

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on September 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 -**

**Z [REDACTED] C [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** February 18, 2025, via Zoom

**Members of the Panel:**

Shaun Laubman, Chair

Professor Peter Coyte, Faculty Panel Member

Ozanay Bozkaya, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

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

**In Attendance:**

**Z [REDACTED] C [REDACTED]**

1. The Trial Division of the University Tribunal heard this matter against Z [REDACTED] C [REDACTED] (the “**Student**”) by videoconference.
2. For the reasons provided below, the Tribunal found the Student guilty of academic misconduct and imposed the following penalty:
  - a. A final grade of zero in ECO101H1F;
  - b. A suspension from the University of Toronto for 5 years from the date of the University Tribunal’s order;
  - c. A notation on the Student’s academic record and transcript until they graduate from the University of Toronto; and
  - d. 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.

### **Charges**

3. The Student was charged as follows:
  - a. On or about June 21, 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 ECO101H1F, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code;
  - b. In the alternative, on or about June 21, 2024, the Student knowingly represented as their own an idea or expression of an idea or work of another in connection with the final exam in ECO101H1F, or attempted to do so, contrary to sections B.I.1(d) and/or B.II.2 of the Code;
  - c. In the alternative, on or about June 21, 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 ECO101H1F, contrary to section B.I.3(b) of the Code (the “**Charges**”).

## **Finding**

4. The Student and the University entered into an Agreed Statement of Facts (the “**ASF**”), which is reproduced in substantial part below. As part of the ASF, the Student acknowledged receiving a copy of the charges and pleaded guilty to all Charges. In return, the University agreed that if the University Tribunal found academic misconduct with respect to charge 1, charges 2 and 3 would be withdrawn.
5. The facts set out in the ASF were:

### **The course**

- a. The Student enrolled in ECO101H1F: Principles of Microeconomics (“**ECO101**”) in Summer 2024.
- b. The ECO101 syllabus contained a warning about academic integrity that stated:  
“Academic Integrity is central to an UofT education. We will do our best to maintain the integrity of the learning experience. Sometimes you may feel like taking shortcuts because you are don’t understand the material, are stressed or overworked, don’t have time, not doing well, etc. Please don’t do it. We report all suspected cases of academic dishonesty to the Department of Economics and SAI. The consequences can be very severe. It is not worth it. If you need help see section 2.6 [...] Read the University of Toronto’s Code of Behaviour on Academic Matters. This is especially important if you’re new to the UofT. See: <http://www.artsci.utoronto.ca/osai>.”
- c. The Student reviewed the entire ECO101 syllabus at the start of the term.

### **The final exam**

- d. The final exam in ECO101 was administered on June 21, 2024, from 9:00 am to 12:00 pm. The final exam was worth 45% of the final grade in the course.
- e. At the start of the final exam, the Chief Presiding Officer (“**CPO**”) read the following announcement to everyone in the room: “All cell phones, smart watches, and electronic devices must be turned off and placed in your bag. If they are found in

your pocket, this may be reported as an academic offence to the Dean's Office. If you have a cell phone or smart watch still on you, turn it off and place it in your bag now".

- f. The front page of the final exam contained a warning about academic integrity that stated: "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" and "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 on your wrist or in your pocket, it is an academic offence." The front page of the final exam also stated that a non-graphing and non-programmable calculator was the only aid allowed.
- g. The Student admits that she heard the CPO's announcement and read the warning about academic integrity on the front page of the final exam.
- h. At around 9:30 am, Professor Kripa Freitas, the course instructor, saw the Student holding her exam booklet in front of her chest at an unusual angle. Professor Freitas saw that the Student was making a motion with one hand in her pocket that seemed like the Student was pressing a button. Professor Freitas saw that the Student was not initially writing any answers on the final exam. Professor Freitas suspected that the Student was using a button camera based on her observations and training that she received from the University, and asked the CPO to investigate.
- i. The CPO investigated and saw that the Student had a miniature earpiece in one of her ears and a black button on her shirt. The CPO saw that there were no buttonholes on the Student's shirt and no other buttons on the Student's shirt. The CPO took pictures of the Student and her miniature earpieces. The Student's hair was blocking the part of the Student's shirt where the black button was located.
- j. Later that day, the CPO and Professor Freitas completed an Alleged Academic Misconduct Report Form about the incident.

#### **The Dean's Designate meeting**

- k. On June 26, 2024, the Student Academic Integrity office invited the Student to attend a meeting to discuss the allegations that she committed an academic offence on the final exam in ECO101.
- l. On August 12, 2024, the Student attended a meeting with Professor Walid Saleh, a Dean's Designate for Academic Integrity, and Laurie O'Handley, an Academic Integrity Specialist, to discuss the allegations that she committed an academic offence on the final exam in ECO101. At the start of the meeting, Professor Saleh gave the Student the dean's warning in the Code. During the meeting, the Student said that she wore earphones the night before the final exam to study, that she did not sleep, and that she forgot to remove the earphones from her ears on the day of the final exam because she went directly from studying to the exam room. The Student said that she wore sport earphones because she lost her regular earphones, that she did not have a button camera or any other devices during the final exam, and that she had no intention of cheating.
- m. Professor Saleh forwarded the case to the Provost for review and requested that the University Tribunal hear the case given the seriousness of the allegations.

#### **Admissions and acknowledgements**

- n. The Student admits that she used and possessed unauthorized aids during the final exam in ECO101, including a button camera and miniature earpieces. The Student admits that she used the button camera and miniature earpieces to obtain unauthorized assistance on the final exam in ECO101 from a third party. The Student admits that she paid the third party for the unauthorized aids and unauthorized assistance.
- o. The Student admits that the unauthorized aids she wore during the final exam in ECO101 are part of the "Invisible Earpiece HD Camera NEW 4G/LTE" kit by Unseeeyn.
- p. The Student admits that she made several false statements to Professor Saleh, including that she forgot earpieces in her ears during the final exam, that she did not

wear a button camera during the final exam, that she wore a sport earbud during the final exam, and that she had no intention of cheating on the final exam.

- q. The Student admits that she knowingly used and possessed unauthorized aids and obtained unauthorized assistance in connection with the final exam in ECO101, contrary to section B.I.1(b) of the Code.
  - r. 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.
  - s. The Student acknowledges that the Provost has made no representations to her regarding what penalty the Provost will seek in this proceeding.
6. Based on the Student's guilty plea and the evidence in the ASF, the Tribunal found the Student guilty of knowingly using and possessing unauthorized aids and obtaining unauthorized assistance in connection with the final exam in ECO101H1F, contrary to section B.I.1(b) of the Code.

### **Penalty**

7. Following the finding of guilt, the hearing proceeded to the penalty stage.
8. At the penalty stage, the University and the Student submitted a Joint Submission on Penalty (the "**JSP**"). The parties agreed to the following recommended penalty:
- a. A final grade of zero in ECO101;
  - b. A suspension from the University of Toronto for 5 years from the date of the University Tribunal's order;
  - c. A notation on the Student's academic record and transcript until they graduate from the University of Toronto; and

- d. This case shall be reported to the Provost for publication of a notice of the University Tribunal's decision and the sanction imposed, with the Student's name withheld.
9. The University presented the Tribunal with a number of precedent cases in which students had been found guilty of using mini cameras and earpieces to obtain unauthorized assistance. The range of sentences was between expulsion to a 5-year suspension with a 6 or 7-year notation on the student's transcript.
10. With respect to the considerations regarding sanction set out in the *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976) decision, the University argued that the offence was a very serious one. The Tribunal agrees and adopts the following language from the decision in the *University of Toronto and Q.C.* decision (Case No. 1505, November 24, 2023), at para. 57:
- In the present case, the Student has been found to have engaged in an extremely serious breach of academic integrity. What occurred is among the worst things a student could do. It is deserving of a harsh sanction. Her actions were completely premeditated and deliberate. She went to a great deal of trouble and planning to conceal a camera in a button and to wear earpieces that had to be installed and removed with a special tool, which enabled her to show the test to the tutor and to receive the answers verbally in the exam room.
11. The Student expressed remorse both at the hearing and in a written statement that was presented to the Tribunal for consideration. The University submitted that the Student's written apology was meaningful and insightful and demonstrated a genuine commitment to learning from her mistake and not repeating it in the future. The Tribunal agrees.
12. As a further mitigating consideration, the Student entered into an undertaking to complete at least six mutually agreeable academic success workshops offered by the University (the "**Undertaking**"). She agreed to take reasonable steps to complete the Undertaking in the first academic term in which she is enrolled in courses at the University after the hearing into the charges of academic dishonesty has concluded. She also agreed and accepted that she will not be eligible to graduate from the University until she fulfills the Undertaking.
13. The University submitted that it relied on the Undertaking as a mitigating factor in agreeing to the JSP and not seeking expulsion. In response to concerns raised by the Tribunal about

the potential for undue influence on students subject to the academic discipline process agreeing to terms and penalties that could not otherwise be imposed on them, the University gave assurances that the Student was encouraged to seek legal advice before agreeing to the Undertaking and did in fact have the assistance of a paralegal.

14. The Tribunal acknowledges the binding precedent in the *University of Toronto and M.A.* (Case No. 837, December 22, 2016) decision of the Discipline Appeals Board. In that case, the Board affirmed the following principle applicable to joint submissions on penalty: “that only after careful consideration and an assessment of all the relevant circumstances, and only if the joint submission is truly unreasonable or unconscionable, should a joint submission be rejected.”
15. The Tribunal would have preferred a fixed period of notation on the Student’s transcript instead of a notation that was tied to if and when the Student graduated, which may potentially never happen. This length of notation was not in line with most of the precedent cases and arguably is more prejudicial to the Student than a fixed term notation would be. However, it cannot be said that this term of the JSP was unconscionable, contrary to the public interest or would bring the administration of justice into disrepute.
16. Accordingly, after consideration of the evidence presented to it, the Tribunal imposed the sanction set out in the JSP.

Dated at Toronto, this 5<sup>th</sup> day of June, 2025.

Original signed by:

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Shaun Laubman, Chair

On behalf of the Panel