

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on April 3, 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 -

J [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: August 21, 2025, via Zoom

Members of the Panel:

R. Seumas M. Woods, Chair
Professor Mary Silcox, Faculty Panel Member
Dr. Matthaeus Ware, Student Panel Member

Appearances:

William Webb, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

In Attendance:

J [REDACTED] L [REDACTED]

THE CHARGES AND THE HEARING

1. This panel of the University Tribunal held a hearing over Zoom on August 21, 2025, to consider charges (the “**Charges**”) brought by the University of Toronto (the “**University**”) against J■■■■ L■■ (the “**Student**”) under the *Code of Behaviour on Academic Matters, 2019* (the “**Code**”). The Student attended the hearing, but was not represented. The University was represented at the hearing by Discipline Counsel.

2. In the Charges, the University charged the Student with three counts of academic misconduct in respect of the final examination (the “**Final Exam**”) in STAB52H3:

- (1) On or about December 11, 2024, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the Final Exam, 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 December 11, 2024, you knowingly abetted, counseled, procured or conspired with any other person who would have committed or have been a party to an offence in connection with the Final Exam, contrary to sections B.I.1(b) and B.II.1(a)(v) of the *Code*.
- (3) In the alternative, on or about December 11, 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, contrary to section B.I.3(b) of the *Code*.

MERITS OF THE CHARGES

Evidence

3. In advance of the hearing, counsel for the University provided the Tribunal with a joint book of documents (the “**Joint Book of Documents**”) containing an agreed statement of facts (the “**ASF**”). The following is drawn from the ASF.

The Course

4. At all material times, the Student was a student at the University. In the fall of 2024, the Student enrolled in STAB52H3: Introduction to Probability. The syllabus for the course 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 syllabus contained a hyperlink to the *Code* and a list of potential offences. The Student reviewed the syllabus at the start of the term.

The Final Exam

5. The Final Exam was administered on December 11, 2024. It was worth 50% of the final grade in the course. At the start of the Final Exam’s administration, invigilators announced that students were prohibited from using or possessing any aids (except a non-programming and non-graphic calculator and a formula sheet) or obtaining assistance on the final exam. The Final Exam document itself stated that students were only permitted to use a non-programming and non-graphic calculator and a formula sheet.

6. During the Final Exam, an invigilator saw the Student using and possessing a button camera and miniature earpieces. The Student admitted to the invigilator that she had used the aids to obtain assistance from a third party during the Final Exam. The invigilator took pictures of the aids and the Student's messages with the third party.

7. The invigilator later completed an academic integrity report (the "**Report**") about the incident with the Student during the Final Exam. The Report was included as part of the ASF. Based on the Report, after she was caught, the Student explained to the invigilators how she had learned about the third party who provided the button camera and miniature earpieces, how much she had paid for the hardware and associated services, and how the system had worked during the Final Exam.

The Dean's Designate Meeting

8. On January 14, 2025, the Student attended a meeting with Professor Nick Cheng, a Dean's Designate for Academic Integrity, to discuss the allegations that she had committed an academic offence in connection with the Final Exam.

9. At the start of the meeting, Professor Cheng gave the Student the dean's warning in the *Code*. During the meeting, the Student admitted that she had used a button camera and miniature earpieces during the Final Exam, that she had obtained unauthorized assistance on it from a third party, and that she had paid for the unauthorized aids and assistance. The Student said that she was sorry for her actions. She said that she was going through a difficult time, that her boyfriend broke up with her, and that she was stressed about exams.

10. Professor Cheng subsequently forwarded the matter to the Vice Provost for review given the seriousness of the allegations.

Admissions and Plea

11. The Student admitted that she used and possessed unauthorized aids on the Final Exam, including a button camera and miniature earpieces; that she obtained unauthorized assistance on the Final Exam from a third party; that she paid for those unauthorized aids and assistance; and she knew that she was prohibited from using or possessing aids or obtaining assistance on the final exam. The Student admitted that they knowingly used and possessed unauthorized aids and obtained unauthorized assistance in connection with the final exam in STAB52H3, contrary to section B.I.1(b) of the *Code*, and pleaded guilty to all of the charges.

12. Counsel for the Provost asked us to accept the Student's guilty plea on the first count against her. He submitted that there was ample evidence before us to do so. In the event we did, he advised us that the Provost would withdraw the second and third charges against the Student.

Decision on the Merits

13. Based on the above agreed facts and admissions, we found the Student guilty of charge 1 in respect of the Final Exam in STAB52H3. In those circumstances, the Provost withdrew the charges 2 and 3.

SANCTION

The JSP

14. Following our decision that the Student was guilty of the above-noted charge, the hearing moved into the sanction phase. At the outset of this phase, counsel for the University provided the Tribunal with a joint submission on penalty (the “JSP”).

15. In the JSP, the University and the Student jointly submitted that in all the circumstances of the case the Tribunal should impose a sanction of a:

- (1) final grade of zero in STAB52H3;
- (2) suspension from the University for a period of five years to commence on May 1, 2025; and
- (3) notation of the offence on the Student’s academic record and transcript for a period of six years from the date of the Tribunal’s order.

16. The Student and the University agreed that the case was to be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

17. Counsel for the University began his submissions on penalty by noting the high bar for rejecting a joint submission on penalty set by the Discipline Appeals Board in *University of Toronto and M.A.*¹ In that case, the Discipline Appeals Board held that while the Tribunal has the ability to reject a joint submission on penalty, it may only do so where to give effect to it would

¹ Case No. 837, December 22, 2016 (Appeal).

be contrary to the public interest or would bring the administration of justice into disrepute.² As

Discipline Appeals Board explained:

[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.

[26] This is an objective test and in F, the Appeals Board affirmed the principle 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.³

18. Turning to the factors relevant to sanction in this case, counsel for the University referred us to the decision in *University of Toronto and Q.C. (“Q.C.”)*.⁴ *Q.C.* was the first reported decision of the Tribunal dealing with a student using spyware during a test or examination, in that case, a real-time camera and earpieces. The Tribunal categorized the offence as an extremely serious one, but also considered the fact that the student had no prior record of academic misconduct, had expressed remorse, apologized for her conduct and cooperated with the University, which were all mitigating factors:

[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 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

² *Ibid.*, paras. 23 and 24.

³ *Ibid.* at paras. 25 and 26.

⁴ Case No. 1505, November 24, 2023.

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.⁵

19. Counsel for the University submitted that the penalty proposed in the JSP was in line with the penalties imposed in a series of recent cases involving the use of spyware, including *University of Toronto and Q.L.*⁶, *University of Toronto and J.Z.*⁷ and *University of Toronto and W.L.*⁸ Bearing all those cases in mind, and taking into consideration the facts of this case, counsel for the University submitted that the Tribunal should accept the JSP.

Decision on Sanction

20. Based on the evidence before us, the applicable case law, including both the factors set out in *University of Toronto and Mr. C.*⁹ case and the Tribunal's prior decisions in the growing body of case law addressing the use of spyware, we accept the sanction proposed in the JSP.

21. The cases addressing the use of spyware indicate that the starting point in such cases is a recommendation for expulsion. That is consistent with the prior case law addressing cases in which students have had other persons impersonate them, writing examinations in the student's place. Using spyware to cheat on an examination is no more than a technologically updated and better-organized method of doing the same thing, encouraged by third parties that now appear to be marketing their cheating services on a much larger scale. Such conduct merited a serious penalty

⁵ See *Q.C.* at para. 57.

⁶ Case No. 1695, February 24, 2025.

⁷ Case No. 1653, February 18, 2025.

⁸ Case No. 1739, May 7, 2025.

⁹ Case No. 1976/77-3, November 5, 1976.

in the past and continues to merit one today. Students need to know that they will face harsh penalties if they use spyware to cheat.

22. At the same time, first-time offenders who admit their wrongdoing, apologize for their conduct, and cooperate with the University, may expect some reduction in their penalty. That reduction is typically suspending the student for a substantial period of time rather than expelling them.

23. In this case, the Student had no prior record of academic misconduct. She immediately admitted that she had used the button camera and earpieces. She gave the invigilators at the Final Exam access to the spyware, as well as her communications with the third party who had provided it. She continued to admit her wrongdoing and apologized for her conduct at the meeting with the Dean's Designate. She cooperated with the University by agreeing to the ASF and the JSP. Those facts support the reduced sanction of suspension rather than expulsion. The length of the suspension here, while substantial, is at the lower end of the applicable range, which in our view appropriately recognizes the Student's early admission of misconduct, apology, and cooperation with the University, as does the University's decision to allow the suspension to start to run from May 1, 2025 rather than as of the date we heard this matter and made our order.

24. Taking all the above into consideration, we conclude that the sanction proposed in the JSP is consistent with the sanctions imposed by the Tribunal in similar cases. Accepting it is not contrary to the public interest and would not bring the administration of justice into disrepute. There is therefore no basis for rejecting it.

ORDER

25. The Tribunal therefore orders that Student:

- (1) receive a final grade of zero in STAB52H3;
- (2) be suspended from the University for a period of five years commencing on May 1, 2025; and
- (3) that notation of the offence be made on the Student's academic record and transcript for a period of six years from the date of the Tribunal's order.

Dated at Toronto this 10th day of November 2025.

Original signed by:

R. Seumas M. Woods, Chair

On Behalf of the Panel