

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 11, 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 –**

**S [REDACTED] T [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** March 14, 2025, via Zoom

**Members of the Panel:**

Simon Clements, Chair  
Professor Jennifer Lake, Faculty Panel Member  
Cameron Miranda-Radbord, Student Panel Member

**Appearances:**

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Chloe Hendrie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Daniel Walker, Counsel for the Student, Bobila Walker Law

**Hearing Secretary:**

Karen Bellinger, Associate Director, Office of Appeals, Discipline & Faculty Grievance

**In Attendance:**

**S [REDACTED] T [REDACTED]**

1. This Panel of the University Tribunal held a hearing on March 14, 2025, via Zoom, to consider the charges brought by the University of Toronto (the “University”) against S■■■■ T■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). It is alleged that the Student used an unauthorized aid in two final exams contrary to section B.I.1(b) of the Code.

## **Merits**

2. This hearing on the merits proceeded by way of Agreed Statement of Facts. The charges against the Student follow.

### **The Charges**

1. On or about December 13, 2022, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the Final Exam in STA305H1F, contrary to section B.I.1(b) of the *Code*.
2. In the alternative, on or about December 13, 2022, 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 STA305H1F, contrary to section B.I.3(b) of the *Code*.
3. On or about April 20, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the Final Exam in MAT301H1S, contrary to section B.I.1(b) of the *Code*.
4. In the alternative, on or about April 20, 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 MAT301H1S, contrary to section B.I.3(b) of the *Code*.

**Particulars of the offences charged are as follows:**

1. At all material times you were a student enrolled at the University of Toronto Faculty of Arts and Sciences.

STA305: Charges #1 and #2

2. In Fall 2022, you enrolled in STA305H1F: Design and Analysis of Experiments (“STA305”).
3. Students in STA305 were required to write a final exam, which was worth 45% or 40% of their final grade (the “STA305 Final Exam”).
4. The STA305 Final Exam was administered in-person on December 13, 2022. The only aids that students were allowed were a nonprogrammable calculator, one 8.5” x 11” sheet with handwritten text on both sides, and the tables of critical values of F, t and standard normal distributions, and three blank pages for rough work provided to students. Before the STA305 Final Exam began, students were verbally instructed to turn off their cell phones and other electronic devices and to place them in their bags under their desks, and that it may be an academic offence if they were found with a cell phone.
5. On or about December 13, 2022, you wrote and submitted your STA305 Final Exam.
6. You knowingly used and/or possessed an unauthorized aid or aids, including a cell phone, during the STA305 Final Exam.
7. You knew or ought to have known that, in connection with the STA305 Final Exam, you were not permitted to use and/or to possess a cell phone.
8. You knowingly submitted your STA305 Final Exam with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
9. 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 STA305 Final Exam.

MAT301: Charges #3 and #4

10. In Winter 2023, you enrolled in MAT301H1S: Groups and Symmetries (“MAT301”).
11. Students in MAT301 were required to write a final exam, which was worth 20% of their final grade (the “MAT301 Final Exam”).
12. The MAT301 Final Exam was administered in-person on April 20, 2023. Students were not permitted to possess or use a cell phone and were instructed to turn off their cell phones and place them under their desk. These instructions were given orally to students before the MAT301 Final Exam began as they entered the exam room and once seated at their desks, and in the written instructions in the MAT301 Final Exam package. The written instructions also advised that it may be an academic offence if students left a cell phone in their pocket.
13. On or about April 20, 2023, you wrote and submitted your MAT301 Final Exam.
14. You were observed taking photographs of the MAT301 Final Exam paper with a cell phone which you had in your possession while you were seated at your desk just prior to and/or during the exam.
15. You knowingly used and/or possessed an unauthorized aid or aids, including a cell phone, during the MAT301 Final Exam.
16. You knew or ought to have known that, in connection with the MAT301 Final Exam, you were not permitted to use and/or to possess a cell phone.
17. You knowingly submitted your MAT301 Final Exam with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

18. 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 MAT301 Final Exam.

**The Agreed Statement of Facts**

3. The University and the Student entered into an Agreed Statement of Facts dated March 11, 2025. In the Agreed Statement of Facts, the Student agreed to the following:
- In respect of the STA305 Exam, the Student admits that, on December 13, 2022:
    - a. she knew that she was not permitted to possess or use a cell phone or any other aids that were not listed on the cover page of the STA305 Exam package during the STA305 Exam;
    - b. she did not place her cell phone under her desk or in her bag as required, but instead kept her cell phone on her person during the STA305 Exam (until it was confiscated by Ms. Manners);
    - c. her cell phone was turned on during the STA305 Exam, and she used her cell phone as an unauthorized aid and to obtain unauthorized assistance or some other academic advantage in connection with the STA305 Exam;
    - d. contrary to what she told Ms. Manners during the STA305 Exam, she did not have her cell phone out in order to turn off her cell phone alarm, and her statement to Ms. Manners that she was turning off her cell phone alarm was false;
    - e. she knowingly used and possessed an unauthorized aid, namely, her cell phone, during the STA305 Exam, contrary to section B.I.1(b) of the *Code*; and
    - f. she 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 STA305 Exam, contrary to section B.I.3(b) of the *Code*.
  - In respect of the MAT301 Exam, the Student admits that, on April 20, 2023:

- a. she had received instructions and knew that she was required to turn off and place all electronic devices, including cell phones, under her desk;
- b. she had received instructions and knew that she was not permitted to open the MAT301 Exam package until the formal announcements instructing students that they could begin writing the exam had been made;
- c. contrary to the instructions, she opened the MAT301 Exam package before students were instructed to begin writing the exam and used her cell phone to take photographs of the MAT301 Exam package and the questions therein to send to an unknown person or persons;
- d. she knew she was not allowed to take photographs of the MAT301 Exam package or any questions on the MAT301 Exam;
- e. she took photographs of the MAT301 Exam and sent them to an unknown person or persons for the purpose of obtaining assistance or some other academic advantage in connection with the MAT301 Exam;
- f. contrary to the exam instructions, she did not turn her cell phone off and/or did not place it underneath her chair as instructed before the MAT301 Exam began, but instead concealed her cell phone on her person during the MAT301 Exam, including after Ms. Patrick and Ms. Zheng asked the Student if she had a cell phone on her;
- g. she concealed her cell phone on her person and/or in the area where she was seated in order that she could consult it during the MAT301 Exam, with the intention of obtaining assistance or some other academic advantage in connection with the MAT301 Exam;
- h. she is the person depicted in the photographs and video appended to the Patrick Affidavit and the Zheng Affidavit;
- i. she falsely claimed to the MAT301 Exam staff and to Professor Purtle (during her Dean's Designate meeting) that she did not have her cell phone with her during the

MAT301 Exam and/or that the cell phone she used to take photographs of the MAT301 Exam did not belong to her;

- j. she knowingly used and possessed an unauthorized aid, namely, a cell phone, before and during the MAT301 Exam, contrary to section B.I.1(b) of the *Code*; and
  - k. she 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 MAT301 Exam, contrary to section B.I.3(b) of the *Code*.
4. In the Agreed Statement of Facts, the Student acknowledged that she knowingly used and possessed an unauthorized aid, namely, a cell phone, before and during both of the Final Exams in question, contrary to section B.I.1(b) of the *Code*.
  5. The Panel accepts the submissions of Assistant Discipline Counsel that the Provost has established the offences based on the admissions contained in the Agreed Statement of Facts and the plea of guilt from the Student. Possession of the cell phone is all that is required to make out the offence under section B.I.1(b) of the *Code*. In the Statistics exam, the Student was observed using the phone and the Student admits that she did so to obtain assistance. In the Math exam, the video provided by the reporting student shows the Student clicking her phone twice to take photos of the exam questions, and the Student admits that she sent the photos to another person to obtain assistance.
  6. Accordingly, the Panel finds the Student guilty of charges 1 and 3, and the Provost therefore withdrew charges 2 and 4.

### **Submissions on Sanction**

7. The parties submitted a further Agreed Statement of Facts and Joint Submission on Penalty (“JSP”) signed by the Parties on March 12, 2025, in which the Parties agreed as follows:

**A. *Agreed Statement of Facts on Penalty***

**1. Prior Offence in MAT344H1Y, Summer 2020**

- a. The Office of Student Academic Integrity (“SAI”) is an administrative unit that is associated with the Dean’s Office in the Faculty of Arts and Science at the University of Toronto (the “University”). SAI is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean’s Designate in accordance with the process set out in the *Code*.
- b. SAI maintains a database of allegations of academic misconduct that have been made against students. There is a case report for each allegation in the database, which records the details relating to the allegation and the outcome.
- c. According to SAI’s records, the Student has committed one prior offence.
- d. In Summer 2020, the Student registered in MAT344H1Y: Introduction to Combinatorics (“MAT344”). On June 15, 2020, the Student submitted a midterm in MAT344. The midterm was worth 15%.
- e. At a Dean’s Meeting on October 18, 2020, the Student admitted that her answers to some of the questions in the MAT344 midterm were copied from online sources which were not authorized for use during the midterm. In light of the Student’s admission, the case was resolved at the divisional level. The Student was sanctioned on October 19, 2020 and received a grade of zero on the midterm and a transcript notation until April 30, 2021.
- f. On October 19, 2020, SAI sent the Student an email confirming the Student’s admissions at the meeting the day prior, and the sanction imposed in connection with the MAT344 midterm. The email stated in part:

Please be advised that all your current and future academic work must follow the rules and regulations of the University. I sincerely hope that you have learned from this experience and appreciate the importance of conducting yourself with integrity as you progress



through your studies. Please note that if, in the future, you are involved in another instance of academic misconduct, it will be taken into account that it is not your first offence, and the consequences may be more severe.

***B. Evidence of the Student***

If the Student were to testify, she would state the following:

- a. She has experienced mental health issues, including anxiety and depression, since 2020 and has been diagnosed with Attention Deficit Disorder.
- b. At the time she committed the offences, and until February 2024, she was in an abusive relationship. She was subjected to episodes of violence and intimidation, including occasional physical altercations, by her boyfriend. This relationship had a significant negative impact on her mental health and wellbeing in late 2022, continuing into 2024:
  - i. In late 2022, she had difficulty sleeping and was experiencing memory issues. Her mental health decreased in the winter of 2023, and she had difficulty with day-to-day tasks and experienced feelings of suicidality.
  - ii. After the MAT301 offence in April 2023, her mental health continued to decline. She failed the two courses in which she was enrolled in Summer 2023. During this time, her grandmother was diagnosed with lung cancer and, in early 2025, she passed away.
  - iii. In 2024, she continued to experience violence from her boyfriend, and called the police. Her mental health was not good. During this time, she felt unable to deal with anything, including emails about this academic integrity proceeding sent by the University and her lawyer, and was unable to engage in this process. The hearing before the University Tribunal that was scheduled for August 13, 2024 was adjourned at the Student's request, in connection with her mental health difficulties at the time.

- c. With the assistance of her family, in the summer of 2024, she started taking medication and began therapy. This has assisted in improving her mental health.
- d. She is remorseful for the academic misconduct she has committed, recognizes her mistakes, and takes responsibility for her past actions. She understands the importance of academic integrity and is committed to upholding academic honesty in the future, regardless of her challenges.

**C. *Joint Submission on Penalty***

- a. The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:
  - i. A final grade of zero in STA305H1F: Design and Analysis of Experiments in Fall 2022;
  - ii. A final grade of zero in MAT301H1S: Groups and Symmetries in Winter 2023;
  - iii. A suspension from the University for a period of 3 years, 8 months, commencing September 1, 2024 and ending April 30, 2028; and
  - iv. A notation of the offence on the Student's academic record and transcript from the date of the University Tribunal's order until April 30, 2029.
- b. The parties agree that this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the Student's name withheld.

**Analysis**

- 8. In considering the appropriate sanction in this case, the panel heard submissions on the legal test for accepting a joint submission, the Provost's Guidance on Sanctions, the factors outlined in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976) (the "Mr. C factors"), and similar cases to the one under consideration.

9. The leading case on joint submissions is *University of Toronto and M.A.* (Case No. 837, December 22, 2016), a decision of the Discipline Appeals Board. In this case, the Tribunal had not accepted all the terms of a Joint Submission on Penalty. The University appealed. The Discipline Appeals Board allowed the appeal, stated that the Tribunal should have accepted the Joint Submission on Penalty, and outlined the appropriate test for the Tribunal to consider:

[23] The first of these, a matter of fundamental importance, is that a panel is not obliged or required to accept the joint submission. The panel enjoys all of the right, responsibility and obligation to impose a fit sentence in the circumstances of every case including one where a joint submission has been put forward.

[24] Equally, however 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.

[25] 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.

10. The Provost's Guidance on Sanctions is Appendix "C" to the Code. The purpose of the Guidance is to promote consistency in sanctions across the University. In this case the Provost's Guidance states that a suspension of 3 or more years could be requested. The suspension proposed in the present case is 3 years 8 months which would permit the Student to graduate in June 2028. Assistant Discipline Counsel submitted that this suspension acknowledges that the Student is close to graduating, and is supported by similar cases.
11. To determine the appropriate penalty, the Tribunal was asked to consider the Mr. C factors long recognized as the leading decision on sentencing principles. These factors are:
  - (a) the character of the person charged;
  - (b) the likelihood of 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 by the offence; and
- (f) the need to deter others from committing a similar offence.

12. The character of the Student and extenuating/mitigating circumstances can be reviewed together. In this case the Student has participated in the discipline process and was present for the hearing. She has admitted guilt, relieving the University from proving the elements of the offence. She signed the Agreed Statement of Facts regarding the merits of the offence. As demonstrated in the Agreed Statement of Facts regarding Penalty, the Student has also been facing mental health challenges including anxiety and depression since 2020 and has been diagnosed with Attention Deficit Disorder. Importantly, the Student is remorseful for the academic misconduct she has committed, recognizes her mistakes, and takes responsibility for her past actions. She understands the importance of academic integrity and is committed to upholding academic honesty in the future, regardless of her challenges.
13. With respect to the likelihood of repetition, the Student is near to graduating. She has met her degree requirements. It is unlikely that she will take any further courses, so the likelihood of repetition is low.
14. The Panel was directed to *University of Toronto and Z.L.* (Case No. 1379, December 7, 2022) for an analysis of the Mr. C factors in a similar case. In that case the student was guilty of one charge of using an unauthorized aid. The student also had two prior offences. The student cooperated throughout the discipline process and signed an agreed statement of facts and entered into a joint submission on penalty. The student attended the hearing and expressed remorse. In that case a suspension of 3 years 8 months was proposed and accepted by the Panel. Assistant Discipline Counsel pointed the panel to paragraphs 34-36, and 38-39 of the decision for a consideration of the weighing of the Mr. C. factors in accepting the joint submission as being reasonable in that case. In *Z.L.*, the Panel stated:

34. With respect to character, it was noted that the Student has taken full responsibility for her conduct. The Student admitted guilt at the Dean's Meeting and has cooperated throughout the discipline process. The Student has expressed remorse for her conduct.

35. Regarding the likelihood of repetition, the Student had two prior offences. The Student has admitted committing the offence on each prior occasion and it was impressed upon her that there must be no repetition of similar behaviour in the future. Notwithstanding this warning, the student proceeded to commit the present academic offence less than two weeks after receiving Professor Michael Lettieri's letter. This pattern of behaviour provides the Tribunal with no comfort that the Student has actually learned a lesson, nor that she is unlikely to repeat this behaviour again given the opportunity.

36. The nature of the offence is serious. As stated in *University of Toronto and M.H.* (Case No. 1141, July 16, 2021) at paragraph 15, "[C]heating on a test is profoundly unfair to other students. As this Tribunal has previously noted, 'the integrity of examinations is a cornerstone of academic life' (The *University of Toronto and Y.Y.* (Case No. 851, March 1, 2017 (Sanction)))". These same considerations are applicable to the detriment to the University and why this behaviour must be deterred.

38. In the Tribunal's view, the JSP, in this case, is reasonable. In addition to the factors from the Mr. C. case, supra, the Tribunal considered other cases of this Tribunal in similar circumstances. The University submitted a Book of Authorities, including many cases from this Tribunal of offences involving similar misconduct. No two cases are identical, and the Tribunal is not bound by past decisions. However, the Tribunal strives to develop a consistent body of case law so that students are treated fairly and equitably.

39. The authorities submitted by the University show that the penalty of a suspension of between three and four years has been ordered in similar cases. The suspension proposed here of 3 years 8 months falls squarely within the range supported by prior cases and will allow the Student to enrol for classes in September 2026. The joint submission in this case does not bring the administration of justice into disrepute and is not otherwise contrary to the public interest. It strikes an appropriate balance between the mitigating and aggravating factors.

15. Returning to the test for departing from a joint submission on penalty, the joint submission may only be rejected by the Tribunal where to give effect to it would be contrary to the public interest and would bring the administration of justice into disrepute. The Tribunal must

consider whether upholding the joint submission would be fundamentally offensive to the values and behaviours which members of the university community are expected to uphold. Only if the joint submission fails to meet that threshold, may the Tribunal depart from it.

16. The penalty contemplated by this joint submission falls in the range of similar cases. It is higher than in *M.H.*, cited in *Z.L.* above where the suspension was 3 years. In that case there was cooperation by the student and mitigating factors. The proposed suspension is lower than in *University of Toronto and Y.C.*, (Case No. 1489, October 13, 2023) where the suspension imposed was 5 years. In that case the student did not cooperate with the discipline process, did not attend the hearing, and there was no evidence of any mitigating factors.
17. As the penalty contemplated by the joint submission falls within the range of cases, giving effect to the joint submission would not bring the administration of justice into disrepute. For these reasons the Panel accepts the Joint Submission on Penalty.

18. Accordingly, the Tribunal:

**ORDERS THAT** the Student is guilty of two counts of knowingly using and/or possessing an unauthorized aid or obtaining unauthorized assistance in the final exams in STA305H1F and MAT301H1S, contrary to Section B.I.1(b) of the Code;

**ORDERS THAT** the following sanctions shall be imposed on the Student:

- a. A final grade of zero in STA305H1F: Design and Analysis of Experiments in Fall 2022;
- b. A final grade of zero in MAT301H1S: Groups and Symmetries in Winter 2023;
- c. A suspension from the University for a period of 3 years, 8 months, commencing September 1, 2024 and ending April 30, 2028; and
- d. A notation of the offence on the Student's academic record and transcript from the date of the University Tribunal's order until April 30, 2029.

**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 29th day of May, 2025,

Original signed by:

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Simon Clements, Chair  
On behalf of the Panel