

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 29 and June 6, 2024,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 2019,

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

Z [REDACTED] S [REDACTED]

REASONS FOR DECISION

Hearing Date: July 15, 2025, via Zoom

Members of the Panel:

R. Seumas M. Woods, Chair

Professor Mary Pugh, Faculty Panel Member

Laiba Irfan Butt, Student Panel Member

Appearances:

William Webb, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Harry Zhang, Representative for the Student, Downtown Legal Services

Hearing Secretary:

Samanthe Huang, Coordinator and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

Z [REDACTED] S [REDACTED]

THE CHARGES AND THE HEARING

1. This panel of the University Tribunal held a hearing over Zoom on July 15, 2025, to consider charges (the “**Charges**”) brought by the University of Toronto (the “**University**”) against Z■■■ S■■■ (the “**Student**”) under the *Code of Behaviour on Academic Matters, 2019* (the “**Code**”). The Student attended the hearing and was represented. The University was represented at the hearing by Discipline Counsel.

2. The Charges consisted of two sets of charges relating to two separate courses. The first set of charges related to MGEB02. In them the University advanced the following allegations against the Student:

1. On or about February 15, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with Test 1 in MGEB02, contrary to section B.I.1(b) of the *Code*.
2. In the alternative, on or about February 15, 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 Test 1 in MGEB02, contrary to section B.I.3(b) of the *Code*.

3. The second set of charges related to MGE02. In them the University made the following allegations against the Student:

1. On or about August 21, 2023, you knowingly used and/or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam in MGE02, 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 August 21, 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 MGE02, 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 August 21, 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 MGE02, contrary to section B.I.3(b) of the Code.

MERITS OF THE CHARGES

Evidence

4. 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.

Test 1 in MGEB02

5. At all material times, the Student was a student at the University of Toronto Scarborough. In Winter 2023, the Student enrolled in MGEB02: Price Theory, which was taught by Professor Ata Mazaheri. Students in MGEB02 were required to write two tests, which were each worth 25% of their final grade. The syllabus for the course contained a warning about academic integrity. The Student reviewed the syllabus at the start of the Winter 2023 term.

6. Test 1 in MGEB02 was administered on February 15, 2023. Test 1 was closed book, but students were permitted to use a non-programmable calculator. During the test, Professor Mazaheri caught the Student with a calculator that had notes and formulas on the back cover. Professor Mazaheri took a picture of the calculator and found that the notes were relevant to the test. The handwriting on the back cover of the calculator was similar to the handwriting on the Student's test.

The Final Exam in MGEC02

7. In Summer 2023, the Student enrolled in MGEC02: Topics in Price Theory, which was also taught by Professor Ata Mazaheri. Students in the course were required to write a final exam, which was worth 40% of their final grade. The syllabus for that course also contained a warning about academic integrity. The Student reviewed the syllabus at the start of the Summer 2023 term.

8. The final exam in MGEC02 was administered on August 21, 2023. The final exam was closed book, but students were permitted to use a non-programmable calculator. During the final exam, Professor Mazaheri suspected that the Student was wearing a button camera because she

was wearing an unusual button, and it appeared that she was taking pictures of the final exam with the button.

9. Professor Mazaheri asked Samia Ferdous, an Administrative Coordinator, for help. Ms. Ferdous went with the Student and another female employee into a private room. Ms. Ferdous found long black wires with analog buttons in the Student's sleeves and a device that was connected to the wires. The wires, analog controllers, and button were part of a camera kit known as the "Invisible Earpiece HD Camera NEW 4G/LTE" kit.

The Dean's Designate Meetings

10. On October 10, 2023, the Student attended a Dean's Designate meeting to discuss the MGE02 allegations with Professor Nick Cheng. Professor Cheng gave the Student the dean's warning at the start of the meeting. The Student denied that she used a button camera or miniature earpieces. The Student stated that she used Bluetooth headphones to connect to a voice recorder and pressed a button to listen to academic content that she had pre-recorded. Professor Cheng forwarded the matter to the Tribunal because he disbelieved the Student.

11. On May 21, 2024, the Student attended a Dean's Designate meeting to discuss the MGE02 allegations with Professor Cheng. Professor Cheng gave the Student the dean's warning at the start of the meeting. The Student stated that she borrowed the calculator from a friend, did not write notes on the back cover of her calculator, and did not know that the back cover of her calculator had notes. The Student denied that she committed an academic offence. Professor Cheng forwarded the matter to the Tribunal because he disbelieved the Student.

Admissions and Acknowledgements

12. In the ASF, the Student further admitted that she possessed unauthorized notes on Test 1 in MGEBO2, planned to use the unauthorized notes on Test 1, knew that this conduct was prohibited, and was dishonest about the offence at the Dean's Designate meeting. The Student admits that she knowingly possessed an unauthorized aid on Test 1 in MGEBO2, contrary to section B.I.1(b) of the Code.

13. The Student further admitted that she used and possessed miniature earpieces and a button camera on the final exam in MGEBO2, attempted to obtain unauthorized assistance from a third party with these aids, knew that this conduct was prohibited, and was dishonest about the offence at the Dean's Designate meeting. The Student admitted that she knowingly used and possessed unauthorized aids and attempted to obtain unauthorized assistance on the final exam in MGEBO2, contrary to sections B.I.1(b) and B.II.2 of the Code.

Plea

14. The Student pleaded guilty to all charges. The University agreed that if the Tribunal made a finding of academic misconduct on charge 1 of the charges related to MGEBO2, it would withdraw charge 2, and that if the Tribunal made a finding of academic misconduct on charge 1 of the MGEBO2 charges, the University would withdraw charges 2 and 3.

Decision on the Merits

15. Based on the above agreed facts, admissions and acknowledgments, we find the Student guilty of charge 1 in respect of MGEBO2 and charge 1 in respect of MGEBO2. Having found the

Student guilty of those charges, the University withdrew charge 2 in respect of MGEBO2 and charges 2 and 3 in respect of MGEC02.

SANCTION

The JSP and Undertaking

16. Following our decision that the Student was guilty of the above-noted charges, 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**”) and an undertaking (the “**Undertaking**”).

17. 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:

- (a) final grade of zero in MGEC02;
- (b) final grade of zero in MGEBO2;
- (c) suspension from the University for a period of five years from the date of the Tribunal’s order; and
- (d) notation of the offence on the Student’s academic record and transcript for a period of seven years from the date of the Tribunal’s order.

18. 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.

19. In the Undertaking, the Student acknowledged that she had entered the JSP and the sanction it submitted should be imposed. She agreed and undertook that, going forward, including after the completion of her suspension, she would not register for any courses at the University or apply for admission to any programs at the University. The Student had sufficient credits to graduate with an Honours Bachelor of Arts from the University. The University and the Student agreed that nothing in the Undertaking prevented the Student from graduating with that degree.

The Student's Statement

20. Before hearing submissions from the University and their counsel, the Student asked to make a statement. We permitted her to do so, while noting that the statement was not given under oath and therefore did not constitute evidence for the purposes of considering the JSP.

21. The Student stated that she wanted to express her deepest apologies for breaching the University's trust. She stated that she deeply regretted what she had done and the damage it had caused to the University's reputation. As a result of her actions, she had forfeited a deposit she had made in respect of a course in which she had enrolled in Hong Kong. She had been under a great deal of pressure at the time of the events in issue and was not mentally stable. She had failed to seek advice and was working hard to change her behaviour in the future. She had completed all her remaining courses and met the requirements to graduate.

Submissions on Sanction

22. Counsel for the University stated that the University was deeply concerned about this case. While the Student had now come clean and admitted her wrongdoing, she had been dishonest about it in both meetings with the Dean's designate. Counsel pointed out the very high bar for not

accepting a joint submission on penalty, namely, where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute.¹ Counsel submitted that there were no such grounds here.

23. Counsel for the University told us that the factors to be considered when addressing sanction were set out in the foundational case of *University of Toronto and Mr. C* (“**Mr. C**”).² Those factors were: (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 occasioned by the offence; and, (f) the need to deter others from committing a similar offence.

24. Looking at the first and fourth of those factors, character and extenuating circumstances, counsel for the University noted that this was a premeditated offence followed by dishonest behaviour at the meetings with the Dean’s designate, both of which reflected poorly on the Student. On the other hand, the Student had eventually admitted their wrongdoing and cooperated with the University, taking responsibility for their actions, which reflected positively on the Student. There was some prospect of repetition based on the fact that the Student’s reaction to being caught using the notes on her calculator in the first course led them to try what presumably they thought was the better method of using a button camera.

25. Dealing with the nature of the offence, detriment to the University and the need for deterrence, counsel referred us to the decision in *University of Toronto and Q.C.* (“**Q.C.**”).³ *Q.C.* was the first reported decision of the Tribunal dealing with a student using spyware during a test

¹ *University of Toronto and M.A.* (Case No. 837, December 22, 2016 (Appeal), para. 23.)

² Case No. 1976/77-3, November 5, 1976.

³ Case No. 1505, November 24, 2023.

or examination, in that case, a real-time camera and earpieces. In categorizing the offence as an extremely serious one, the Tribunal in *Q.C.* noted that the offence required deliberate planning and subterfuge and had a commercial element to it since it involved the student paying someone for the unauthorized assistance they received. It struck at the heart of academic integrity and could be seen as an attempt to defraud the University. The penalty had to send a strong message to the community that the conduct would not be tolerated to deter others from committing similar offences.⁴

26. Next, counsel for the University took us to what had developed into a rather substantial body of case law addressing the use of real-time cameras and earpieces. He submitted that based on those cases, the starting point in considering sanction was a recommendation that the student be expelled. The low end were cases in which there was a joint submission on penalty and mitigating circumstances where the sanction was typically a grade of zero in the course, a five-year suspension and a notation on the student's transcript for six or seven years. In the second category were cases such as *University of Toronto and X.S. ("X.S.")*⁵, *University of Toronto and X.Z. ("X.Z.")*⁶ and *University of Toronto and T.D. ("T.D.")*.⁷ He pointed to the *T.D.* case as being particularly similar to this one in that the student in it had used spyware to cheat on an examination, initially denied that they were cheating, but later admitted that they had cheated and undertook not to come back to the University.

27. Counsel for the University noted that this was somewhat different case from the others he had mentioned because the Student here had committed two offences, and not just one offence.

⁴ See *Q.C.* at paras. 48 to 50.

⁵ Case No. 1559, February 11, 2025.

⁶ Case No. 1541, April 18, 2024.

⁷ Case No. 1560, June 3, 2024.

He noted, however, that the charges for the first offence were still in process when the Student committed the second offence so the Student did not receive the warning from the first offence they might otherwise have received if that charge had proceeded more quickly.

28. Addressing the Undertaking, counsel for the University stated that the Tribunal could not impose, accept or reject the undertaking, but could take it into consideration in assessing the JSP as the Tribunal did in the *T.D.* case. On the seven-year notation on the Student's transcript, counsel indicated that the period was based on the Student's initial dishonesty.

29. The Student's representative submitted that based on the factors set out in *Mr. C*, the Tribunal should accept the JSP. He noted that in the Undertaking the Student had agreed not to come back to the University so the likelihood of the Student repeating their conduct was zero; they would not reoffend at the University. He also stressed the significant consequences of the suspension. Five years was a very long time. It would create a very long gap in the Student's resume and would have a large effect on the Student.

Decision on Sanction

30. Considering the evidence before us and the applicable case law, we accept the sanction proposed in the JSP which in our view is fully consistent with the evidence and case law.

31. Using spyware to cheat is an extremely serious breach of the standards expected of students attending the University, taking the concept of having someone else take an examination for oneself to a new level using sophisticated technology, technology that did not exist in the past. As counsel for the University said during his submissions, the use of spyware amounts to "Personation 2.0". As a result, as with cases in which students have had others take examinations or tests for

them in the past, students found to have used spyware today must receive a very significant sanction, both to demonstrate the University's condemnation of such conduct and to deter other students from engaging in it in the future.

32. Previous panels of this Tribunal have made that same point on this in their decisions in previous cases addressing the use of spyware. To cite a few of the comments made by other panels:

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.⁸

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 pre-meditated 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 sanctions.⁹

[. . .] the use of unauthorized aids to cheat on the Exam and paying for unauthorized assistance are very serious offences and deserving of a significant sanction. This attack on academic integrity must have serious consequences to send a strong message of deterrence to the student population. There is no question that cheating of this nature has a detrimental impact on the University and other students who complete their work without paying someone else to do it for them.¹⁰

33. The seriousness of the misconduct means that absent extenuating circumstances the Tribunal will recommend that students found guilty of using spyware be expelled. What constitutes extenuating circumstances depends on the facts of any individual case, but students who admit their guilt and cooperate with the University during the discipline process will often be given a

⁸ See Q.C. at para. 57.

⁹ See X.S. at para. 14.

¹⁰ See S.H. at para. 44.

sanction involving a lengthy suspension and transcript notation rather than a recommendation that they be expelled.

34. Considering the above and the factors set out in the *Mr. C* case, the serious nature of the Student's use of spyware, the detriment to the University of her attempt to use it, and the need to deter others from engaging in such conduct in the future, all point to a recommendation for expulsion. Further support for such a sentence is the Student's initial dishonesty when confronted with her actions, as well as the fact that she has been convicted for not only her use of spyware in MGE02, but also her use of less sophisticated means to the same end in MGE02.

35. Balanced against all the above, however, is the fact that the Student did eventually admit her guilt and agreed upon the ASF and the JSP. She provided the Undertaking and came to the hearing before us where they made a statement acknowledging and apologizing for their wrongdoing.¹¹ In doing so, the Student has provided some evidence of good character to balance out the evidence of bad character noted above, and to provide some basis for concluding that the risks of her repeating this type of conduct in the future are lower than might otherwise be suggested by the commission of two similar offences within a relatively short period of time. That latter conclusion is also supported by the Undertaking. Notwithstanding the voluntary nature of the Undertaking and the reality that this Tribunal cannot enforce it, the Undertaking carries some weight in assessing a student's likelihood of future academic misconduct at the University, as does

¹¹ As set out above, during the course of her statement to the Tribunal in which she apologized for her conduct, the Student provided some rationale for why she had committed the two offences and the consequences for her of the penalty set out in the JSP. The statement was not given under oath, and the Student was not cross examined on it. As a result, while we have taken the Student's apology into consideration, in accepting the JSP we have not considered her rationale for her behaviour or the consequences for her of the sanction set out in the JSP.

the fact that she has sufficient credits to graduate with an Honours Bachelor of Arts from the University and therefore does not need to take any additional courses to complete that degree.¹²

36. We agree with the submissions of counsel for the University that in previous cases dealing with the use of spyware, panels have accepted joint submissions on penalty imposing a suspension of five or six years and a transcript notation for six or seven years where the student has admitted their wrongdoing and apologized for their conduct, and cooperated with the discipline process, including agreeing to an agreed statement of facts and a joint submission on penalty. *Q.C.*, *X.S.*, *X.Z.*, and *T.D.* are examples of cases in which students who have used spyware, initially denied doing so but later admitted their wrongdoing, pleaded guilty, and cooperated with the discipline process have received this type of sentence. The conduct of the Student, both in terms of her use of spyware and initial denial of having done so, and in terms of her later admission of guilt and cooperation, falls squarely in the range set out in these earlier cases.

37. Taking all the above into consideration, we conclude that the sanctions proposed in the JSP are consistent with the sanctions imposed by the Tribunal in similar cases. There is therefore no basis for rejecting it.

¹² In *S.H.* the panel stated that the introduction of undertakings into the discipline process should be approached with caution given the power imbalance between the student and the University, particularly when the student is unrepresented. Care should be taken to ensure that the student fully appreciates the consequences of the terms to which they are agreeing, as well as the fact that in some cases the terms may not be ones that could otherwise be imposed. Whether or not a panel should accept an undertaking will always depend on the specific circumstances of any individual case. In this case, the Student had the benefit of representation at the time she gave the Undertaking. We therefore concluded that we could rely on her acknowledgement that she signed the Undertaking freely, voluntarily and knowing of the potential consequences she faced, and did so with legal advice.

ORDER

38. The Tribunal therefore orders that the Student:

- (a) receive a final grade of zero in MGEC02;
- (b) receive a final grade of zero in MGEB02;
- (c) be suspended from the University for a period of five years from the date of the Tribunal's order; and
- (d) that notation of the offence be made on the Student's academic record and transcript for a period of seven years from the date of the Tribunal's order.

Dated at Toronto this 8th day of September, 2025.

Original signed by:

R. Seumas M. Woods, Chair

On behalf of the Panel