

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on October 12, 2023

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 -

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REASONS FOR DECISION

Hearing Date: April 14, 2025, via Zoom

Members of the Panel:

Simon Clements, Chair

Dr. Maria Rozakis-Adcock, Faculty Panel Member

Garrick Burrton, Student Panel Member

Appearances:

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

Luke Yan, Representative for the Student, Downtown Legal Services,

Hearing Secretary:

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

In Attendance:

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1. This Panel of the University Tribunal held a hearing on April 14, 2025, via Zoom, to consider the charges brought by the University of Toronto (the “University”) against J■■■ Z■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). It is alleged that the Student used an unauthorized aid, in particular a buttonhole camera and earpiece, in the final exam of the course ECO 202 worth 30% of the grade in that course contrary to section B.I.1(b) of the Code.

Merits

2. The Charges and Particulars are the following:

The Charges

1. On or about April 11, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in ECO202, and/or attempted to do so, contrary to sections B.I.1(b) and/or B.II.2 of the Code.
2. On or about April 11, 2023, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the final exam in ECO202, 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 11, 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 ECO202, 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, Faculty of Arts and Science at all material times.
2. In Fall 2022, you enrolled in ECO202: Macroeconomic Theory and Policy, which was taught by Professor Olga Denislamova.
3. Students in the course were required to write a final exam, which was worth 30% of their final grade. Students were prohibited from using and/or possessing aids and/or obtaining assistance on the final exam.

4. On or about April 11, 2023, you submitted the final exam.
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:
 - (c) you were not permitted to use and/or possess a camera, an earpiece, and/or other electronic device(s); and/or
 - (d) you were not permitted to obtain assistance from others.
7. You submitted the final exam:
 - (a) to obtain academic credit;
 - (e) 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
 - (f) 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.

The Agreed Statement of Facts

3. The University and the Student entered into an Agreed Statement of Facts (“ASF”) dated March 11, 2025. In the ASF, the Student agreed to the following:

A. *The course*

7. In Fall 2022, the Student enrolled in ECO202Y1Y: Macroeconomic Theory and Policy (“ECO202”), which was taught by Professor Olga Denislamova.

8. The syllabus contained a warning about academic integrity that stated: “Academic Integrity is central to a UofT education. We take academic integrity very seriously, and so should you. Please do not put yourself, your classmates, the TAs and me in a terrible situation by engaging in academic integrity violations. Even if you are suffering stress, under extreme pressure, far behind, facing failure, and/or lacking self-confidence, cheating is not worth it. Dealing with infractions is incredibly stressful for everybody involved and can take many, many months to resolve, which may affect your ability to take courses next year”.

9. The Student reviewed the syllabus at the start of the Fall 2022 term.

B. *The final exam*

10. The final exam was administered on April 11, 2023. The final exam was worth 30% of the final grade in the course.

11. Before the final exam, Professor Denislamova sent several invigilators an email that stated: “Over the past few months, we have had multiple cases [...] where students are using “button cameras” to cheat. The micro camera sends the test image to a third party, who relays an answer orally to the student’s ridiculously small earpiece.” Professor Denislamova’s email had a picture of the devices from another case in which a student used a button camera and miniature earpieces to cheat.

12. Before the final exam, Professor Denislamova reviewed the contents of this email with the Chief Presiding Officers and invigilators in person. Professor Denislamova asked them to look for students using button cameras and miniature earpieces to cheat on the final exam. Professor Denislamova showed them a picture of the devices from another case in which a student used a button

camera and miniature earpieces to cheat. Professor Denislamova told them that the earpieces required a magnetic tool to remove.

13. At the start of the final exam, Heather Burt, a Chief Presiding Officer, 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. [...] As an Arts & Science student, you share a commitment to academic integrity. You may be charged with an academic offence for possessing any unauthorized aids during the writing of an exam. We have asked you to turn off and place all electronic devices including cell phones and smart watches in your bag. During an exam, if any of these prohibited items are found on your person or in the immediate area other than directly under your chair and in your bag, you may be charged with an academic offence.”

14. 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.”

15. Professor Denislamova suspected that the Student was using a button camera and miniature earpieces because she saw the Student look around the room nervously and repeatedly tilt or fold her exam booklet parallel to her torso without writing anything. Professor Denislamova thought it was unusual that the Student was not writing because the final exam was long, and students generally needed the full time to complete it.

16. Professor Denislamova asked Shelby Patrick, a Chief Presiding Officer, to speak to the Student. Ms. Patrick told the Student to keep her exam booklet on the desk, and the Student initially complied. Later that day, however, Ms. Patrick saw the Student holding her exam booklet parallel to her torso for extended periods of time without writing anything.

17. Ms. Patrick asked Ms. Burt for assistance with the matter. Ms. Patrick told Ms. Burt that she suspected the Student was using a button camera. Ms. Burt walked over to the side of the room where the Student was sitting to investigate.

18. Ms. Burt saw the Student bring her exam booklet parallel to her chest, put the exam booklet down on the desk, turn the page without writing anything, and repeat the process several times. Ms. Burt saw the Student looking around the exam room (not the exam booklet) at this time. Ms. Burt subsequently told the Student to keep her exam booklet flat on the desk, and the Student initially complied. Later that day, however, Ms. Burt saw the Student bringing the exam booklet parallel to her chest again.

19. Ms. Burt and Ms. Patrick subsequently discussed the matter with the Student. At this time, Ms. Burt and Ms. Patrick saw that the Student had a smartphone under her seat that was turned on. The Student showed them her smartphone, but it was in a language (Chinese) that they did not understand. The Student later turned off her smartphone.

20. Later that day, after discussing the matter with Professor Denislamova, Ms. Burt checked the Student for miniature earpieces. Ms. Burt saw a tiny metallic earpiece that was surrounded by black material in the Student's ear canal. Ms. Burt did not ask the Student to remove the earpiece because she understood that it required a magnetic tool to remove.

21. Ms. Burt also saw a black button that was out of place on the Student's clothing. The black button was the same colour and shape as the button camera that Professor Denislamova showed her earlier that day.

22. The Chief Presiding Officers and Professor Denislamova had to deal with another incident around this time. The Student left the exam room before they could discuss the matter further with

the Student.

23. Later that day, Ms. Patrick completed an Alleged Academic Misconduct Report Form and a Possession of An Unauthorized Aid During a Final Exam Form about the incident.

C. *The Dean's Designate meeting*

24. On May 15, 2023, the Student Academic Integrity office invited the Student to a meeting to discuss the allegations that she committed an academic offence in relation to the final exam in ECO202.

25. On June 6, 2023, the Student attended a meeting with Professor Howard Yee, a Dean's Designate for Academic Integrity, and Carrie Reese, an Academic Integrity Specialist, to discuss the allegations that she committed an academic offence in relation to the final exam in ECO202. At the start of the meeting, Professor Yee gave the Student the dean's warning in the Code.

26. During the meeting, when asked about why she repeatedly lifted her exam booklet, the Student said that it was her habit to lift the paper up and down to focus on the question. When asked about the fact an invigilator saw an earpiece in her ear, the Student denied that she had an earpiece. The Student said that she lifted her exam booklet because her eyes were short, and she needed to hold up the exam to see the questions. The Student said that she did not commit an offence and that the invigilators might have mistaken her for another student.

27. Professor Ye forwarded the case to the Provost for review and requested that the University Tribunal hear the case given the seriousness of the allegations.

D. *Admissions and acknowledgements*

28. The Student admits that she used and possessed unauthorized aids during the final exam in ECO202, 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 ECO202 from a third party. The Student admits that she paid the third party for the unauthorized aids and unauthorized assistance.

29. The Student admits that the button camera and miniature earpiece in the pictures in Professor Denislamova's email to the invigilators are substantially the same as the unauthorized aids that she wore during the final exam.

30. The Student admits that she made several false statements to Professor Ye and the Student Academic Integrity office about the nature of the offence. The third party told the Student to lie to Professor Ye and the Student Academic Integrity office.

4. In the ASF the Student has admitted that she knowingly used and possessed unauthorized aids and obtained unauthorized assistance in connection with the final exam in ECO202, 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 ASF and the plea of guilt from the Student. The Student has admitted that she possessed the button camera and earpiece during the exam. This admission is sufficient to make out the offence under section B.I.1(b) of the Code.
6. Accordingly, the Panel finds the Student guilty of charge one and the Provost withdrew charges two and three.

Joint Submission on Penalty and Evidence Relating to Sanction

7. The parties submitted a Joint Submission on Penalty ("JSP") signed by the Parties on March 25, 2025, in which the Parties agreed that the appropriate Penalty to be imposed in this matter is:
 - a. A final grade of zero in ECO202;

- b. A suspension from the University for a period of 5 years to commence on May 1, 2025;
and
 - c. A notation of the offence on the Student's academic record and transcript for a period of 7 years from the date of the University Tribunal's order; and
 - d. 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.
8. In addition to the Joint Submission, the Student affirmed to tell the truth and gave evidence before the Tribunal. The Student apologized for using an unauthorized aid on her final exam. She said that she is ashamed about what she did and explained that she had felt overwhelmed by pressure. This is the only academic offence that the student has committed, and the Student said that she had learned from her mistake. The Student was not cross-examined by Assistant Discipline Counsel.

Analysis

9. 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 penalty, 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.
10. 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 the Joint Submission on Penalty. The University appealed. The Discipline Appeals Board allowed the appeal and 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.

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. Importantly, the Student is remorseful for the academic misconduct she has committed, and takes responsibility for her past actions. She understands the importance of academic integrity and has learned from her mistake.

13. With respect to the likelihood of repetition, the Student is near to graduating. She has nearly met her degree requirements. As the parties have agreed to a suspension that would not start until May 1, 2025, this means that the Student would be able to complete her course work before the suspension starts. Accordingly, the likelihood of repetition is low.

14. The Panel was directed to the case of the *University of Toronto and Q.C.* (Case No. 1505, November 24, 2023) (“Q.C.”). We were advised that this was the first Tribunal decision concerning button cameras. The Panel was directed to paragraphs 57-58 where the Panel in Q.C. considered the Mr. C factors in the context of the use of this technology and the premeditated nature of using a button camera to cheat on an exam:

“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.

58. However, she has no prior record of academic misconduct, she obtained legal advice, she has demonstrated remorse, she has apologized, she has shown insight into what has occurred, and she has cooperated with the University. These are legitimate factors of mitigation, and she deserves credit for that. It has been demonstrated to the Tribunal that a lesser penalty than expulsion is appropriate. Accordingly, in light of the foregoing, including a review of the case law, the Tribunal concludes that the sanction requested by the Provost and agreed to by the Student, which effectively stops just short of expulsion, is reasonable and appropriate in the circumstances and is consistent with prior decisions of this Tribunal.”

15. The Panel was also referred to the *University of Toronto and X.S.* (Case No. 1559, February 11, 2025 (Sanction)) (“X.S.”) another button camera case. The Panel in X.S. was also presented with a JSP which, like here, recommended a five year suspension and a seven year notation. The Panel considered that penalty in light of the test for departing from a joint submission on penalty and stated at paragraphs 14-15:

“14. Regarding the nature of the offence, detriment to the University, and need to deter others, this Panel stresses that buttonhole camera and spyware cases are amongst the most severe forms of misconduct currently before the Tribunal. The use of this spyware technology is a form of premeditated cheating that includes the most offensive elements of cases where students purchase assignments and where students engage in personation. This behaviour undermines the integrity of the University, and must be deterred. These cases warrant the most severe of sanction.

15. If the Panel were to impose its own penalty, it likely would have recommended expulsion. However, the Panel appreciates that the parties have provided a joint submission on penalty. The joint submission provided by the parties is in line with cases where there has been both spyware or personation and a joint submission on penalty. The Panel is therefore satisfied that accepting this joint submission does not bring the administration of justice into disrepute.”
16. This Panel agrees with the comments of the Panel in X.S. 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.
17. The penalty contemplated by this joint submission falls in the range of similar cases. It is the same as the penalty in X.S. It is also the same as the penalty in a similar button camera case, the *University of Toronto and Q.L.* (Case No. 1695, February 24, 2025), and is similar to the penalty in Q.C. where the student was given a five year suspension and a six year notation. What is clear from these cases is that the use of a button camera is a significant issue for the University, and a penalty which is just short of expulsion is warranted and is an important deterrent. The penalty contemplated by the joint submission falls within the range of similar cases, and is reasonable. For these reasons the Panel accepts the Joint Submission on Penalty.
18. Accordingly, the Tribunal finds that the Student knowingly used and possessed unauthorized aids and obtained unauthorized assistance in connection with the final exam in ECO202, contrary to section B.I.1(b) of the Code and orders that the following sanctions shall be imposed on the Student:
- (1) A final grade of zero in ECO202;
 - (2) A suspension from the University for a period of 5 years to commence on May 1, 2025; and

- (3) A notation of the offence on the Student's academic record and transcript for a period of 7 years from the date of the University Tribunal's order.

19. 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 8th day of July, 2025,

Original signed by:

Simon Clements, Chair

On behalf of the Panel