

**UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on November 1, 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 amended S.O. 1978, c. 88

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

**UNIVERSITY OF TORONTO**

**- AND -**

**Z [REDACTED] M [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** November 5, 2024, via Zoom

**Panel Members:**

Roslyn M. Tsao, Associate Chair  
Professor Mary Silcox, Faculty Panel Member  
Matthaeus Ware, Student Panel Member

**Appearances:**

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Hillson Tse, Counsel for the Student, RGZ Law

**Hearing Secretary:**

Karen Bellinger, Associate Director, Appeals, Discipline and Faculty Grievances

**In Attendance:**

**Z [REDACTED] M [REDACTED]**

## **Charges and Appearances**

1. The Trial Division of the Tribunal heard this matter on November 5, 2024, to consider charges of academic dishonesty brought by the University of Toronto (the “University”) against Z■■■■■ M■■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was charged on November 1, 2023, with the following six charges which relate to two course examinations in April 2023 in ECO101H1 and MAT137Y1:

### **ECO101H1**

- (1) On or about April 13, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in ECO101H1, contrary to section B.I.1(b) of the Code.
- (2) In the alternative, on or about April 13, 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 the final exam in ECO101H1, contrary to section B.I.3(b) of the Code.

### **MAT137Y1**

- (3) On or about April 19, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in MAT137Y1, contrary to section B.I.1(b) of the Code.
- (4) On or about April 19, 2023, you knowingly aided and assisted other students in connection with the final exam in MAT137Y1, contrary to sections B.I.1(b) and B.II.1(a)(ii) of the Code.

- (5) On or about April 19, 2023, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the final exam in MAT137Y1, contrary to section B.I.1(d) of the Code.
  - (6) In the alternative, on or about April 19, 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 the final exam in MAT137Y1, contrary to section B.I.3(b) of the Code.
- 2. The University and Student, through counsel, submitted an Agreed Statement of Facts dated September 3, 2024 ("ASF") and Book of Documents ("BoD") wherein the Student admitted to knowingly committing two academic offences contrary to Section B.I.1(b), by using an unauthorized aid in both ECO101H1 and MAT137Y1. Mr. Tse confirmed that the Student reviewed and understood the ASF.
- 3. The Student was present at the hearing with his lawyer, Mr. Tse.

#### **Facts**

- 4. The Student admitted the following facts in the ASF:

#### ***The Offences***

- 5. In Fall 2022, the Student enrolled in ECO101H1. There was a final exam in ECO101 worth 36% of their final grade. The ECO101 syllabus contained a warning about academic integrity which the Student acknowledged having reviewed.
- 6. On April 7, 2023, in advance of the ECO101 exam, instructions were posted which emphasized that: "You are allowed a NON-PROGRAMMABLE calculator and a ruler." The ECO101 final exam was administered in person on April 13, 2023, from 7:00 pm to 9:00 pm. At the start of the final exam, the chief presiding officer announced that students were only permitted to use a non-programmable calculator and a ruler.

7. During the ECO101 final exam, the chief presiding officer saw the Student using a calculator. The chief presiding officer asked the Student whether he had a graphing calculator, and the Student denied that it was a graphing calculator. The chief presiding officer confiscated the calculator from the Student and confirmed that it was a programmable graphing calculator. The chief presiding officer subsequently completed an Alleged Academic Misconduct Report Form about the incident. The chief presiding officer noted that the denial might have been due to either a language barrier or a misunderstanding. Later that day, the Student submitted his ECO101 final exam.
8. In Fall 2022 and Winter 2023, Professor Xiaoyue Cui taught MAT137Y1: Calculus with Proofs (“MAT137”). There were over 600 students enrolled in MAT137, including the Student, and another student, J.Y. There was a final exam in MAT137 worth 30% of their final grade. The MAT137 syllabus contained a warning about academic integrity which the Student acknowledged having reviewed.
9. The MAT137 final exam was administered in person on April 19, 2023, from 7:00 pm to 10:00 pm. At the start of the final exam, the chief presiding officer announced that students were prohibited from using or possessing electronic devices. There were additional express warnings about academic integrity and unauthorized aids on the front page of the exam, including:
  - 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.
  - Turn off and place all cell phones, smart watches, electronic devices, and unauthorized study materials in your bag under your desk. If it is left in your pocket, it may be an academic offence.
10. On April 19, 2023, at 8:03 pm, Professor Cui received an email from a student (the “Informant”) who stated that several other students were cheating on the MAT137 final exam. The Informant sent Professor Cui screenshots of a WeChat group chat in which

users were discussing using a tutor to obtain assistance with the MAT137 final exam. The screenshots included an image of a money transfer and several pictures of MAT137 final exam papers. These screenshots identified J.M. (a different student in the course) and the tutor ("White Dog").

11. The Informant told Professor Cui that J.M. planned to cheat on the MAT137 final exam and that J.M. was wearing a smart watch. The Informant gave Professor Cui J.M.'s full name and student number. Later that evening, during the MAT137 final exam, Professor Cui approached J.M. and saw that she was wearing a smart watch. Professor Cui confiscated the smart watch from J.M. and prepared an allegation form about the incident.
12. One of the invigilators ("DF") who observed some of J.M.'s misconduct during the MAT137 final exam, filled out a report about this incident. DF took pictures of J.M.'s smart watch and smart phone during the MAT137 final exam. The group chat on WeChat with White Dog is visible in some of the images of J.M.'s smart phone. That same evening, J.M. signed a form in which she admitted to possessing an unauthorized aid during the MAT137 final exam.
13. That same evening, the Student submitted his MAT137 final exam.
14. Professor Cui subsequently reviewed the pictures of the MAT137 final exams that were in the WeChat group chat that she received from the Informant, and every final exam to see whether she could find any matches.
15. Professor Cui found that: one final exam that was posted to WeChat contained a unique marking that was only present on one student's final exam – that of the Student; and one final exam that was posted to WeChat contained a unique marking that was only present on another student's final exam (J.Y.'s final exam).
16. A comparison of the unique marks on the Student's MAT137 final exam to the picture of the final exam in WeChat positively confirms that the Student's exam was uploaded to the WeChat group chat.

17. The answers that the Student, J.M., and J.Y. submitted for questions 1-7(b) on the final exam are virtually identical. The answers that the Student and J.Y. submitted for questions 7(c)-11 are virtually identical. J.M., who had her smart watch confiscated in the middle of the MAT137 final exam, wrote little-to-nothing for questions 7(c)-11.

***The Dean's Designate Meeting and Following***

18. From May to June 2023, the Student Academic Integrity office invited the Student to attend a Dean's Designate meeting to discuss the allegations about the ECO101 final exam and the MAT137 final exam. The Student did not respond to these emails and did not attend a Dean's Designate meeting.
19. In July 2023, the Student Academic Integrity office informed the Student that they would forward the allegations to the Vice-Provost with the recommendation that charges be laid and the case heard by the Tribunal.
20. With respect to the ECO101 allegations, the Student admits that he used and possessed a graphing calculator on the ECO101 final exam.
21. With respect to the MAT137 allegations, the Student admits that:
- (a) Before the final exam, he joined a group chat with White Dog, J.M., J.Y., and others in which they planned to cheat on the final exam;
  - (b) Before the final exam, he agreed to take and send pictures of the final exam to the group chat for the purpose of cheating;
  - (c) During the final exam, he took and sent pictures of the final exam to the group chat for the purpose of cheating;
  - (d) During the final exam, he received answers to every question on the final exam from White Dog via electronic devices; and
  - (e) He performed no meaningful academic work on the MAT137 final exam.

22. The Student pleaded guilty to all six charges. If there were findings on charges (1), (3) and (4), the University agreed to withdraw charges (2), (5) and (6) following the guilty plea.

### **Decision of the Tribunal**

23. Based on the ASF and review of the BoD, the Panel finds the Student guilty of Charges (1), (3) and (4).
24. The University withdrew the other three charges.

### **Penalty**

25. The Student and University submitted a Joint Submission on Penalty ("JSP") dated September 3, 2024, in support of the following penalty:
- (a) a final grade of zero in the Course ECO101H1;
  - (b) a final grade of zero in the Course MAT137Y1;
  - (c) a suspension from the University for 5 years to commence on September 1, 2024;  
and
  - (d) a notation of the offence on the Student's academic record and transcript for 6 years from the date of the Tribunal's order.
26. I note that the JSP was not made an exhibit at the hearing by oversight. Accordingly, make the JSP Exhibit 2, nunc pro tunc.
27. Although this matter was presented to the Panel by way of an ASF and JSP (both of which were submitted voluntarily by the Student after independent legal advice), we are still required to consider the *University of Toronto and Mr. C* factors (Case No.: 1976/77-3, November 5, 1976), to support our decision on penalty: character of student, likelihood of repetition of the offence, nature of the offence committed, existence of extenuating circumstances, detriment to the university and general need for deterrence.

28. No history of prior academic misconduct at the University for the Student was tendered. The Student was cooperative and was prepared to enter his plea earlier (in September 2024) than the hearing date. As an aggravating factor, the University noted that the incident and warning regarding the programming calculator took place a week before the second and third offences.
29. With regard to Charges (3) and (4), the principal *Mr. C* factors to consider are the *nature of the offence, general deterrence and detriment to the university*.
30. In light of these three principles in this case, there is significant concern about the detrimental effect of such offences on the integrity of the academic institution. In particular, there are elements of premeditation, surreptitious use of technology and the provision of unauthorized aid to students beyond the Student himself. The coordinated effort to commit the offences involved at least three students and an external individual(s). The offence also involved the payment of money (by another student) for assistance.
31. Without the assistance of the Informant and the time-consuming review of exam booklets, the offence may have gone undetected.
32. Therefore, a serious and significant sanction is warranted in favour of specific deterrence and more so for general deterrence and to confirm that the University will not tolerate such behaviour. Because it can be relatively more difficult to detect academic dishonesty that involves premeditation, concerted efforts among individuals and misuse of technology, when a student is caught, the sanction needs to be at the more significant range of the spectrum to deter others.
33. The decision relating to the other student involved in the MAT137 incident herein, was provided by the University. That student was recommended for expulsion based on the circumstances surrounding her plea.
34. In contrast, the within JSP seeks only a five year suspension as its highest sanction.



35. A review of the cases provided by the University for similar offences, with and without similar aggravating factors, confirm that the JSP falls within an appropriate range of sanctions in these circumstances.
36. 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 into disrepute. Counsel for the Student confirms the Student's affirmation of the joint submission as appropriate.
37. The Panel, therefore, accepts and will follow the JSP.
38. An Order was signed after the hearing by the Panel in accordance with above finding of guilt on Charges (1), (3) and (4) and the penalty as set out in the JSP.
39. We thank both counsel for the efficiency of the Hearing.

Dated at Toronto, this 25th day of November, 2024

Original signed by: \_\_\_\_\_

Roslyn Tsao, Associate Chair  
On behalf of the Panel