

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on October 21, 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:

**UNIVERSITY OF TORONTO**

- and -

**Q ■■■■ L ■■■■**

**REASONS FOR DECISION**

**Hearing Date:** December 9, 2024, via Zoom

**Members of the Panel:**

Alexi Wood, Chair

Professor Manfred Schneider, Faculty Panel Member

Samantha Chang, Student Panel Member

**Appearances:**

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

Antone Liu, Representative for the Student, L&B LLP

**Hearing Secretary:**

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

**In Attendance:**

**Q ■■■■ L ■■■■**

**A. OVERVIEW**

1. This is a case of serious academic misconduct: the use of “spyware” technology to cheat on exams. In this case, Q■■■ L■■■ (the “Student”) had an extra large button on his left sleeve which had camera lens. He also had an earpiece through which he expected to receive information. The Student admitted he paid a deposit for the spyware and paid a fee for the exam answers.

2. This Tribunal has seen an alarming increase in spyware cases. This is some of the most egregious forms of cheating. It involves premeditation not only to hire the exam service, but to procure and wear the technology. It is pervasive and coordinated. This misconduct must be addressed, and the sanction must be serious to properly reflect the serious nature of the misconduct and to appropriately deter others. In this case, but for the agreed statement of facts and joint submission on penalty, this Panel would have likely recommended expulsion.

**B. THE CHARGES**

3. By letter dated October 21, 2024, the University outlined the charges against the Student as follows:

1. On or about August 13, 2024, the Student knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in LINB18H3, 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 August 13, 2024, the Student knowingly represented as his own an idea or expression of an idea or work of another in connection with the final exam in LINB18H3, 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 August 13, 2024, in connection with the final exam in LINB18H3, the Student knowingly abetted, counseled, procured or conspired with any other person or persons who, if they were a member, would have committed or have been a party to an offence under section B.I.1(b) of the Code, contrary to section B.II.1(a)(v) of the Code.

4. In the alternative, on or August 13, 2024, in connection with the final exam in LINB18H3, the Student knowingly abetted, counseled, procured or conspired with another member or other members to commit or be a party to an offence under section B.I.1(b) of the Code, contrary to section B.II.1(a)(iv) of the Code.

5. In the alternative, on or about August 13, 2024, 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 LINB18H3, contrary to section B.I.3(b) of the Code.

(Collectively, the “Charges”)

4. The Particulars of the Charges are as follows.

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

2. In Summer 2024, the Student enrolled in LINB18H3: English Grammar.

3. Students in the course were required to write a final exam, worth 45% of their final grade. Students were prohibited from using or possessing aids or obtaining assistance on the final exam.

4. On or about August 13, 2024, the Student wrote the final exam.
5. During the final exam, the Student 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 the Student 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 the Student obtained or attempted to obtain assistance in connection with the final exam.
6. The Student knew or ought to have known that, in connection with the final exam:
  - (c) the Student was not permitted to use and/or possess a camera, an earpiece, and/or other electronic device(s); and/or
  - (d) the Student was not permitted to obtain assistance from others.
7. The Student submitted the final exam:
  - (a) to obtain academic credit;
  - (e) knowing that it contained ideas, expressions of ideas or work that were not his own, but were the ideas, expressions of ideas or work of others; and
  - (f) knowing that the Student did not properly reference the ideas, expressions of ideas or work that he drew from others.
8. The Student paid another or others to assist him on the final exam.
9. The Student paid for aids to obtain assistance on the final exam.

10. The Student knowingly submitted or intended to submit the final exam with the intention that the University rely on it as containing his own ideas or work in considering the appropriate academic credit to be assigned to his work.

11. The Student knowingly abetted, counseled, procured, or conspired with another or others to commit offences or be a party to an offence or offences, including but not limited using or possessing an unauthorized aid or aids or obtaining unauthorized assistance in any academic examination or term test or in connection with any other form of academic work.

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

5. The Student attended the hearing, represented by counsel. The parties provided an agreed statement of facts (“ASF”). These facts, as will be discussed below, provided sufficient evidence for this Panel to conclude that Provost met its burden in establishing the charge listed in paragraph 3(a). As a result of this finding, the Provost withdrew the remaining charges.

6. The parties also made a joint submission on penalty (“JSP”), which was accepted by this Panel. At the conclusion of the hearing, this Panel ordered that:

- a. The Student receive a final grade of zero in LINB18H3;
- b. The Student be suspended from the University of Toronto for 5 years commencing on January 1, 2025; and
- c. A notation of the offence be placed on the Student’s academic record and transcript for 7 years commencing on January 1, 2025.

7. The Panel also ordered that the case 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.

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

8. The Student was enrolled in LINB18H3: English Grammar (the “Course”) in the summer of 2024. The Course syllabus contained a warning about academic integrity that stated:

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student’s individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto’s Code of Behaviour on Academic Matters outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. It is expected that all students adhere to these guidelines.

9. The Student received and reviewed a copy of the syllabus at the start of the Course.

#### **The Final Exam**

10. The final exam in the Course was administered on August 13, 2024. The final exam was worth 45% of the final grade. The front page of the final exam contained an academic integrity warning that clearly stated that no aids were allowed. In addition, at the start of the exam, an invigilator gave an announcement that repeated that students were prohibited from using or possessing aids or obtaining assistance on the final exam.

11. Throughout the exam, several different invigilators saw the Student repeatedly lift his left arm above his exam and hold it there for a prolonged period of time. The invigilators noticed that the student was wearing a shirt with multiple buttons, but that one button on the left was bigger than the other buttons.

12. The invigilators approached the Student and asked him if he was using unauthorized aids. The Student initially denied he was wearing a camera or earpieces, but then when pressed, the Student admitted to wearing unauthorized devices.

13. The Student was allowed to leave the exam to remove the devices. He gave them to the invigilators. He was then allowed to complete the exam.

14. The Student told the invigilators he had paid a third party for assistance on the final exam. He also paid a deposit for the spyware devices. The Student showed the invigilators the WeChat conversation documenting the payment for the assistance.

15. The Student stated he never received any answers through the earpieces.

#### **The Dean's Designate Meeting**

16. On September 16, 2024, the Student attended a Dean's Designate meeting to discuss the allegations of academic misconduct arising from his actions during the final exam in the Course. The Student met with Professor Lisa Harvey, a Dean's Designate for academic integrity. She gave the Student the warning required by the Code. During that meeting, the Student denied he committed an academic offence. The matter was then forwarded to the Vice-Provost.

#### **Subsequent Admission**

17. After the matter was forwarded to the Vice-Provost, the Student admitted the misconduct. The Student admitted that he used and possessed a miniature earpiece and button camera during the final exam in the Course. He admitted that he attempted to obtain unauthorized assistance from

a third party via those aids. He stated he never received the aid and was caught by the invigilators before he could receive the answers.

18. The Student admits that he knowingly used and possessed unauthorized aids and attempted to obtain unauthorized assistance in connection with the final exam in the Course, contrary to sections B.I.1(b) and B.II.2 of the Code.

#### **E. FINDING OF GUILT**

19. The Panel finds the Provost has shown through clear and convincing evidence that the Student committed the offence of knowingly using and possessing unauthorized aids and attempting to obtain unauthorized assistance in connection with the final exam in the Course, contrary to sections B.I.1(b) and B.II.2 of the Code.

#### **F. PENALTY**

20. The parties jointly submitted the penalty ordered at paragraphs 6 and 7.

#### Joint Submission on Penalty

21. In the 2016 M.A. decision, the Discipline Appeals Board (“DAB”) reiterated the applicable principles when the parties submit a joint submission on penalty.<sup>1</sup> While “a panel is not obliged or required to accept a joint submission,”<sup>2</sup> such a submission “may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the

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<sup>1</sup> *University of Toronto and M.A.* (Case #837, December 22, 2016 (Appeal)) para 22.

<sup>2</sup> *University of Toronto and M.A.* para 23.



administration of justice into disrepute.”<sup>3</sup> The DAB further stated that this is an objective test, and that the joint submission should only be rejected if it is “truly unreasonable or unconscionable.”<sup>4</sup>

22. In reaching its decision on penalty, the Panel is guided by the factors established in the case of *University of Toronto and Mr. C.*<sup>5</sup> which are:

- 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.

#### Decision on Penalty

23. The Student attended the hearing, represented by counsel. The parties also filed an agreed statement of facts on penalty, which are relevant to the factors in paragraph 22.

24. While the Student initially denied his misconduct, he appeared at the hearing, represented by counsel. He admitted to and apologized for using and possessing earpieces and a button camera during the final exam in the Course. The Student stated he felt family pressure to succeed in school. While not an excuse for the misconduct, the Student’s admission and cooperation to reach an

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<sup>3</sup> *University of Toronto and M.A.* para 24.

<sup>4</sup> *University of Toronto and M.A.* para 26.

<sup>5</sup> Case No. 1976/77-3, November 5, 1976

agreed statement of facts and joint submission on penalty speak favourably about his character and provide this Panel with the extenuating circumstances surrounding why the Student engaged in this misconduct.

25. As for the likelihood of repetition, the Student stated he intends to return to the University to finish his degree. He stated that if he returns, he will contact the Office of the Vice-Principal Academic & Dean about academic success workshops and learning strategies.

26. The parties did not submit an undertaking. While other decisions of this Tribunal have been dismissive of undertakings, this Panel would have appreciated an undertaking documenting that either the Student will not return to the University or, if he does return, that he is fully committed to proactively engaging in learning strategies to ensure there is no repetition of this misconduct. Such an undertaking would have more enforcement authority than a simple statement in an agreed statement of facts.

27. The parties joined their submissions regarding the nature of the offence, detriment to the University, and need to deter others.

28. The misconduct at issue in this case – the use of spyware technology including button cameras, earpieces, and a third party hired to provide answers - fundamentally undermines the academic integrity of the University; it must be sanctioned severely to deter others.

29. As this Tribunal stated in Q.C., misconduct cases involving button cameras and earpieces are “extremely serious” breaches of academic integrity: they are “among the worst things a student could do. These actions are “completely premeditated and deliberate” and “deserving of a harsh

sanction.”<sup>6</sup> In that case, after hearing joint submissions on an agreed penalty, the Panel ordered a 0 in the course, 5-year suspension, and a 6-year notation on the student’s transcript.

30. In the X.S.<sup>7</sup> case, which similarly involved a button camera and earpieces, the Panel agreed to impose the jointly submitted penalty of a 0 in the course, a 5-year suspension, and a 7-year notation on the student’s transcript.

31. These cases document a trend: this Tribunal is taking an appropriately strict stand against these spyware cases. In this case, but for the joint submission on penalty, the Panel would likely have recommended expulsion.

32. At the time of the hearing, the Student was enrolled in classes. The parties jointly requested that the Order take effect after the completion of the Winter 2024 term to allow the Student to complete his work. The Panel agreed, and the Order will commence on January 1, 2025.

## **G. CONCLUSION**

33. This Panel orders that:

- a. The Student receive a final grade of zero in LINB18H3;
- b. The Student be suspended from the University of Toronto for 5 years commencing on January 1, 2025; and
- c. A notation of the offence be placed on the Student’s academic record and transcript for 7 years commencing on January 1, 2025.

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<sup>6</sup> *University of Toronto and Q.C.* (Case No.1505, November 24, 2023), para 57.

<sup>7</sup> *University of Toronto and X.S.* (Case No. 1559, February 11, 2025 (Sanction)).

34. The Panel also ordered that the case 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 at this 24<sup>th</sup> day of February 2025.

Original signed by:

Alexi Wood, Chair  
On behalf of the Panel