alert her when the Student had been signed in.

16. The Student wrote term test 3 on February 10, 2023.

17. During term test 3, Mr. Somani noticed that the Student was holding up her test paper vertically, and he asked the Student to stop. Later, Mr. Somani noticed the Student holding up her paper again, and he informed Professor Murdock.
18. Professor Murdock and Mr. Somani walked over to the Student to investigate.
19. Professor Murdock asked to see the Student's ears, which were blocked by her hair. The Student moved her hair. Professor Murdock saw an earpiece, and Professor Murdock took pictures of the earpiece.
20. Professor Murdock asked to see the Student's cellphone. The Student took her cellphone out of her backpack and Professor Murdock saw that it was on. Professor Murdock then asked the Student to turn off her cellphone.
21. Professor Murdock asked the Student for the earpieces. The Student said she needed a tool to remove the earpieces. The Student took a small metal tool out of her backpack and removed two earpieces. Professor Murdock confiscated the earpieces and the metal tool and took a picture of them.
22. Professor Murdock saw that the Student's shirt had large buttons. Professor Murdock did not try to confiscate a camera and she did not take a close-up picture of the Student's chest area. Mr. Somani saw that one of the buttons on the Student's shirt looked different from the other buttons.
23. Professor Murdock prepared an academic integrity report that alleged the Student had committed academic offences on term test 2 and term test 3. This report contains the scatterplot of student grades and pictures of the student's earpieces and small metal tool.
24. On February 14, 2023, Professor Murdock met with the Student to discuss the allegations that she committed an academic offence in connection with term test 2 and term test 3 in ECO220Y1Y.

25. On March 23, 2023, Professor and Dean's Designate Walid Saleh met with the Student to discuss the academic misconduct allegations about term test 2 and term test 3 in ECO220Y1Y. Christina Di Matteo, an academic integrity specialist at the University, and Kerri Huffan, a Registrar, attended the meeting as well. At the start of the meeting, Professor Saleh gave the Student the caution that is required by the *Code*.

26. During the meeting, the Student stated that she used an earpiece to obtain help from her boyfriend on term test 2 and term test 3. The Student stated that she purchased the earpiece from an online shopping platform. The Student stated that she experienced a lot of pressure because ECO220Y1Y was a compulsory course and she had already failed it once before. The Student stated that she regretted her actions and that she had learned a lesson.

27. The Student admits that she used a miniature camera to livestream video footage of the questions on term test 2 and term test 3 to a tutor whom she paid to solve questions on the term tests. The Student admits that the paid tutor told her answers to questions on term test 2 and term test 3 by transmitting audio to earpieces that the Student wore during the term tests. The Student admits that she used the paid tutor's answers on term test 2 and term test 3, and that she performed no meaningful academic work on these term tests.

28. The Student admits that the claims she made to Professor Saleh about obtaining help from her boyfriend on term test 2 and term test 3 were false. The paid tutor told the Student that she should tell the University of Toronto this false version of events.

29. The student admits that she knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with term test 2 and term test 3 in ECO220Y1Y, contrary to section B.I.1(b) of the *Code*.

30. The student admits that she knowingly represented as her own an idea or expression of an idea or work of another in connection with term test 2 and term test 3 in ECO220Y1Y, contrary to section B.I.1(d) of the *Code*.

31. The student admits that she 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 term test 2 and term test 3 in ECO220Y1Y, contrary to section B.I.3(b) of the Code.

32. The Student acknowledged that she signed the ASF freely and voluntarily, knowing of the potential consequences she would face, and did so with the advice of counsel.

33. The Student acknowledged that the Provost made no representations to her regarding what penalty the Provost would seek in this proceeding.

### **Finding on Charges**

34. On the basis of the ASF, the submissions of counsel, and the Student's admissions, the Tribunal is satisfied on a balance of probabilities that the University has proven that the elements of charges 1 and 4. The Tribunal therefore accepted the Student's guilty plea with respect to these two charges and found her guilty of two counts of obtaining unauthorized assistance, contrary to section B.I.1(b) of the Code.

35. Upon these findings, Counsel for the University advised that the Provost was withdrawing charges 2, 3, 5 and 6 as set out in paragraph 1, above.

### **Sanction**

36. For the purpose of the sanction phase of the hearing, the Provost and the Student prepared a joint submission on penalty ("JSP").

37. 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 ECO220Y1 in Fall 2022 and Winter 2023;



b. A suspension from the University for five years from the date of the Tribunal's order; and

c. A notation of the offence on the Student's academic record and transcript for six years from the date of the Tribunal's order.

38. The parties also 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.

39. This request was in part based on factors laid out, sanctions handed down, by the Tribunal in previous cases, and the Provost's Guidance on Sanctions (but which are not binding on this Tribunal).

40. The Student acknowledged that the Provost had advised her of her right to obtain legal counsel and that she has obtained that advice.

41. The Student acknowledged that she signed the JSP freely and voluntarily, knowing of the potential consequences she faced and knowing that the Tribunal was not bound by the JSP and has the discretion to impose and/or recommend a different sanction, including one that is more severe than the JSP recommends.

42. Section C.II.(B) of the Code sets out that the Tribunal may impose a range of sanctions on a student who has been convicted under the Code, ranging from an oral reprimand to a five-year suspension or, more severely, a recommendation to the President to recommend to Governing Council of expulsion or to Governing Council of cancellation of a degree. The Tribunal may also order that any sanction it imposes be recorded on the student's academic record and transcript for a period of time and may also report any case to the Provost, who may publish a notice of the decision and sanction in the University newspapers, with the name of the student withheld.

43. The Code also contains, in Appendix "C", the Provost's Guidance on Sanctions. Section B.8 provides, "absent exceptional circumstances, the Provost will request that the Tribunal: ...

(b) suspend a student for two years for any offence involving academic dishonesty, where a student has not committed any prior offences; ... (e) recommend that a student be expelled where that student has: ... (ii) ... had a student personate that student in a test , ... or (iv) has submitted academic work that the student has purchased in whole or in part, unless that student has demonstrated through her or his cooperation, or otherwise, that a lesser penalty is appropriate.”

44. The sanction in a particular case is to be determined based on the circumstances of that case. However, previous decisions of the Discipline Appeals Board and this Tribunal have found that students must be treated fairly and equitably when being sanctioned, and that there must be a general consistency in the approach of the Tribunal generally (see *University of Toronto v. B.S.* (Case No. 697, January 17, 2014 (Sanction)), at paragraphs 8-11).

45. As noted by the University’s counsel, *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976) (“*Mr. C*”) is a foundational decision for this Tribunal insofar as its reasons for decision set out factors that a tribunal should consider when imposing a sanction:

- a. The character of the person charged;
- b. The likelihood of a repetition of the offence;
- c. The nature of the offence committed;
- d. Any extenuating circumstances surrounding the commission of the offence;
- e. The detriment to the University occasioned by the offence; and
- f. The need to deter others from committing a similar offence.

46. With respect to her character, the Student admitted the offence and demonstrated remorse. While she initially lied about who was providing her with the answers during the exam, she quickly admitted that it was a paid tutor and she otherwise fully cooperated with the University after being presented with the charges. She told the Panel that she deeply regretted what she had done, that she knew it was bad thing to do and took responsibility for what she did.

She said she deserved the sanction that was being submitted jointly by the University and by her. She said she hoped she would have a chance to correct her errors and that what happened here was a big lesson for her.

47. By these statements and by her cooperation, the Tribunal concluded that she has demonstrated insight into her actions and that there is little to no likelihood of a repetition of the offence.

48. With respect to the nature of the offence, counsel for the University stated that this was the first case brought to the Tribunal that involved a student using a real-time camera and earpieces during a test or exam, but it will not be the last. To undertake this required deliberate planning and subterfuge, as the camera appears to have been disguised as a button on the Student's shirt and the earpieces required a special tool to install and remove them. In addition, this scheme had a commercial element to it, as it involved the Student paying someone for the unauthorized assistance she received.

49. With respect to the detriment to the University and the need for deterrence, obtaining unauthorized assistance on a test, generally, is an extremely serious offence that harms the institution and the academic process. It is a serious breach of academic integrity and can be seen as an attempt to defraud the University. Obtaining real-time assistance using a hidden camera and earpieces is taking things to a new level, one that has only been possible in very recent years as technology once reserved to spy novels has become readily available to anyone. The fact that the Student was caught in this instance is a testament to Professor Murdock's vigilance in monitoring her students' progress and spotting anomalies.

50. The associated penalty for what occurred here must act as general deterrent against this kind of surreptitious behaviour. Accordingly, it is important to send a strong message to the community that this will not be tolerated. As was noted by this Tribunal in *University of Toronto v. T.J.* (Case No. 1102, November 5, 2021), at para. 11(e), with respect to the need to deter others from committing similar offences:

[C]heating on exams must always be denounced and deterred in order to protect the academic integrity of the University. In today's online world, it is all too easy for students to find new outlets for unauthorized assistance. Students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to cheat when under pressure.

51. Given the novelty of the scheme employed by the Student, counsel for the University told the Panel that there are no similar prior cases to point to, to provide direct guidance on what kind of penalty is appropriate. However, he submitted that this case was akin to one of personation, where another person completes all the academic work for a student, or to one of purchasing an academic work and he directed the Panel to a number of previous decisions of the University Tribunal involving those circumstances.

52. In *University of Toronto v. J.O.* (Case No. 617, August 25, 2011), the student was found to have hired and agreed to pay someone else to write an in-person term test in a first-year Math course in the fall of 2010. The student, who was from South Korea, had placed ads on the Craigslist, Kijiji and Telecommute Anywhere websites, the latter of which said, in part, "Looking for an asian [*sic*] guy who is good at math ... to help write 3 tests and a final ... I will pay you \$1000 and bonus" (the Craigslist and Kijiji ads were similar). He had begun placing these ads on the second day of classes that fall. Representatives from the Mathematics department saw these ads and interviewed the student about them. He convinced them that he was looking for a private tutor who could communicate well with him "to help get him through the course". He had taken the course twice before and dropped it after having poor results. Exactly one day after the meeting, one of the professors who had attended the meeting caught someone personating the student during a term test. The student was expelled, despite (a) having had no prior academic offences, (b) having a history of depression; and (c) apologizing for his actions. The Tribunal concluded that expulsion was warranted given the student's actions were premediated, involved a commercial transaction, and, most importantly, he had lied to the departmental representatives. It was noted that following that meeting with the departmental representatives, he could have taken a different course of action, but instead proceeded with his plan to have the person he hired take the test. The Tribunal felt that a "forceful message that such conduct will not be tolerated is necessary to promote general deterrence." It concluded that

“Respect for the University as an academic institution and respect for the integrity of the academic process” required expulsion.

53. Expulsion was also the sanction imposed by the Tribunal in *University of Toronto v. Z.Z.* (Case No. 862, August 23, 2016). In this case, the student was found to have submitted an essay in a first-year East Asian Studies course that had been custom written and likely paid for. The student did not participate in the hearing. The Tribunal, relying in part on the decision of the Appeal Board in *University of Toronto v. S.C.H., N.R.H. and M.K.K.* (Case No. 596, 597, 598, November 23, 2011), found that the starting point for their analysis of the appropriate sanction in such a case was expulsion. It noted, at para. 31, that when a student purchases an essay, the student is “acting intentionally and deliberately and in a very premeditated way to subvert the academic process.” In order to send a strong message of deterrence, the Tribunal held, at para. 32, it would only be in cases “of unusual circumstances of mitigation or other extraordinary situation that would provide some excuse or explanation where the penalty would not be expulsion.”

54. In *University of Toronto v. H.M.* (Case No. 1356, August 31, 2022), a student was found to have paid someone to write a term test in one course and paid for answers to an on-line final exam in another. The Tribunal ordered that the student receive grades of zero in both courses and a five-year suspension. A number of mitigating factors were taken into account in determining that a suspension rather than outright expulsion was the appropriate sanction: the student (a) had no prior academic offences; (b) admitted to the offences; (c) was in first year and struggling to adapt to a new environment; (d) was experiencing family difficulties around the time of the offences; and (e) was isolated at home in China during the school year because of the pandemic.

55. A more recent case of paid personation is *University of Toronto v. H.Z.* (Case No. 1475, July 17, 2023). In this case, the student paid a tutoring company to have someone write an on-line final exam for her in an accounting course. The student was caught after the individual hired to write the test revealed the scheme to the professor who taught the course during the exam, because she felt guilty and felt her actions were unfair to honest students. When confronted, the student admitted that she had paid someone to write the exam for her, and she was very remorseful. The University did not seek to expel the student, who had completed all of the

courses required for her program by the time of the hearing. The Tribunal suspended the student for five years along with a zero grade in the course and a notation on her record until graduation.

56. In arriving at the sanction, the Tribunal in *H.Z.* cited four prior decisions involving students convicted for paying to have someone personate them in a test or exam: *University of Toronto v. S.J.* (Case No. 1423, January 3, 2023), *University of Toronto v. F.Z.* (Case No. 1243, December 20, 2022), *University of Toronto v. P.L.* (Case No. 1211, September 23, 2021) and *University of Toronto v. M.A.* (Case No. 837, August 31, 2016). In each of those cases, the student had had no prior academic offences and entered into an agreed statement of facts with the Provost. They all received a zero grade in the course and a five-year suspension.

57. In the present case, the Student has been found to have engaged in an extremely serious breach of academic integrity. What occurred is among the worst things a student could do. It is deserving of a harsh sanction. Her actions were completely premediated and deliberate. She went to a great deal of trouble and planning to conceal a camera in a button and to wear earpieces that had to be installed and removed with a special tool, which enabled her to show the test to the tutor and to receive the answers verbally in the exam room.

58. However, she has no prior record of academic misconduct, she obtained legal advice, she has demonstrated remorse, she has apologized, she has shown insight into what has occurred, and she has cooperated with the University. These are legitimate factors of mitigation, and she deserves credit for that. It has been demonstrated to the Tribunal that a lesser penalty than expulsion is appropriate. Accordingly, in light of the foregoing, including a review of the case law, the Tribunal concludes that the sanction requested by the Provost and agreed to by the Student, which effectively stops just short of expulsion, is reasonable and appropriate in the circumstances and is consistent with prior decisions of this Tribunal.

59. The Tribunal therefore orders that the following sanctions be imposed on the Student:
- a. a final grade of zero in ECO220Y1 in Fall 2022 and Winter 2023;
  - b. a suspension from the University for five years from September 12, 2023; and

c. a notation of this sanction on the Student's academic record and transcript for six years from September 12, 2023 (which is the date of the order).

60. In addition, the Tribunal orders that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto, this 24th day of November, 2023.

Original signed by:

---

Douglas Harrison, Chair  
On behalf of the Panel