

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on October 12, 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 -

X ■■■ S ■

**REASONS FOR DECISION**

**Hearing Date:** February 14, 2024, via Zoom

**Members of the Panel:**

Alexi Wood, Chair

Professor Gabriele D’Eleuterio, Faculty Panel Member

Garrick Burron, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

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

**Not in Attendance:**

X ■■■ S ■

**A. OVERVIEW**

1. On February 14, 2024, a Panel of the University Tribunal convened by videoconference to hear the University of Toronto's (the "University") allegations that X■■■ S■■■(the "Student") violated any or all of sections B.I.1(b), B.I.1(d), B.I.3(b), and B.II.2 *Code of Behaviour on Academic Matters, 2019* (the "Code").

2. The Panel received an Agreed Statement of Facts ("ASF"). The ASF documented that the Student signed it freely and voluntarily, knowing the consequences she faced, and that she signed the ASF either with the advice of counsel or having waived the right to obtain counsel.

3. The Student did not attend the hearing. She signed a consent requesting that the Tribunal proceed in her absence, without further notice of the hearing. In the consent, she acknowledged she understood the Tribunal may find she had committed academic misconduct and could impose sanctions as set out in the Code. She acknowledged that she had been advised of her right to obtain legal counsel and that she had either obtained that advice or waived her right to do so. She acknowledged that she signed the consent freely and voluntarily.

4. The hearing proceeded in the Student's absence. The hearing proceeded only regarding the offence. At the conclusion of the hearing on the offence, the Panel found that the Student was guilty of knowingly using and/or possessing an unauthorized aid or aids and/or obtaining unauthorized assistance, and/or attempting to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.

5. The Panel made the Order outlined below with reasons to follow. These are the reasons.

**B. THE CHARGES**

6. By letter dated October 12, 2023, the University outlined the charges against the Student as follows:

- a. On or about April 11, 2023, the Student knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in ECO202, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.
- b. On or about April 11, 2023, the Student knowingly represented as her own an idea or expression of an idea or work of another in connection with the final exam in ECO202, or attempted to do so, contrary to sections B.I.1(d) and/or B.II.2 of the Code.
- c. In the alternative, on or about April 11, 2023, 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 the final exam in ECO202, contrary to section B.I.3(b) of the Code.

(Collectively, the “Charges”)

7. The Particulars of the Charges are as follows.

- a. The Student was a student at the University of Toronto, Faculty of Arts and Sciences at all material times.
- b. In Fall 2022, the Student enrolled in ECO202: Macroeconomic Theory and Policy, which was taught by Professor Olga Denislamova.

- c. Students in the course were required to write a final exam, which was worth 30% of their final grade. Students were prohibited from using and/or possessing aids and/or obtaining assistance on the final exam.
- d. On or about April 11, 2023, the Student submitted the final exam.
- e. During the final exam, the Student used and/or possessed:
  - i. a camera and/or other electronic device(s) to transmit video footage and/or images of the final exam to another individual or individuals from whom the Student obtained or attempted to obtain assistance in connection with the final exam; and/or
  - ii. an earpiece and/or other electronic device(s) to transmit and/or receive audio from another individual or individuals from whom the Student obtained or attempted to obtain assistance in connection with the final exam.
- f. The Student knew or ought to have known that, in connection with the final exam:
  - iii. She was not permitted to use and/or possess a camera, an earpiece, and/or other electronic device(s); and/or
  - iv. She was not permitted to obtain assistance from others.
- g. The Student submitted the final exam:
  - v. to obtain academic credit;

- vi. knowing that it contained ideas, expressions of ideas or work that were not her own, but were the ideas, expressions of ideas or work of others; and
- vii. knowing that she did not properly reference the ideas, expressions of ideas or work that she drew from others.
- h. The Student paid a tutor, a tutoring company, and/or others to assist her with the final exam.
- i. The Student knowingly submitted or intended to submit the final exam with the intention that the University rely on it as containing her own ideas or work in considering the appropriate academic credit to be assigned to her work.

### **C. FINDINGS AND ORDER**

- 8. At the outset of the ASF, the Student acknowledged she had received a copy of the Charges, and that she pled guilty to all Charges. The Provost agreed that if the Tribunal made a finding of academic misconduct with respect to charge 1 outlined in paragraph 6(a) above, the Provost would withdraw the allegations in paragraph 6 (b) and (c) above.
- 9. After hearing the submissions of Assistant Discipline Counsel, the Panel found that the Student had committed the offences listed in paragraph 6(a).
- 10. As a result of this finding, the Provost agreed to withdraw the remaining charges listed in paragraph 6 above.
- 11. At the conclusion of the hearing on the offence, the Panel ordered that:
  - a. the hearing may proceed in the Student's absence; and

- b. the Student is guilty of knowingly using and/or possessing an unauthorized aid or aids and/or obtaining unauthorized assistance, and/or attempting to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.

Paragraph 11(a) and (b) will be referred to as the Penalty Ordered.

#### **D. AGREED FACTS**

12. At all material times, the Student was registered at the University of Toronto. In the Fall 2022, the Student enrolled in ECO202: Macroeconomic Theory and Policy, which was taught by Professor Olga Denislamova (the “Course”).

13. The syllabus for the Course contained a warning about academic integrity, which outlined the requirement for students to complete their own work and to properly acknowledge the ideas of others.

#### The Final Exam

14. The final exam for the Course, which was worth 30% of the final mark, was administered in person on April 11, 2023 (the “Final Exam”). The front page of the exam paper contained a warning about academic integrity that stated: “As a student, you help create a fair and inclusive writing environment. If you possess an unauthorized aid during an exam, you may be charged with an academic offence.”

15. During the Final Exam, Professor Denislamova and Heather Burt, a chief presiding officer (“CPO”), saw the Student repeatedly lift her exam paper so that it was parallel with her torso, and turn the page without writing anything. Ms. Burt told the Student to keep her exam paper on her desk, but the Student continued to lift her exam paper so that it was parallel with her torso.

16. Ms. Burt asked the Student if her cellphone was turned on. The Student said it was turned off. Ms. Burt checked the Student's cellphone, which was under her seat. It was turned on. Ms. Burt also noticed that the student's hoodie had a hole cut in the front of it, with a large black button poking out.

17. Ms. Burt told Professor Denislamova what she saw and filled out an allegation form.

18. When the Student handed in her exam paper, the large button was no longer visible in the hole in her hoodie. Professor Denislamova asked the Student to explain and the Student stated that she was wearing a fashion project with wires and buttons. She denied that she was wearing a miniature button camera. However, later that evening, the Student did sign an admission form where she admitted to possession of a cellphone during the Final Exam.

#### Student Academic Integrity Office and Dean's Designate Meeting

19. On April 26, 2023, the Student Academic Integrity Office ("SAIO") emailed the Student, requesting that she meet to discuss allegations of academic misconduct. On May 5, 2023, the Student sent an email to SAIO where she admitted that she had used a cellphone during the Final Exam to check her "review materials." She did not, however, acknowledge using a button camera.

20. On May 9, 2023, the Student met with Dean's Designate Professor Howard Ye to discuss the allegations of academic misconduct during the Final Exam. Professor Ye gave the Student the warning required by the Code.

21. Professor Ye asked the Student to explain what happened during the Final Exam. The Student initially said that she brought her cellphone to the Final Exam to "check her review materials" but that she did not check her cellphone because it was in her bag under her chair.

22. Professor Ye specifically asked the Student about the CPO's allegation that she held up her exam paper so it was parallel with her torso. The Student told Professor Ye that she wore a button camera, but said she took pictures of the Final Exam because she was thinking of retaking the Course and she wanted to use the questions to study. She admitted that the button camera was linked to her cellphone but said her cellphone was turned off. She denied wearing an earpiece and sending pictures of the Final Exam to anyone else.

23. On May 11, 2023, the SAIO emailed the Student to advise her that the matter was being forwarded to the Vice-Provost with a recommendation that academic misconduct charges be laid.

#### The Student Admits Misconduct

24. As part of the ASF, the Student admits she made false statements to Professor Denislamova and Ms. Burt. In particular, the Student admits that her statements about:

- a. her cellphone being off during the Final Exam;
- b. wearing a miniature button camera; and
- c. wearing a fashion project

were all false.

25. The Student also admits that she made false statements to Professor Ye during the Dean's Designate meeting. In particular, the Student admits that her statements about:

- a. using her cellphone to check her review materials during the Final Exam;
- b. denying she cheated and stating she completed the Final Exam on her own;



- c. wanting to take pictures of the Final Exam so that she could use them to study if she retook the Course the following year;
- d. not using a miniature button camera;
- e. not using an earpiece; and
- f. not communicating with anyone else

were all false.

26. The Student admits that:

- a. she used a miniature camera to take and send images of questions on the Final Exam to a tutor that she paid to solve questions on the Final Exam;
- b. the tutor told the Student answers by transmitting them to a miniature earpiece that the Student wore during the Final Exam;
- c. the Student used the tutor's answers on the Final Exam; and
- d. the Student performed no meaningful academic work on the Final Exam.

27. In the ASF the Student apologized for committing academic misconduct, and for making false statements to Ms. Burt, Professor Denislamova and Professor Ye.

28. The Student admits that she knowingly used and / or possessed an unauthorized aid or aids and / or obtained unauthorized assistance in connection with the Final Exam, and / or attempted to do so, contrary to sections B.I.1(b) and / or B.II.2 of the Code.

**E. FINDING OF GUILT**

29. Given the Student's factual admissions, and the admission to the charge in paragraph 6(a), the Panel finds the Student guilty of knowingly using and/or possessed an unauthorized aid or aids and/or obtaining unauthorized assistance in connection with the Final Exam, and/or attempting to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.

**F. PENALTY**

30. A joint submission on penalty was provided. However, after deliberations, the Panel asked Assistant Discipline Counsel to provide additional submissions on the Panel's ability to impose a more strict penalty than the one outlined in the JSP.

31. The issue of penalty was therefore adjourned.

**G. CONCLUSION**

32. On the issue of the offence, this Panel orders that:

- a. the hearing may proceed in the Student's absence; and
- b. the Student is guilty of knowingly using and/or possessing an unauthorized aid or aids and/or obtaining unauthorized assistance, and/or attempting to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.

Dated at Toronto at this 13<sup>th</sup> day of November 2024.



Alexi Wood, Chair  
On behalf of the Panel