

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 6, 2025

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 -

W [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: April 7, 2025, via Zoom

Members of the Panel:

Alexandra Clark, Chair

Professor Ted Kesik, Faculty Panel Member

Ozanay Bozkaya, Student Panel Member

Appearances:

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

Daniel Walker, Counsel for the Student, Bobila Walker Law

Hearing Secretary:

Christina Amodio, Special Projects Officer, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

W [REDACTED] L [REDACTED]

A. Charges

1. On April 7, 2025, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against W [REDACTED] L [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

2. Those charges were originally set out in a letter to the Student dated February 6, 2025, as follows:

- a) On or about April 16, 2024, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in ECO349, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code (“Count 1”);
- b) In the alternative, on or about April 16, 2024, you knowingly abetted, counseled, procured or conspired with another person who would have committed or have been a party to an offence in connection with the final exam in ECO349, contrary to section B.II.1(a)(v) of the Code (“Count 2”); and
- c) In the alternative, on or about April 16, 2024, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind in connection with the final exam in ECO349, contrary to section B.I.3(b) of the Code (“Count 3”).

3. The Student was enrolled at the University of Toronto Mississauga at the time of the events discussed in these reasons. He appeared in person via videoconference and was represented by counsel in the hearing.

B. Evidence Tendered

4. At the outset of the hearing, the Provost tendered an Agreed Statement of Facts executed by the Student on March 6, 2025, and by Assistant Discipline Counsel on March 7, 2025 (the

“ASF”) which was included in an attached Book of Documents (the “Book of Documents”). The summary of events set out below is drawn from the ASF and the Book of Documents.

The Course

5. In Winter 2024, the Student enrolled in ECO349H5S: Money, Banking and Financial Markets (“ECO349”), which was taught by Professor Mark Rempel. The syllabus stated that the Supplement to Course Syllabi (dated August 9, 2022) of the Department of Economics (the “Supplement”) was an integral part of the syllabus.

6. The syllabus stated that the Supplement described students’ responsibility to adhere to the Code and expectations regarding academic integrity, including examples of violations. The Supplement contained a warning about academic integrity that stated in part:

“[a]cademic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto Mississauga is a strong signal of each student’s individual academic achievement. As a result, UTM treats cases of cheating and plagiarism very seriously. The University of Toronto’s Code of Behaviour on Academic Matters outlines behaviours that constitute academic dishonesty and the process for addressing academic offences.”

7. The Student reviewed the syllabus and the Supplement at the start of the Winter 2024 term.

Professor Rempel caught the Student using spy technology to cheat during the final exam

8. The final exam in ECO349 was administered on April 16, 2024, from 9:00 am to 11:00 am. The final exam was worth 35% of the final grade in the course.

9. The front page of the final exam stated that students were only permitted to use a double-sided sheet of notes and a non-graphing calculator. Students were prohibited from obtaining assistance and using or possessing all other aids in connection with the final exam.
10. The front page of the final exam contained a warning about academic integrity that stated in part: “[t]he University of Toronto Mississauga and you, as a student, share a commitment to academic integrity. You are reminded that you may be charged with an academic offence for possessing any unauthorized aids during the writing of an exam. Clear, sealable, plastic bags have been provided for all electronic devices with storage, including but not limited to: cell phones, smart watches, SMART devices, tablets, laptops, and calculators. Please turn off all devices, seal them in the bag provided, and place the bag under your desk for the duration of the examination.”
11. Professor Rempel was aware that other students had used spy technology to cheat on final exams in the past. Professor Rempel suspected that the Student was using spy technology to cheat on the final exam in ECO349 because he saw that the Student was holding his exam booklet in an unusual way and that he wrote little-to-nothing on the final exam for the first 30 to 45 minutes of the final exam.
12. At around 9:45 am, Professor Rempel and the Chief Presiding Officer confronted the Student about the matter. Professor Rempel found that the Student had several unauthorized aids, including a smartphone, a transmitter device that was turned on, wired controllers that were connected to the transmitter, and a microphone that was connected to the transmitter. The transmitter was strapped to the Student underneath his hoodie, the wires were concealed under the Student’s hoodie sleeves, and the microphone was around the Student’s neck underneath his hoodie.

13. Professor Rempel confiscated the Student's unauthorized aids and took a picture of them. The unauthorized aids that the Student wore during the final exam are part of a spy technology kit sold by Alphain Technologies.

14. That same day, the Chief Presiding Officer filled out an anomaly form about the incident with the Student during the final exam. The Student, in turn, signed a form in which he admitted that he possessed several unauthorized aids during the final exam.

The Student admitted to an academic offence at his Dean's Designate meeting

15. On June 26, 2024, the Student attended a Dean's Designate meeting to discuss the allegations that he had committed an academic offence on the final exam in ECO349. The Student's lawyer attended the meeting with him. At the start of the meeting, Professor T.J. Yusun read the Dean's warning set out in the Code to the Student.

16. During the meeting, the Student said that he planned to use a microphone to obtain answers to the final exam in ECO349 from a third party, but that he did not receive any answers from the third party. The Student said that he paid the third party for the devices. The Student pled guilty to an academic offence at the end of the meeting.

17. Professor Yusun forwarded the case to the Provost for review and requested that the Tribunal hear the case given the seriousness of the allegations.

18. Later that day, the Student sent the University an email in which he said that he apologized for his conduct, that he understood the seriousness of the offence, that he would not do this again, that he was stressed about failing the course, and that his father and grandfather had medical issues near the time of the final exam in ECO349 (the "Student's Email").

19. In the ASF, the Student now admits that he used and possessed several unauthorized aids during the final exam in ECO349, including a transmitter device, wired controllers, a microphone, earpieces, and a smartphone. The Student admits that he used these aids in an attempt to obtain unauthorized assistance on the final exam from a third party, but that he was caught before he could receive answers from the third party. The Student admits that he paid the third party for the unauthorized aids and unauthorized assistance.

20. The Student admits that he knowingly used and possessed unauthorized aids and attempted to obtain unauthorized assistance in connection with the final exam in ECO349, contrary to sections B.I.1(b) and B.II.2 of the Code.

21. After Assistant Discipline Counsel reviewed the key facts and admissions summarized above, the Student's lawyer acknowledged that the Student agreed with the contents of the ASF and the Book of Documents and that he had no additional evidence to tender to the Panel.

C. The Panel's Finding of Guilt

22. Based on the facts and admissions summarized above, we were persuaded on a balance of probabilities that the Student had obtained unauthorized assistance in connection with the final exam in ECO349, and we made a finding of guilt on Count 1. In light of this finding, the Provost withdrew Count 2 and Count 3. The Panel next considered the issue of the appropriate sanction in light of the finding of guilt on Count 1.

D. Sanctions

23. The Provost next tendered a Joint Submission on Penalty that had been signed by the Student on March 6, 2025, and by Assistant Discipline Counsel on March 7, 2025 (the "Joint Submission on Penalty").

24. In the Joint Submission on Penalty, both the Provost and the Student agreed that, in all of the circumstances of the case, the appropriate penalty would be:

- a) a final grade of zero in ECO349 in Winter 2024;
- b) a suspension from the University for a period of 5 years to commence on May 1, 2025; and
- c) a notation on the Student's academic record and transcript until he graduates from the University.

25. The parties also agreed that this case should be reported to the Provost for publication of a notice of the University Tribunal's decision and of the sanction imposed, with the Student's name withheld.

26. Both the Provost and the Student indicated that they did not have any additional evidence to tender regarding the appropriate sanctions in this case beyond the Joint Submission on Penalty.

Submissions Regarding Appropriate Sanctions

27. Assistant Discipline Counsel next submitted a Book of Authorities, including a chart summarizing the sanctions imposed in the cases submitted. We found that these authorities provided a useful summary of the sanctions that are normally imposed by the Tribunal in cases involving findings that a student has paid to have someone assist them in a test or final exam, including cases where the student had used a hidden camera, cell phone and/or earpiece to obtain that assistance.

28. Assistant Discipline Counsel began his submissions by reviewing the authorities concerning the appropriate test to apply when considering a joint position regarding sanctions. He pointed, in particular, to the decision of the Discipline Appeals Board in the case of *University of Toronto and M.A.* (Case No. 837, December 22, 2016). In particular, he pointed to paragraphs 24 and 25 of that decision, where the Board stated that:

...a joint 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 administration of justice into disrepute.

This test, in a university setting, means that the joint submission must be measured against the understood and entrenched set of values and behaviours which members of the University community are expected to uphold. Only if the joint submission is fundamentally offensive to these values, may it be rejected.

29. We followed this guidance in our assessment of the proposed sanctions in this matter.

30. Assistant Discipline Counsel next turned to the sanctioning factors to be considered in this case. We are conscious that the Tribunal, in determining the appropriate sanction in a given case, should generally consider the factors set out in the decision of the *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976), namely (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.

31. In this case, Assistant Discipline Counsel pointed to a number of factors that spoke to the Student's character and to possible extenuating circumstances, including: the fact that the Student admitted to his conduct very early in the disciplinary process and the fact that he had fully cooperated in that process, which included reaching both an ASF and a Joint Submission on Penalty. The Student had expressed an understanding of the seriousness of his offence, and had accepted responsibility for his actions, as reflected in the Student's Email. Finally, he noted that the Student had participated in the hearing and had no prior academic offences on his record. Further, the Student had completed all of the required credits to apply to graduate from the University, subject to any penalty imposed by this Panel.

32. Assistant Discipline Counsel pointed to a number of recent cases which involved the use of miniature cameras, hidden cell phones, and/or earpieces during exams. In particular, he noted that in several recent cases involving spy technology to cheat on an exam, where the student involved has admitted to their conduct at an early stage, has cooperated with the discipline process, and has taken responsibility for their wrongdoing, the sanctions imposed have been a five-year suspension, a six-year notation and a mark of zero in the affected course.

33. As examples, he pointed to three recent Tribunal decisions in which these precise sanctions had been imposed. The first was *University of Toronto and Q.C.* (Case No. 1505, November 24, 2023) (“Q.C.”), a case involving the use of a miniature camera and earpieces on two occasions. There is also the case of the *University of Toronto and X.Z.* (Case No. 1541, April 18, 2024) (“X.Z.”), which also involved a button camera and hidden earpieces. Finally, there was also *University of Toronto and J.Z.* (Case No. 1545, December 18, 2024) (“J.Z.”), where the student had used mini earpieces and a button camera to obtain assistance on an exam from a paid tutor.

34. There were a number of cases with very similar sanctions to those proposed here, including the *University of Toronto and Z.C.* (Case No. 1549, September 24, 2024) (“Z.C.”) where the sanctions were a grade of zero in the course, a five-year suspension and a seven-year notation. Likewise, in the case of the *University of Toronto and T.D.* (Case No. 1560, June 3, 2024) (“T.D.”), the sanctions imposed were a five-year suspension, a seven-year notation, and a mark of zero in the course. In addition, in that case, the Student provided a voluntary undertaking to withdraw from the University and to never re-apply for admission. There is the case of the *University of Toronto and S.H.* (Case No. 1597, October 16, 2024) (“S.H.”) where the sanctions were a mark of zero in the course, a five-year suspension and a seven-year notation. *University of Toronto and X.S.* (Case No. 1559, February 16, 2024) (“X.S.”) provides a further example where a camera and

earpieces were used in an exam, and a proposed joint position of a five-year suspension, seven-year notation and a final grade of zero was accepted as appropriate. Finally, in the *University of Toronto and Q.L.* (Case No. 1695, February 24, 2025) (“Q.L.”), the panel likewise imposed a penalty of a five-year suspension, a seven-year notation and a mark of zero in the course.

35. Assistant Discipline Counsel pointed out the seriousness of these spy technology types of offences and acknowledged that there had been a number of cases where the penalty imposed had been a recommendation of expulsion. As an example, in the case of the *University of Toronto and S.Y.* (Case No. 1539, May 17, 2024), the use of a miniature camera and earpiece resulted in an order of expulsion. In that case however, the student had used the aids in two exams and had a prior offence of receiving unauthorized assistance. That student also did not cooperate with the disciplinary process and did not attend the hearing.

36. In reviewing the cases presented, we noted that where some significant mitigating factors can be identified, as in the Q.C., X.Z., J.Z., Z.C., T.D., S.H., X.S., and Q.L. cases, sanctions involving five-year suspensions and six to seven-year notations can be considered. In this case, Assistant Discipline Counsel noted that the notation would last “until the Student graduates from the University”, which he could apply to do at the conclusion of his five-year suspension.

The Student’s Submissions

37. Counsel for the Student supported the submissions made by Assistant Discipline Counsel in this case and agreed that the proposed sanctions were appropriate in the circumstances. He noted that the Student had fully cooperated in the disciplinary process, was participating in the hearing, and had taken every aspect of the offence and of the disciplinary process seriously. He

agreed that expulsion would not be the appropriate sanction in this case given the significant mitigating factors that were present.

Decision Regarding Sanction

38. In this case, we were persuaded that the sanctions proposed in the Joint Submission on Penalty would not be contrary to the public interest nor would they bring the administration of justice into disrepute, and we agreed to impose them.

39. The panel in the Q.L. case offered a compelling summary of appropriate sanctions in these spy technology cases in writing, at paragraph 2 of that decision:

[t]his 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 appropriately deter others. In this case, but for the agreed statement of facts and joint submission on penalty, this Panel would likely have recommended expulsion.

40. In this case, like the panel in Q.L., we felt that the presence of an agreed statement of facts and joint submission on penalty were significant mitigating factors, and we also considered the Student's early admission of guilt and acceptance of responsibility for his actions.

41. We did, however, have some reservations concerning the form of the proposed notation, which is not fixed in duration but will instead depend on when (if ever) the Student completes his five-year suspension and applies to graduate from the University. In general, we believe that suspensions which are set for a fixed period of time are easier for both the affected student and for the University to administer. In addition, a fixed sanction would make comparisons to the sanctions imposed in other cases easier to make. Nevertheless, we found that the sanctions set out in the

Joint Submission on Penalty are responsive to the facts of this case and within the range of those imposed in similar cases.

42. At the conclusion of the hearing, and for the reasons outlined above, we therefore signed an order imposing the following sanctions on the Student:

- (a) a final grade of zero in the Course;
- (a) a suspension from the University of Toronto for a period of five years to commence on May 1, 2025; and
- (a) a notation of the sanction on his academic record and transcript until he graduates from the University.

We also added the standard requirement that this 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, this 7th day of May, 2025



Alexandra Clark, Chair
On behalf of the Panel