

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on January 9, 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:

THE UNIVERSITY OF TORONTO

- AND -

Y [REDACTED] U

REASONS FOR DECISION

Date of Hearing: November 28, 2025, via Zoom

Members of the Panel:

Lisa Talbot, Chair
Professor Jennifer Lake, Faculty Panel Member
Sameer Farjan, Student Panel Member

Appearances:

Chloe Hendrie, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Itzel Rendon Jimenez, Office Manager & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

Y [REDACTED] U

1. This hearing of the Trial Division of the University Tribunal was convened on November 28, 2025, by Zoom, to consider charges of academic dishonesty (the “Charges”) brought by the University of Toronto (the “University”) against Y■■■ L■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was informed of the Charges by letter dated January 9, 2025.

A. Preliminary Issue: Proceeding the in the Absence of the Student

2. The Student did not attend this hearing. The Panel granted the University’s request that the hearing proceed in the Student’s absence, for the following reasons.
3. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “Act”) and Rule 17 of the *University Tribunal Rules of Practice and Procedure* (the “Rules”), a Tribunal may proceed in the absence of a party provided that reasonable notice of an oral hearing has been given to the party in accordance with the Act. Where a party does not attend a hearing and reasonable notice has been given, a party is not entitled to further notice.
4. Pursuant to Rule 13, a Notice of Hearing may be served on a student by various means including by sending a copy of the document by courier to a student’s mailing address contained in the Repository of Student Information (“ROSI”) or by emailing a copy of the document to a student’s email address in ROSI. Under the University’s *Policy on Official Correspondence with Students*, students are responsible for maintaining on ROSI a current and valid mailing address and a University-issued email account and are expected to check mail and email on a frequent and consistent basis.
5. In support of its request to proceed in the absence of the Student, counsel for the University filed two affidavits: one, from Cathleen Lee, a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP; and a second from Andrew Wagg, Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto. Ms. Lee sets out the attempts by the University

and Discipline Counsel to communicate with the Student and the resulting discussions with, and email correspondence from, the Student.

6. On June 10, 2025, a hearing before the University Tribunal was convened to hear the Charges against the Student (the “First Hearing”). The Student attended the First Hearing and requested that it be adjourned. The Student’s request was granted and the Tribunal ordered that the next hearing date would be peremptory on him. This was confirmed in writing to the Student in correspondence dated June 13, 2025, and in emails between Discipline Counsel and the Student.
7. After the First Hearing, in June 2025, the Student, using his University of Toronto email address (the “UToronto email”) and Discipline Counsel exchanged emails. The Student advised that he had contacted Downtown Legal Services (“DLS”) and was placed on DLS’ waitlist. He advised the “approximate time” for DLS to assist him was “about a month”. Discipline Counsel sent emails to the Student on June 19, 2025, July 19, 2025, August 7, 2025, and September 15, 2025 requesting an update on the status of his position on the DLS waitlist. The Student failed to respond. Discipline Counsel’s September 15, 2025 email to the Student stated:

As you know, this matter was originally scheduled for a hearing before the University Tribunal on June 10, 2025. That hearing was adjourned at your request and the Tribunal ordered that the next date hearing date be marked as peremptory on you. This means that no further adjournments of the hearing will be permitted, barring exceptional circumstances. This also means that you are required to show up on the next hearing date before the University Tribunal (once scheduled) and that if you do not attend on that date, the hearing will proceed in your absence and/or without your input.

...

We require an update from you regarding your status with DLS within the next two weeks, **by no later than September 29, 2025**. If we do not hear from you by then, we will assume that you no longer intend to participate in this matter and/or to have input into the choice of date for rescheduling the peremptory hearing.

8. In October 2025, Discipline Counsel emailed the Student at both his UToronto email and the email address used by the Student on their admission application to the University in 2021 (the “Personal email”) about scheduling a hearing. Discipline

Counsel advised that if she did not hear back from the student by October 17, 2025, she would request that a hearing date be scheduled.

9. On October 22, 2025, the Appeals, Discipline and Faculty Grievances Office (the “ADFG Office”) issued a Notice of Virtual Hearing to take place via Zoom on November 28, 2025 at 9:45 am (EST). The Notice was sent to the Student’s UToronto email and Personal email. Mr. Wagg deposed that, as of November 13, 2025 the portal records for the University confirmed that the last time someone accessed the Student’s email account was on November 19, 2025.
10. In November 2025, Discipline Counsel made five further attempts to contact the Student about the Hearing by calling the Student’s current phone number in ROSI and a phone number which the student provided Discipline Counsel in the First Hearing. Discipline Counsel left voice mail messages, including on November 7, 2025 when she left a message stating the details of the hearing, encouraging the Student to check his UToronto email for information about the proceeding, and providing her phone number.
11. Based on the totality of this evidence, the Panel was satisfied that the Student was aware of the hearing date and time. The Student had attended the First Hearing and was aware that the next hearing would be peremptory on him. He advised that he was seeking counsel from DLS. The Student was provided with many opportunities to participate in the scheduling of the hearing in this matter, including various indulgences because of the Student’s indication that he was attempting to obtain counsel. The Student was actively engaged in email correspondence with Discipline Counsel about this matter using his UToronto email, until June 2025. At that point, the Student ceased all correspondence with Discipline Counsel, notwithstanding continuing to access his UToronto email as recently as November 10, 2025. The Student was unresponsive to the numerous calls made to both his phone number recorded in ROSI and the phone number that he provided to Discipline Counsel in the First Hearing, on which a detailed message concerning the details of the hearing were provided.

12. The Panel is satisfied that reasonable notice of the oral hearing was given. In accordance with s. 7(3) of the Act, the Panel proceeded to hear the case in the absence of the Student.

B. Charges

13. In the Charges, the University made the following allegations:
 1. On or about April 22, 2024, the Student knowingly used and/or possessed an unauthorized aid or aids in connection with the final exam in MUS303H1S, contrary to section B.I.1(b) of the *Code*.
 2. In the alternative, on or about April 22, 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 MUS303H1S, contrary to section B.I.3(b) of the *Code*.
14. The University advised that it would withdraw Allegation 2 if findings were made on Allegation 1. Ultimately, Allegation 2 was withdrawn.
15. Detailed particulars in support of the allegations were provided in the Charges.

C. Liability

16. The Panel received affidavit evidence from two witnesses: Kate Frank, a Chief Presiding Officer (“CPO”) for the final exam in MUS303H1S: Music in the Contemporary World (“MUS303”) in Winter 2024; and Victoria James, an Academic Integrity Specialist with Student Academic Integrity (“SAI”) in the Office of the Dean of the Faculty of Arts & Science (“FAS”) at the University.
17. The following summarizes our reasons for concluding that the Student violated the Code and therefore committed an offence.

18. The Student first registered in courses in FAS in Fall 2021. As of May 9, 2025, the Student had completed 16.5 credits and had a cumulative GPA of 1.78.
19. In Winter 2024, the Student enrolled in MUS303, taught by Dr. Carolyn Sumner. Students in MUS303 were required to write a final exam (the “MUS303 Exam”) worth 30% of their final grade in MUS303.
20. The MUS303 syllabus contained a detailed section on academic integrity that stressed the importance of academic integrity to the University. Students were advised that they were expected to “know and respect” Section B of the Code (which is the section of the code that sets out what constitutes an academic offence). The syllabus listed several examples of academic offences, including that it was an offence to “obtain unauthorized assistance on any assignment” and to “use or possess an unauthorized aid during a test or exam”. A link to the Code was included in the syllabus.
21. The MUS303 Exam was held on April 22, 2024 from 2:00 to 5:00 pm. Students with last names that began with the letters F through ZZ wrote their MUS303 Exam in room MY150 in the Myhal Centre. The exam invigilation team included Kate Frank and another CPO, Reza Rahmati, several teaching assistants, and an instructor.
22. MY150 is an auditorium style room with steeply raked levels. Each level of the room has a row of tables with four chairs at each table. There are four aisles that run from the bottom to the top of the room: two aisles along each side and two aisles up the middle. The number of tables in each row increases as you move from the bottom of MY150 to the top. In the rows closest to the ground, there are three or four tables between each aisle; towards the back of MY150, there are five or six tables between each aisle.
23. Students were seated throughout MY150 during the MUS303 Exam. There were a maximum of two students seated at each table. White answer booklets were distributed on the desks before students entered the exam room to indicate where

students were allowed to sit. Students were required to write their answers in these white booklets.

24. CPOs are required to make announcements as students enter an exam room and before a final exam commences. In the MUS303 Exam, these announcements were made from the CPO Exam Facilitation Instruction manual for the Winter 2024 exam period (the “Exam Manual”).
25. As students entered the exam room, Ms. Frank stood at the podium on the ground level and made repeated announcements over the microphone informing students that this was the MUS303 Exam and instructing them to take a seat, put their bag under the table, and put away any electronic devices or other unauthorized aids.
26. The MUS303 Exam was a restricted exam. Restricted exam packages, which are printed on yellow paper, cannot be distributed until after students have entered the exam room. As such, the only papers that were on the desks when students entered MY150 were the white answer booklets.
27. Once students were seated, and before they were allowed to begin writing the MUS303 Exam, Ms. Frank made the formal announcements that CPOs are required to make before every exam over the microphone. Ms. Frank read the announcements word-for-word from pages 9 and 10 of the Exam Manual. The announcements included the following instructions regarding unauthorized aids:

[...]

ALL bags, wallets, books, and pencil cases **MUST** be placed under your chair. You cannot have anything on your desk except for your pens or pencils, a clear plastic water bottle, your TCard or photo ID, and permitted exam aids. [...]

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 [...]

This is your **Final** opportunity to place any unauthorized aids or electronic devices into your bag if you now realize it is still in your pocket. If it is found on your person or in the area of your desk other than in your bag or directly under your chair you may be charged with an academic offence [...]

28. Around the time Ms. Frank read out the announcements, Mr. Rahmati and the teaching assistants distributed the MUS303 Exam packages to the students.
29. The first page of the MUS303 Exam package stated that students were not permitted any aids during the exam. The front page also included the following exam instructions:
 - 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.
 - 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 in your pocket, it may be an academic offence.
30. After Ms. Frank finished reading the formal announcements, she announced that the MUS303 Exam had begun and students were allowed to start writing. The first part of the MUS303 Exam consisted of seven “listening” questions, in which music clips were played aloud and students were required to answer questions about the clip. The teaching assistants were responsible for administering the listening section and playing the music clips for the students.
31. Ms. Frank left the podium area where she had been standing to allow the teaching assistants to set up and play the clips. After she left the podium, she walked up the aisle on the right side of the room (facing upwards) towards the back of MY150, about six rows up. She stood there while the teaching assistants set up the listening portion of the MUS303 Exam and did a preliminary scan of the room to check for any bags that were not under the table or any unauthorized items on desks.
32. The teaching assistants had difficulty getting the music clips to play and as a result, the listening portion of the MUS303 Exam began one or two minutes after she formally announced the start of the exam. Immediately after the music clips started

playing, she walked across the row, moving from the right side of the room to the left side of the room. She continued to scan the room as she walked.

33. As Ms. Frank walked across, she noticed a male student who was a bit hunched over and appeared to be looking intently at something on his palm. This student was seated at the third or fourth table in the aisle closest to the right wall, one row below Ms. Frank. He was facing Ms. Frank as she walked towards him. Initially, she could not see the student's palm, but as she continued walking across the row, she observed the student from above and saw clear, dense writing on the student's palm. She could see the writing but could not tell what was written on the student's hand.
34. Ms. Frank continued observing the student for several seconds as she walked along the row. As she walked by the student, he looked up at Ms. Frank (while she was looking at him) and they made eye contact. Ms. Frank's impression was that the student knew or suspected that she had seen him looking at his palm.
35. Ms. Frank made these observations at approximately 2:09 pm. This was 20 seconds after the music clips started playing and one or two minutes after she had announced the formal start of the MUS303 Exam.
36. Around this time, other students writing the MUS303 Exam were raising their hands to report that the music clips were being played in the wrong order and to ask for assistance. After speaking with several students, Ms. Frank went to the front of MY150 to tell Mr. Rahmati and the teaching assistants about these issues. While the teaching assistants worked on resolving the issues with the clips, Ms. Frank reported to Mr. Rahmati that she had seen this student looking at notes on his palm. Ms. Frank and Mr. Rahmati decided to wait until the listening portion was over to speak with this student because they did not want to disrupt the other students seated around him while the music clips were playing. Mr. Rahmati stood near the student for the duration of the listening portion.
37. At around 2:27 pm, after the listening portion had ended, Mr. Rahmati and Ms. Frank approached the student. Ms. Frank told the student that when she walked by him

earlier, it looked like he was looking at his hand. She asked him what was on his hand and to show his hands. The student was initially resistant to show his hands, and said that there was nothing on his hands. Mr. Rahmati asked the student again to show his hands. The student then did so. When he did, Ms. Frank saw writing on his left palm that appeared to have been smudged. The writing was the same coverage and density as what she had seen previously but had been smudged. The writing was not smudged when she first observed the student looking at his palm. Because of the smudging, the writing was faded and words on the student's palm were either illegible or difficult to read.

38. Either Mr. Rahmati or Ms. Frank asked the student what the writing on his hand was. The student stated that he was taking notes as he was listening to the music clips. Mr. Rahmati asked the student why he wrote the notes on his palm. The student responded that he did this to keep notes instead of writing on the booklets provided.
39. Ms. Frank did not find the student's explanation credible for several reasons, and the Panel agrees. Ms. Frank had seen notes written on the student's palm when she walked by him approximately 20 seconds after the music clips started playing. Based on Ms. Frank's experience, the amount of writing that she saw on the student's palm would have taken longer than 20 seconds to write. At that time, the writing appeared to be clear and was not smudged. At no time during Ms. Frank's initial observations of the student did she see him writing on his palm. In addition, when she looked at the student's desk, she noticed he had written notes and answers on both the yellow MUS303 Exam package and in the white answer booklet.
40. Ms. Frank felt that it was necessary to take a photograph of the student's left palm in order to document her observations. The Panel was directed to a copy of this photograph as an exhibit to Ms. Frank's affidavit.
41. Based on her observations, Ms. Frank suspected that an academic offence had been committed. She checked the student's TCard on his desk. The TCard bore the name Y■■■ L■ (the Student), with student number ■■■■■■.

42. After the photograph of the Student's hand was taken, the Student continued to write his MUS303 Exam without further incident.
43. After speaking with the Student, Ms. Frank went down to the front of MY150 to complete an exam report about her observations of, and interactions with, the Student. The exam report was signed by Ms. Frank and Mr. Rahmati and it, along with the photograph of the Student's palm, were submitted to the Office of the Faculty Registrar after the MUS303 Exam. The Panel has reviewed the exam report.
44. In April 2024, SAI received the report that the Student had used and/or possessed unauthorized notes on his palm during the MUS303 Exam on April 22, 2024 (the "**MUS303 Allegations**").
45. On May 6, 2024, SAI sent correspondence to the Student (at his UToronto email address) informing him about the MUS303 Allegations and to schedule a meeting with the Dean's Designate to discuss the MUS303 Allegations.
46. On May 13, 2024, SAI sent correspondence to the Student (at his UToronto email address) to follow up on the prior correspondence and to schedule a meeting the Dean's Designate.
47. On June 11, 2024, the Student emailed SAI to advise that he had "missed the email that they sent to [him] on May 14th" and asked to have an opportunity to meet with the Dean's Designate. He said that he was unable to book a meeting in June using the "meeting system" and asked for a meeting as soon as possible.
48. On June 12, 2024, SAI responded to the Student that SAI was fully booked in June and told him that the earliest available date was July 8. SAI suggested the Student book a meeting on July 8 or 9, or continue checking SAI's booking system in case of cancellations.
49. The Student did not book a meeting with the Dean's Designate after this exchange.
50. Thereafter, on July 11 and 31, 2024, SAI sent further correspondence to the Student about the MUS303 Allegations. The Student did not respond to any of SAI's

correspondence and did not attend a Dean's Designate meeting. The matter was forwarded to the Vice-Provost's Office. The Student was advised of this in SAI's letter of July 31, 2024.

51. Having considered the evidence presented during the hearing, the Tribunal found that the Student knowingly used and/or possessed an unauthorized aid in connection with the MUS303 Exam, contrary to section B.I.1(b) of the Code.
52. A charge under section B.I.1(b) of the Code is made out if it is established on a balance of probabilities that a student used or possessed an unauthorized aid. It is not necessary to prove both. However, in this case, the Panel finds that the University has established on a balance of probabilities standard that the Student both used and possessed an unauthorized aid.
53. The Panel finds that there is clear and convincing evidence that the Student was instructed several times that unauthorized aids in the MUS303 Exam were prohibited. The Student knew or ought to have known that he was not permitted to have aids once the exam began.
54. The Panel also finds that Ms. Frank's evidence is clear and convincing that the Student was both in possession of and used an unauthorized aid, in the form of notes on his palm. Ms. Frank's evidence that she observed the Student looking intently at his palm during the MUS303 Exam establishes that he not only possessed but also used an unauthorized aid by consulting the notes on his palm.
55. The Panel infers that after making eye contact with Ms. Frank the Student rubbed the notes off his palm in order to avoid detection.
56. The Panel rejects the Student's explanation given to the CPOs at the time – that he took notes on his palm after he listened to the music clips. This explanation was not credible. Ms. Frank had seen notes written on the student's palm when she walked by him approximately 20 seconds after the music clips started playing. Based on Ms. Frank's experience, the amount of writing that she saw on the student's palm would have taken longer than 20 seconds to write. At that time, the writing appeared

to be clear and was not smudged. At no time during Ms. Frank's initial observations of the student did she see him writing on his palm. In addition, when she looked at the student's desk, she noticed he had written notes and answers on both the yellow MUS303 Exam package and in the white answer booklet. Further, if the Student had made notes on his palm during the exam, he would not have needed to smudge them. The Panel finds that the balance of probabilities is that the Student had notes on his hand, he tried to use them, saw that he got caught, and so tried to erase the notes before the CPOs approached him.

57. Accordingly, after considering the evidence taken in its totality, the Panel found that allegation 1 of the Charges was supported.
58. Having been advised of these findings, the University withdrew allegation 2 of the Charges.

D. Sanction

59. The University sought an order imposing the following sanctions on the Student:
 - a) a final grade of zero in MUS303;
 - b) a suspension from the University for two years from the date of the Tribunal's order;
 - c) a notation of the sanction on the Student's academic record and transcript for three years from the date of the Tribunal's order; and
 - d) the case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.
60. The University did not present any further evidence with respect to sanction.

61. In determining the sanction, the Tribunal has considered the factors set out in the decision *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976), as they applied to the circumstances of this case. This is the leading decision on sentencing principles. We discuss below some of the important factors we think are relevant to the Student's circumstances in this case and that weigh in our determination on the appropriate sanction.
62. Here, the Student did not participate in a Dean's Designate meeting. He attended the First Hearing, requested an adjournment, and then chose not to attend this hearing. Significant time and resources were required to prepare for the First Hearing, and then to prepare again before a newly-composed panel for this hearing as a result of the Student's request for an adjournment, which was granted.
63. The Student's failure to attend the hearing is also relevant because we are left without any evidence of remorse. Nor is there any evidence that the Student has attempted to take responsibility for his conduct. In the circumstances we have no evidence that a more lenient sanction should be imposed in this matter on the basis of the Student's character. Because the Student did not attend the hearing, there was no evidence of any mitigating circumstances in this matter. The only other evidence we have of character is what can be taken from the evidence of the offence itself. That evidence is that the Student knowingly possessed and used an unauthorized aid, tried to conceal his possession of his handwritten notes by smudging them, was not honest with CPOs when confronted and tried to deceive them about what the notes were and what he was doing.
64. The Panel recognizes the offence in this case is serious and causes detriment to the University and to its student body. There is a need to deter others from committing a similar offence. The use of an unauthorized aid during a final exam is a threat to the integrity of the University's processes for evaluating students, is unfair to other students, and jeopardizes the University's reputation. The penalty should be severe enough to deter others from considering breaching the prohibition on using unauthorized aids in a final exam.

65. The determination of an appropriate penalty depends on the assessment of these principles and factors considering the individual circumstances. There should also be a general consistency in the approach of a Panel to sanction, so that students are treated fairly and equitably.
66. Counsel for the Provost submitted a book of authorities and referred to several cases in argument in addition to the *Mr. C.* case. In particular, we were taken to the cases of *University of Toronto and D.K.* (Case No. 1119, July 21, 2021), *University of Toronto and M.D.M.B.* (Case No. 1075, January 13, 2022), *University of Toronto and G.Z.* (Case No. 1004, February 26, 2020), *University of Toronto and H.L.* (Case No. 886, March 16, 2017), *University of Toronto and Y.Y.* (Case No. 851, March 1, 2017), *University of Toronto and S.M.* (Case No. 865, February 22, 2017), *University of Toronto and R.A.* (Case No. 738, January 15, 2015), *University of Toronto and Y.W.* (Case No. 746, January 14, 2015), *University of Toronto and M.H.* (Case No. 1141, July 16, 2021), *University of Toronto and D.L.* (Case No. 1090, March 4, 2021), and *University of Toronto and D.S.* (Case No. 1041, December 15, 2020). These are cases which primarily arose from offences of the same or similar nature to the offence in this case.
67. As reflected in the case law, conviction of a cheating offence generally results in a suspension of at least 2 years if it is a first offence, and the accompanying transcript notation generally lasts longer than the suspension, so that if the student returns to the University following the suspension, administrators and others may be aware of the student's history.
68. Accordingly, at the conclusion of the hearing, the Panel made the following Order:
1. **THAT** the hearing may proceed in the absence of the Student;
 2. **THAT** the Student is guilty of one count of knowingly using and/or possessing an unauthorized aid or aids in connection with the Final Exam in MUS303H1S, contrary to section B.I.1(b) of the *Code*;

3. **THAT** the following sanctions shall be imposed on the Student:
 - a. a final grade of zero in MUS303H1S in Winter 2024;
 - b. a suspension from the University of Toronto for 2 years from the date of the University Tribunal's Order; and
 - c. a notation of the sanction on the Student's academic record and transcript for 3 years from the date of the University Tribunal's Order.

4. **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 7th day of January 2026,

Original signed by:

Lisa Talbot, Chair
On behalf of the Panel