

**THE UNIVERISTY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on September 11, 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 -

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REASONS FOR DECISION

Hearing Date: December 8, 2025, via Zoom

Members of the Panel:

Maija Martin, Chair

Dr. Paul Kingston, Faculty Panel Member

Samantha Chang, Student Panel Member

Appearances:

Chloe Hendrie, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Peng Zuo, Counsel for the Student, Genesis Law

Hearing Secretary:

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

In Attendance:

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A. Charges

1. On December 8, 2025, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against S■■■ Y■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

2. Those charges were originally set out in a letter to the Student dated September 11, 2025 as follows:

1. On or about April 26, 2025, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the final exam in PSYC27H3, 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 April 26, 2025, 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 in PSYC27H3, contrary to section B.II.1(a)(v) of the *Code*.
3. In the alternative, on or about April 26, 2025, 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 in PSYC27H3, contrary to section B.I.3(b) of the *Code*.

3. The student was enrolled at the University of Toronto Scarborough at the time of the events discussed in these reasons. He appeared via videoconference and was represented by counsel in the hearing.

B. Evidence tendered

4. At the outset of the hearing, the Provost tendered an Agreed Statement of Facts executed by the Student and Discipline Counsel on October 31, 2025 (the “ASF”) which was included in an attached Book of Documents (the “Book of Documents”). The summary of events set out below is drawn from the ASF and the Book of Documents.

Academic History

5. The Student was a registered student at the University of Toronto Scarborough (“UTSC”) at all material times. As of October 16, 2025, the Student had 20.0 credits and a CGPA of 2.66.

The Course

6. In Winter 2025, the Student enrolled in PSYC27H3: Social Development (the “Course”), taught by Professor David Haley. Students in the Course were required to write a final exam worth 50% of their final grade in the Course (the “Exam”).

7. The Course syllabus included a section about academic integrity. This section included a hyperlink to the *Code* and advised students that the University treats cases of cheating and plagiarism very seriously. This section also stated that using or possessing unauthorized aids and/or looking at someone else’s answers during an exam constituted cheating on an exam.

8. The Student reviewed the Course syllabus at the start of the Winter 2025 term.

The Exam

9. The Exam was administered in-person on April 26, 2025. While students waited outside and entered the exam room, Han Huang, the Assistant Invigilator for the Exam, gave oral instructions about the Exam, including about the use of electronic devices and unauthorized aids.

The script that invigilators were given to read from – which Ms. Huang referred to, but did not read from verbatim – included the following announcements:

- a. Outside the Exam room while students were waiting to enter:

“**All electronic devices must be turned off before you enter.** This includes all kinds of cell phones, smart watches, ear-pieces, headphones, etc. You can place them either in the clear plastic bag and put them under your seat or place them with your belongings. Place your belongings in the **front/middle/back*** of the room before finding a seat.

[...]”

- b. While students were getting seated in the Exam room:

“Please pay **attention to the screen** which outlines aids allowed and not allowed.

Any and all electronic devices: cell phones, smart watches, ear-pieces, headphones **must be turned off** and put your belongings in the front/middle of the room before you go to your seat. If you require an electronic device for medical purposes, please identify yourself to an invigilator.

[...]”

10. Once students were seated and before they began writing the Exam, Ms. Huang made another announcement about the use of electronic devices and unauthorized aids. The script that invigilators were given to read from – which Ms. Huang referred to, but did not read from verbatim – included the following announcement:

“You are reminded that the use of unauthorized aids or cheating are violations of the University’s academic integrity policy and have consequences that could range from failure of the exam to expulsion from the University. If you have your phone with you, or any unauthorized aids, please turn it off and place them under your seat or with your belongings now.”

11. A graphic that set out the permitted materials, authorized aids, and unauthorized aids was displayed on a screen in the Exam room. The unauthorized aids listed included cellphones, smart watches, “[e]arphones of any kind”, and “[d]evices that transmit information”.

12. The Student heard Ms. Huang's announcements about unauthorized aids and academic integrity and saw the graphic displayed in the Exam room.

13. Approximately five minutes after students were permitted to begin writing the Exam, Ms. Huang noticed something in the Student's pocket, which she suspected was a cellphone. Ms. Huang went over to the Student and asked him if he had a phone in his pocket. In response, the Student surrendered a locked, powered-on iPhone (the "first cellphone"). Ms. Huang confiscated the first cellphone from the Student, brought it to the front of the Exam room, and turned it off. Ms. Huang continued to monitor the Student after confiscating the first cellphone.

14. Approximately two hours into the Exam, Ms. Huang heard a loud burst of noise that sounded like a male voice speaking Chinese. The sound came from the area where the Student was seated, towards the back of the Exam room. Ms. Huang walked over to this area of the Exam room to investigate. Five to ten minutes later, Ms. Huang heard another loud burst of noise that sounded like a male voice speaking Chinese. Ms. Huang identified that the sound was coming from the Student. Ms. Huang approached the Student and asked him if he anything on him. The Student said that he did and asked to go outside the Exam room with Ms. Huang.

15. The Student was wearing a windbreaker and a t-shirt with a breast pocket. Outside the Exam room, the Student unzipped his jacket and showed Ms. Huang a locked, powered-on Xiaomi cellphone (the "second cellphone"). There was a specialized miniature camera attached to the second cellphone via a long orange electronic strip (the "Specialized Miniature Camera"). When the Student unlocked the second cellphone, Ms. Huang saw the QQ app open on the second cellphone. QQ is a Chinese messaging and social media app. Ms. Huang asked the Student to

surrender the second cellphone. Although the Student initially resisted, he eventually handed the second cellphone to her.

16. During a discussion with Ms. Huang, the Student told Ms. Huang that he had these devices on him to cheat but he was not actually able to cheat because he did not have an earpiece on him. The Student told her that he lost the earpiece before the Exam. When Ms. Huang asked the Student about the noises she heard, he said that he did not know where the audio came from or why it played.

17. After this discussion, Ms. Huang completed an Exam Incident Report form about the second cellphone. While Ms. Huang was filling in the Exam Incident Report, the Student briefly went back into the Exam room before returning to the hallway. When he returned, he told Ms. Huang that he wanted to forfeit the Exam. Ms. Huang then contacted the Exam Support team for assistance. Around that time, the first cellphone was returned to the Student.

18. When Ms. Chen from Exam Support arrived, she checked the Student's ears for earpieces and did not find any. Exam Support escorted the Student into a private room for a discussion. Ms. Chen spoke with the Student in Mandarin because the Student was having difficulty speaking in English; another Mandarin-speaking Exam Support staff was on speakerphone during Ms. Chen's discussion with the Student.

19. During the discussion:

- a. the Student told Ms. Chen that he planned to put a cellphone in his chest pocket with the camera threaded through the jacket sleeve to his left hand and make a video call to the third party, but he forgot the earpiece at home. He said that after he

realized he forgot the earpiece, he contacted the third party to ask what to do and they told him not to continue with the Exam. He said that he tried anyway because he needed to pass the Course, which was why the sound suddenly played;

- b. the Student said that he communicated with the third party through Instagram, WhatsApp, and Gmail before the Exam, and that he used QQ to video call the third party during the Exam. When Ms. Chen reviewed the recent apps menu on the second cellphone (which the Student unlocked for her), she observed that the camera and QQ apps were running on the second cellphone;
- c. the Student declined to show Ms. Chen his QQ chat history with the third party. He showed Ms. Chen the third party's QQ profile;
- d. when Ms. Chen asked the Student what happened during the Exam, the Student said that the phone suddenly made sounds and he did not know why. He explained the earpiece was supposed to connect through Bluetooth;
- e. when Ms. Chen checked the Bluetooth settings on the second cellphone, she saw that there was a device connected to it. She asked the Student what this device was. He surrendered a black transmitter from his pencil case. There was writing on the transmitter that said "Electronic tour guide commentator"; and
- f. the Student said that a package containing a Nike jacket, a cellphone with an extended camera, the tour guide commentator, and earpieces were delivered to his home by Canada Post the evening before. He admitted to paying \$1,000 CAD for the devices and assistance.

20. At the end of the discussion, Ms. Chen returned the first cellphone and the Student's SIM card (which was in the second cellphone) to the Student. The second cellphone, the Specialized Miniature Camera, the transmitter, and the Nike jacket were confiscated from the Student. The Student signed a Possession of Unauthorized Electronic Device Form.

21. After the Exam, Ms. Huang and Ms. Chen recorded their observations of, and interactions with, the Student in an Academic Integrity Report. The Report includes pictures that Ms. Chen took of the first cellphone, the second cellphone, the transmitter device, the Student's SIM card, and the third party's QQ profile (on the first cellphone). Ms. Chen later took photos of the Nike jacket, the second cellphone, and the Specialized Miniature Camera.

The Student admitted to an academic offence at his Dean's Designate Meeting

22. On June 17, 2025, the Student attended a meeting with Professor Lisa Harvey, a Dean's Designate for Academic Integrity at UTSC, to discuss the allegations that he committed an academic offence in connection with the Exam. Sheryl Nauth, an Academic Integrity Specialist in the Academic Integrity Office, was also present. At the start of the meeting, Professor Harvey gave the Student the warning that is required by the *Code* and showed the Student the Provost's Guidance on Sanctions.

23. During the meeting, the Student acknowledged that possessing the cellphones, the camera, and the transmitter device constituted an academic offence. When asked if he formally admitted to committing an academic offence, the Student replied "yeah".

24. He said he was sorry for his actions and understood it was a serious mistake. He explained that, at the time of the Exam, he was going through a break-up, was stressed, was only sleeping three hours a night, and was not thinking clearly. He stated that he made a poor decision that he

deeply regretted, in a moment of weakness and panic. The Student told Professor Harvey that he would see a mental health professional.

25. On June 18, 2025, Professor Harvey sent a letter to the Student summarizing their meeting and advising that the Student's matter would be forwarded to the Vice-Provost's Office.

Admissions and acknowledgements

26. The Student admits that:

- a. he used and possessed unauthorized aids during the Exam, including the first cellphone, the second cellphone, the Specialized Miniature Camera, and a transmitter device (collectively, the "Unauthorized Devices");
- b. he paid \$1,000 CAD for the Unauthorized Devices from a third party (except the first cellphone, which was his personal phone) and to receive assistance from the third party on the Exam;
- c. he used the Unauthorized Devices during the Exam to make a video call on QQ to the third party for the purpose of obtaining unauthorized assistance; and
- d. he knew that he was prohibited from using or possessing aids or obtaining assistance on the Exam.

27. The Student admits that he knowingly:

- a. used and possessed unauthorized aids and obtained unauthorized assistance in connection with the Exam in the Course, contrary to section B.I.1(b) of the *Code*;

- b. 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 Exam in the Course, contrary to section B.II.1(a)(v) of the *Code*; and
- c. 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 Exam in the Course, contrary to section B.I.3(b) of the *Code*.

C. The Panel's Finding of Guilt

28. Based on the facts and admissions summarized above, we were persuaded on a balance of probabilities that the Student used and possessed unauthorized aids and obtained unauthorized assistance in connection with the final exam in PSYC27H3 and we made a finding of guilt on Charge 1. In light of this finding, the University withdrew Charges 2 and 3. The panel then considered the issue of penalty.

D. Penalty

29. Both the University and the Student agreed that, in all of the circumstances, the appropriate penalty would be:

- a) A final grade of zero in PSYC27H3;
- b) A suspension from the University for a period of 5 years from the date of the Tribunal's order; and

- c) A notation of the offence on the Student's academic record and transcript for a period of 8 years from the date of the Tribunal's order.

30. The parties agree that this case should be reported to the Provost for publication of a notice of the University Tribunal's decision and of the sanction imposed with the Student's name withheld.

31. The Student signed an undertaking agreeing that after the completion of his suspension he would not register for any courses or apply to any programs at the University. The undertaking did not prevent him from graduating from the University.

32. The Student made a statement to the Tribunal and took full responsibility. He explained that at the time he was struggling with depression and had barely slept prior to the exam.

33. Discipline Counsel submitted a Book of Authorities which included a chart summarizing the sanctions imposed in the cases provided. The penalties for the offence of unauthorized assistance ranged from a recommendation for expulsion to a 5-year suspension with a six- or seven-year transcript notation.

34. While the Tribunal is not bound by its prior decisions, they are helpful in assessing the appropriate sanction. The Tribunal should strive to treat like cases alike (*University of Toronto and B.S.*, Case No. 697, January 17, 2014 (sanction) at paras 8-11).

35. The parties recommended a penalty that is consistent with prior decisions of this Tribunal, with the exception of the eight-year notation on the Student's academic record which is one year longer than the typical notation period imposed in the cases provided where an expulsion was not recommended. The exception to this is the *H.Z.* case in which a 10-year notation was imposed. In

that case the Tribunal noted that the notation period was “on the higher end of the range for the cases summarized in the chart ... however, it was agreed upon by the parties and the Tribunal did not see cause to interfere with that agreement” (*University of Toronto and H.Z.*, Case No. 1523, February 7, 2024 at para 12). Similarly, we did not see cause to interfere with the joint position proposed in this case.

36. There is a high threshold required for a Tribunal Panel to reject a joint submission on penalty. The Discipline Appeals Board has been clear that a joint position on penalty “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 dispute.” It is only if the joint submission is fundamentally offensive to the values which members of the University community are expected to uphold that it may be rejected, expressed as “so unhinged from the circumstances of the offence” that its acceptance would lead a reasonable observer to believe that the proper functioning of the justice system had broken down (*University of Toronto and M.A.*, Case No. 837, December 22, 2016 at paras 24-25 and 31 [MA], quoting *R v Anthony-Cook*, 2016 SCC 43 at para 34).

37. Section 71 of the *Code of Behaviour on Academic Matters, 2025* sets out that the Tribunal may impose a range of sanctions on a student who has been convicted under the *Code*, ranging from an oral reprimand to a five-year suspension or, more severely, a recommendation to the President of expulsion or to Governing Council of cancellation of a degree. The Tribunal may also order that any sanction it imposes be recorded on the student’s academic record and transcript for a period of time and shall also report any case to the Provost, who shall publish a notice of the decision and sanction (without identifying the student by name).

38. The Code also contains, in Appendix “B, the Provost’s Guidelines on Sanctions for Divisions and Discipline Counsel.” Section B.9 provides, “absent exceptional circumstances, the Provost will request that the Tribunal:

...

(b) suspend a student for two years for any offence involving academic dishonesty, where a student has not committed any prior offences; ... (e) recommend that a student be expelled where that student has: ... (ii) ... had a student personate that student in connection with any form of academic work, ... or (iv) has submitted academic work that the student has purchased in whole or in part, unless that student has demonstrated through their or cooperation, or otherwise, that a lesser penalty is appropriate.”

39. After reviewing the evidence and hearing submissions, the Panel concluded that the joint submission on penalty was appropriate. In arriving at its decision, the panel considered the Mr. C. factors: the character of the Student, the likelihood of repetition of the offence, the nature of the offence, any extenuating circumstances surrounding the commission of the offence, the detriment to the University, and the need to deter other students from committing a similar offence (*University of Toronto and Mr. C.* (Case No, 1976/77-3, November 5, 1976) at p 12).

40. With respect to the Student’s character, he has one prior finding of guilt with respect to offences of academic dishonesty. He previously received a written reprimand in 2024 for having a powered-off cellphone on his desk during an exam. There was no evidence that the Student used the cellphone during the 2024 exam but rather when he realized he had his cellphone with him he placed it on the desk next to him.

41. The prior reprimand aggravates the sentence in the sense that the Student had a heightened awareness that he was not to possess a cellphone during the exam in 2025. We accept, as submitted jointly by the parties, that the prior reprimand justifies an extension of the notation period on his record to eight years as opposed to the six or seven years typically imposed in similar cases.

42. Regardless, given that it was a joint submission on penalty, the additional one-year notation period is not contrary to the interests of justice and would not bring the administration of justice into disrepute. The Discipline Appeals Board in *M.A.* found that the difference between a permanent notation and a five-year notation did not meet the test for deviating from a joint submission with respect to multiple offences of personation (*M.A.* at para 31). As such, we did not find that a one-year difference in the notation period met the test for deviating from a joint submission.

43. In the instant case, the Student's decision to admit the offence saved the University time and expense. He demonstrated remorse by apologizing and taking responsibility for his actions at the Dean's Designate meeting and by agreeing to an ASF before this Tribunal. This is mitigating on penalty.

44. In terms of likelihood of reoffence, the Student had previously received a written reprimand. However, while the Student initially refused to provide the phone to Ms. Huang during the exam, his early admission of guilt to Ms. Huang and Ms. Chen during the exam, at the Dean's Designate meeting, and during this hearing, demonstrates his insight into his actions such that there is a low likelihood of reoffence.

45. In terms of the Mr. C factors that serve to increase penalty, obtaining unauthorized assistance using spyware is an extremely serious offence involving planning and deliberation that

requires the most severe of sanctions. To quote the first case of this Tribunal dealing with the use of spyware during an exam, *University of Toronto and Q.C.*, Case No. 1505, November 24, 2023

[QC] at para 49:

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.

46. The detriment to the University from students obtaining unauthorized assistance in this manner and also involving a commercial element is obvious. It is a serious breach of academic integrity and has been described as “an attempt to defraud” the University (*Q.C.* at para 49). The need for general deterrence is strong. It is important to send a strong message that this type of surreptitious behaviour will not be tolerated (*Q.C.* at para 50).

47. But for the Student’s agreement that he would not re-apply to the University, the University would have sought a recommendation of expulsion as the penalty. We agree that a recommendation for expulsion would have been the appropriate remedy for this type of offence if it were not for the Student’s undertaking and his expressions of remorse.

48. While this Tribunal has indicated that the introduction of undertakings into the discipline process should be approached with caution given the power imbalance between the student and the University (*University of Toronto and S.H.*, Case No 1597, October 16, 2024 at para 41), we do not have those concerns here as the Student was represented by counsel at the time he gave the undertaking (*University of Toronto and Z.S.*, Case No. 1607, September 8, 2025 at para 35, fn 12).

CONCLUSION

49. The Tribunal therefore orders that the following sanctions be imposed on the Student:

(a) A final grade of zero in PSYC27H3;

(b) A suspension from the University for a period of 5 years from the date of the Tribunal's order; and

(c) A notation of the offence on the Student's academic record and transcript for a period of 8 years from the date of the Tribunal's order.

Dated at Toronto, this 18th day of February, 2026.

Original signed by:

Maija Martin, Chair
On behalf of the panel