

Case No.: 1651

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on July 4, 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:

THE UNIVERSITY OF TORONTO

- and -

Z [REDACTED] H [REDACTED]

REASONS FOR DECISION

Hearing Date: November 1, 2024, via Zoom

Members of the Panel:

F. Paul Morrison, Chair
Professor Manfred Schneider, Faculty Panel Member
James Wang, Student Panel Member

Appearances:

William Webb, Assistant Discipline 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 and Faculty Grievances

In Attendance:

Z [REDACTED] H [REDACTED]

1. On November 1, 2024, this Panel of the University Tribunal held a hearing to consider the Charges brought by the University of Toronto (the “University”) against Z [REDACTED] H [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

A. THE CHARGES AND PARTICULARS

2. The Charges were as follows:

1. On or about April 17, 2024, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in STAB57H3F, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.
2. In the alternative, on or about April 17, 2024, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the final exam in STAB57H3F, or attempted to do so, contrary to sections B.I.1(d) and/or B.II.2 of the Code.
3. In the alternative, on or about April 17, 2024, 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 STAB57H3F, contrary to section B.I.3(b) of the Code.

Particulars of the offences charged are as follows:

1. You were a student enrolled at the University of Toronto Scarborough at all material times.
2. In Winter 2024, you enrolled in STAB57H3F: An Introduction to Statistics.
3. Students in the course were required to write a final exam, which was worth either 40% or 70% of their final grade. Students were prohibited

from using or possessing aids or obtaining assistance during the final exam.

4. On or about April 17, 2024, you wrote and submitted the final exam in STAB57H3F.

5. During the final exam, you used and/or possessed:

- (a) 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 you obtained or attempted to obtain assistance in connection with the final exam; and/or
- (b) an earpiece and/or other electronic device(s) to transmit and/or receive audio from another individual or individuals from whom you obtained or attempted to obtain assistance in connection with the final exam.

6. You knew or ought to have known that, in connection with the final exam:

- (a) you were not permitted to use and/or possess a camera, an earpiece, and/or other electronic device(s); and/or
- (b) you were not permitted to obtain assistance from others.

7. You submitted the final exam:

- (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.

8. You paid a tutor, a tutoring company, and/or others to assist you with the final exam.

9. You knowingly submitted or intended to submit the final exam 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.

B. AGREED STATEMENT OF FACTS

3. The hearing proceeded, on consent, by way of an Agreed Statement of Facts (the “Agreed Statement” or “ASF”). Included as part of the submission of the Agreed Statement was a Book of Documents re Finding of Offence which was marked as Exhibit 1 at the hearing.

4. The Agreed Statement provides as follows:

3. The Student acknowledges that she has received a copy of the charges, waives the reading of the charges, and pleads guilty to charge 1. The Student denies charges 2 and 3.

4. The Student denies paragraphs 5 and 7 of the particulars of the offences charged. The Student admits that all other particulars of the offences charged are true. In addition, the Student admits that she intended to perform no meaningful academic work on the final exam in STAB57H3F.

5. The Provost agrees that if the Tribunal makes a finding of academic misconduct with respect to charge 1, the Provost will withdraw charges 2 and 3.

6. The Student was a student at the University of Toronto Scarborough at all material times. A copy of the Student’s academic record is attached to the ASF at **Tab B**.

A. STAB57H3F: An Introduction to Statistics

7. In Winter 2024, the Student enrolled in STAB57H3F: An Introduction to Statistics ("STAB57"), which was taught by Professor Shahriar Shams.

8. Students in STAB57 were required to write a final exam, which was worth 40% or 70% of their final grade depending on whether or not they wrote the midterm exam.

9. The STAB57 syllabus contained a warning about academic integrity that stated:

Academic integrity is fundamental to learning and scholarship at the University of Toronto Scarborough. Participating honestly, respectfully, responsibly, and fairly in this academic community ensures that the University of Toronto degree that you earn will be valued as a true indication of your individual academic achievement, and will continue to receive the respect and recognition it deserves. Familiarize yourself with the University of Toronto Scarborough's Code of Behaviour on Academic Matters available at (<https://www.utscc.utoronto.ca/vpdean/academic-integrity-matters/>)

Students are not allowed to share assignment, tests and exam questions with anyone (not even with other students taking this course) at any point in any platform. Sharing questions and submitting works completed by someone else is a huge academic offence. Please stay away from this type of behaviors [sic].

10. The Student received and reviewed a copy of the STAB57 syllabus at the start of the term. A copy of the STAB57 syllabus is attached to the ASF at **Tab C**.

B. The STAB57 Final Exam

11. The STAB57 final exam was administered on April 17, 2024, from 7:00 pm to 9:00 pm, in classroom IC 130 at the University of Toronto Scarborough.

12. At the start of the final exam, the Chief Presiding Officer announced that students were prohibited from using or possessing aids except a calculator or obtaining assistance during the final exam. The Student

heard the Chief Presiding Officer's announcement at the start of the final exam.

13. The front page of the final exam stated that calculators were the only aid allowed. The Student read the front page at the start of the final exam.

14. At approximately 8:30 pm, Valerie Chen, an Examinations Assistant in the Office of the Registrar, saw that some of the buttons on the Student's shirt looked unusual. Ms. Chen asked the Student whether she had any unauthorized aids and asked to see her ears. The Student showed Ms. Chen one of her ears, and Ms. Chen saw a miniature earpiece in the Student's ear. Ms. Chen asked the Student about the miniature earpiece, and the Student said that it was a hearing aid. Ms. Chen said that it would be better if the Student admitted now rather than later, and the Student admitted that she had a cellphone and another earpiece in her jacket pocket.

15. The Student admits that the device she was wearing in her ear during the final exam was a miniature earpiece, not a hearing aid. The Student admits that she lied to Ms. Chen by claiming that the device was a hearing aid.

16. Ms. Chen asked the Student about the unusual button on her shirt, and the Student said that the button was just a regular button.

17. The Student told Ms. Chen that she contacted and purchased an exam assistant service from someone on WeChat. The Student said that the person provided her with the earpieces. The Student told Ms. Chen that she planned to take a picture of the final exam and receive answers through the earpieces. The Student showed Ms. Chen a picture of the WeChat account for the exam assistant service on her cellphone, but the chat history with the account had been cleared.

18. Ms. Chen found a magnetic tool in the Student's pencil case. The magnetic tool is used for removing the miniature earpieces from one's ears.

19. Ms. Chen took pictures of the Student's cellphone, miniature earpieces, magnetic tool, and buttons. Copies of these pictures, which contain Ms. Chen's descriptions, are attached to the ASF at **Tab D**.

20. The Student told Ms. Chen that she was very sorry and signed a Possession of Unauthorized Electronic Device form in which she admitted to possessing a cellphone and earpieces. A copy of the possession form is attached to the ASF at **Tab E**.

21. A copy of the Student's final exam is attached to the ASF at **Tab F**.

22. Later that day, Ms. Chen and Professor Shams prepared an Exam Incident Report about the incident involving the Student at the STAB57 final exam. A copy of the incident report is attached to the ASF at **Tab G**.

C. The Dean's Designate Meeting

23. On April 30, 2024, the Office of the Vice-Principal Academic & Dean invited the Student to attend a Dean's Designate meeting to discuss the allegations that she committed an academic offence in connection with the STAB57 final exam. The Student subsequently confirmed that she would attend the meeting. A copy of the email thread (with attachments) between the Student and the Office of the Vice-Principal Academic & Dean from April 30 to May 21, 2024 is attached to the ASF at **Tab H**.

24. On May 21, 2024, the following people attended a Dean's Designate meeting to discuss the allegations that the Student committed an academic offence in connection with the STAB57 final exam: the Student, X.H. (the Student's friend), Professor Nick Cheng (a Dean's Designate), and Sheryl Nauth (an Academic Integrity Specialist).

25. At the start of the meeting, Professor Cheng gave the Student the warning that is required by the Code.

26. Professor Cheng told the Student that they would discuss the STAB57 final exam allegations. Professor Cheng explained that the Student allegedly had a button camera, earpieces, and a cellphone during

the STAB57 final exam. Professor Cheng said that he understood the Student intended to cheat, but that her plan was unsuccessful. Professor Cheng explained that regardless of whether her plan to cheat was successful, that her actions were still considered an academic offence.

27. Professor Cheng asked the Student whether or not she pled guilty to possessing unauthorized aids with the intention of receiving unauthorized assistance, and the Student said yes. Professor Cheng asked the Student whether she understood that her actions constituted an academic offence, and the Student said no.

28. Professor Cheng explained to the Student that possessing unauthorized aids was an academic offence and that intending to carry out an academic offence was still an academic offence. Professor Cheng asked the Student what she did not understand. In response, the Student stated that:

- (a) She did not have a conversation with others or take pictures of the exam, so she wondered whether this case involved third party assistance;
- (b) She did not have a button camera during the final exam;
- (c) She knew that her actions were very serious, she made a big mistake, and she was sorry;
- (d) She succumbed to advertising because she did not get into her preferred major in first year and she felt pressured about the exam; and
- (e) She did not use the earpieces and did not get any benefit from them.

29. Professor Cheng told the Student that she should be careful about these cheating services and to stay away from them, and the Student said yes. Professor Cheng told the Student that he would send her a letter about the matter.

30. On May 27, 2024, Professor Cheng sent the Student a letter (via email) that stated, given the severity of the alleged offence, her case would be forwarded to the Vice-Provost for resolution. A copy of this letter is attached to the ASF at **Tab I**.

D. Denials, admissions, and acknowledgements

31. The Student denies that she wore a button camera during the STAB57 final exam. The Student denies that the lower button on the shirt that she wore during the STAB57 final exam in the picture at Tab D of the ASF is a button camera. The Provost disagrees about the nature of the offence.

32. 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 in STAB57, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.

33. The Student acknowledges that she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel or having waived the right to obtain counsel.

34. The Student acknowledges that the Provost has made no representations to her regarding what penalty the Provost will seek in this proceeding.

5. The primary, if not the only, point of difference between the University and the Student was whether the Student wore a “button camera” as part of her clothing at the exam and whether she used that device in the course of the examination.
6. Counsel for the University filed as evidence at the hearing the Affidavit of Sheryl Nauth, an Academic Integrity Assistant in the Office of the Vice-Principal Academic and Dean at the University of Toronto Scarborough. Ms. Nauth’s Affidavit was contained within Exhibit 1 at the hearing.

7. Ms. Nauth's Affidavit contained clear and persuasive evidence that the Student's clothing included a button camera. Ms. Nauth gave evidence as to the appearance and mode of functioning of a button camera and, in some detail, the basis on which she testified that the Student's clothing included a button camera. Ms. Nauth's Affidavit was clear and compelling and her evidence was accepted by the Panel.
8. Following the conclusion of University's evidence, counsel for the Student advised the hearing that there would be no evidence led on behalf of the Student and that the Student, herself, would not testify at the hearing.
9. In closing submissions, counsel for the University reviewed at some length the content of the Agreed Statement and the Affidavit evidence of Ms. Nauth. The Student, and her representative, were present throughout this presentation and did not object thereto in any respect.
10. Counsel for the University emphasized that all the elements of the offences charged were proven by the content of the Agreed Statement and the evidence of Ms. Nauth, including, in particular, that the Student agreed to the content of the Agreed Statement and acknowledged its accuracy.
11. The Panel carefully considered all of the submissions made by counsel for the University and by the representative for the Student. The Panel was particularly influenced by the Student's admissions, including that the Student had admitted facts sufficient to sustain the Charges. In particular, with respect to the allegations concerning the "button camera", the Panel was satisfied by the evidence of Ms. Nauth that the "button camera" allegation was proven.
12. The Panel registered a finding of guilt and entered a conviction on Charge 1. In accordance with its undertaking the University withdrew the alternative charges, i.e., Charge 2 and Charge 3.

C. SANCTION / PENALTY

13. For purposes of the hearing as to penalty, counsel for the University submitted a Book of Documents re Sanction (the “Book”). The Book included an Agreed Statement of Facts on Penalty (the “ASFP”), which was marked as Exhibit 2 at the hearing.

14. The Agreed Statement of Facts on Penalty provided as follows:

2. In Fall 2022, the Student enrolled in CSCA08H3: Introduction to Computer Science I (“CSCA08”). Students in CSCA08 were required to write three coding assignments, which were worth 8%, 10%, and 14% of their final grade, respectively.

3. The CSCA08 syllabus contained a warning about academic integrity that stated (emphasis in original):

Do not use another person’s work. Sharing your work with others (even if they promise to only consult with your work and not copy any parts of it) is a violation of this policy. Using a solution found on the web is a violation of this policy. If challenged by either a tutor or the instructor, you must be able to reproduce and explain any work you submit in an oral exam. Failure to observe this policy is an academic offence, carrying a penalty ranging from a zero on a homework or a test to suspension from the university. **Be very careful** when engaging “tutoring services”. In previous years, we had students suspended from the university as a result of submitting work that was done with the “help” of such “tutors”. When in doubt whether a tutoring company is offering real teaching or is helping students cheat, do not hesitate to ask your instructor – we are here to help!

4. The Student received and reviewed a copy of the CSCA08 syllabus at the start of the term. A copy of the CSCA08 syllabus is attached to the ASF at **Tab A**.

5. Later that term, the Student submitted Assignment 2 in CSCA08. The course instructor reviewed the Student’s Assignment 2 and alleged that she obtained unauthorized assistance because the computer code that she submitted was very similar to another student’s computer code.

6. On January 26, 2023, the Student attended a departmental meeting with Professor Brian Harrington, Chair's Designate, Department of Computer & Mathematical Sciences, to discuss the allegation that she committed an academic offence in connection with Assignment 2 in CSCA08. Professor Harrington began the meeting by outlining the procedure in the Code and the nature of the allegation. The Student admitted that she obtained unauthorized assistance on Assignment 2 and that she understood she had committed an academic offence.

7. On February 6, 2023, Professor Harrington sent the Student a letter (via email) that summarized their meeting and the sanction imposed. The letter stated:

On Wednesday, January 26, 2023, you and I met to discuss an alleged academic offence in the 2022 Fall session course CSCA08. Specifically, it was alleged that, for one of your assignments, you submitted a solution code that was very similar to another student.

I began the meeting by outlining the procedure we are following as described in the University's Code of Behaviour on Academic Matters.

You explained that you used unauthorized assistance for the completion of your assignment. You understand that this is an unauthorized aid and you admitted committing an academic violation.

I find that an academic offence had been committed under Section B.i.1.(d) of the University's Code of Behaviour on Academic Matters.

On the basis of your admission of the offence, I have decided to apply a penalty of zero for this assignment.

While no indication of this offence will appear on your transcript, it will form part of your academic record and will be used against you in the event of any future actions under the Code.

Academic offences are serious matters and are treated as such by the University. I hope you will learn from this experience, and make sure that nothing like this happens again.

8. The Student received and reviewed Professor Harrington's letter in February 2023. A copy of Professor Harrington's letter is attached to the ASF at **Tab B**.
9. The University subsequently imposed the sanction set out in the letter. Due to the mark reduction, the Student received a failing grade (46%) in CSCA08.
10. The Student acknowledges that she is signing this ASFP freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel or having waived the right to obtain counsel.
11. The Student acknowledges that the Provost has made no representations to her regarding what penalty the Provost will seek in this proceeding.
15. For purposes of his submissions as to penalty, counsel for the University provided the Panel with a "Chart of Cases" which was contained in the Book of Documents re Sanction.
16. The Chart of Cases included a section summarizing precedent cases in which the student in question utilized miniature cameras and earpieces in the course of an examination or academic test. The Panel found this summary of cases to be helpful, in light of the Student in this case having resorted to the use or potential use of a miniature camera and earpieces.
17. In his submissions, counsel for the University emphasized that a penalty including expulsion was called for in cases involving the use of miniature cameras and earpieces. As revealed by the Chart of Cases, cases where expulsion was not ordered, but instead a five-year suspension, were cases in which there were extenuating circumstances that affected the disposition of the case. Such extenuating circumstances could include cooperation, genuine remorse, or a voluntary withdrawal from the University.

18. Counsel for the University emphasized that there were no such extenuating circumstances in this case. Rather, the Student had admitted to a prior offence just over a year prior to the offence in question. Further, in the instant case, the Student lied about the true nature of the earpieces and camera, thus aggravating the offence. As a result, counsel for the University submitted that the appropriate penalty in the instant case should include expulsion from the University.
19. The representative for the Student made no submissions as to penalty or sanction.
20. The Panel carefully considered all of the cases referred to by counsel, as well as the submissions as to penalty and the ASFP. The Panel concluded that the penalty requested by counsel for the University was appropriate and called for in the circumstances of this case, and issued the Order requested.

D. ORDER

21. Accordingly the Panel issued the following Order on November 1, 2024:

On November 1, 2024, the University Tribunal convened to hear the Provost's allegations that Z██████ H██████ (the "Student") violated the Code of Behaviour on Academic Matters ("Code"). The hearing was held virtually. After hearing the evidence called and submissions made by the parties, the University Tribunal:

1. **ORDERS THAT** the Student is guilty of knowingly using and/or possessing an unauthorized aid or aids and/or obtained unauthorized assistance, contrary to section B.I.1(b) of the Code;
2. **RECOMMENDS** to the President of the University that the President recommend to the Governing Council that the Student be expelled from the University;
3. **ORDERS THAT** the Student shall be immediately suspended from the University of Toronto for a period of up to five years from

the date of this Order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on their academic record and transcript;

4. **ORDERS THAT** the Student shall receive a final grade of zero in STAB57H3F; and

5. **ORDERS THAT** this case shall be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the name of the Student withheld.

DATED at Toronto, this 9th day of December, 2024.

Original signed by:

F. Paul Morrison, Chair
On behalf of the Panel