

**Case No.: 1615**

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on March 14, 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:**

**THE UNIVERSITY OF TORONTO**

**- and -**

**Z [REDACTED] L [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** July 10, 2024, via Zoom

**Members of the Panel:**

F. Paul Morrison, Chair

Professor Dionne Aleman, Faculty Panel Member

Laiba Butt, Student Panel Member

**Appearances:**

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Sonia Patel, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

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

**Not In Attendance:**

**Z [REDACTED] L [REDACTED]**

1. On July 10, 2024, this Panel of the University Tribunal held a hearing to consider the Charges brought by the University of Toronto (the “University”) against Z█████ L█████ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

**A. PROCEEDING IN ABSENCE OF THE STUDENT**

2. Counsel for the University commenced the hearing by seeking an Order to proceed in the absence of the Student. In support of such Order the Book of Documents (Re: Notice/Service) was tendered and marked as Exhibit 2 at the hearing.
3. Exhibit 2 contained the affidavit of Natalia Botelho, a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP (“Paliare Roland”) and the affidavit of Andrew Wagg, Manager, Incident Response at Information Security, Information Technology Services at the University.
4. The affidavit evidence of Ms. Botelho and Mr. Wagg substantiated that the Student had received proper and sufficient notice of the hearing, including notice that the hearing would proceed on July 10, 2024.
5. In considering counsel’s request for the Order, the Panel was satisfied that notice had been properly given to the Student in accordance with Rule 13(c) of the *Rules of Practice and Procedure* of the Tribunal (the “Rules”) and that, accordingly, the Panel was entitled to proceed in the absence of the Student in accordance with Rule 21 of the *Rules*. The Panel was also satisfied that such process was authorized by section 7(2) of the *Statutory Powers Procedure Act* of Ontario.
6. Accordingly, the Panel granted the Order that the hearing may proceed in the absence of the Student.

**B. THE CHARGES AND PARTICULARS**

7. The Charges were as follows:

**A. Charges relating to MGEB06H3**

1. On or about December 15, 2022, you knowingly used or possessed an unauthorized aid or aids and/or obtained unauthorized assistance in connection with the final exam you submitted in MGEB06H3: Macroeconomic Theory and Policy: A Mathematical Approach (“Macroeconomic Theory”), contrary to section B.I.1(b) of the *Code*.
2. In the alternative, on or about December 15, 2022, 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 you submitted in Macroeconomic Theory, contrary to section B.I.3(b) of the *Code*.

The particulars of charges 1 to 2 are as follows:

- (a) At all material times, you were a student enrolled at the University of Toronto Scarborough.
- (b) In Fall 2022, you enrolled in Macroeconomic Theory.
- (c) On or about December 15, 2022, you submitted the final exam in Macroeconomic Theory, which was worth 50% of your final grade in the course.
- (d) The final exam was administered in person. Students were required to complete the final exam independently. Students were informed that they were not allowed to use outside resources or assistance or possess any aids other than a non-programmable calculator.
- (e) You were in possession of a cell phone during the exam. You used this cell phone to take photographs of the exam questions and send them to a third party. The third party provided answers to you in exchange for payment.

- (f) You knew that you were not permitted to possess or use a cell phone during the exam. You knew that you were required to complete the final exam independently. You knowingly obtained unauthorized assistance in the final exam from a third party.
- (g) You knowingly submitted the final exam in Macroeconomic Theory with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
- (h) You engaged in this conduct in order to obtain academic credit and an academic advantage you did not earn.

**B. Charges relating to MGEB02H3**

- 3. On or about July 21, 2023, you knowingly had someone personate you during a term test in MGEB02H3: Price Theory: A Mathematical Approach (“Price Theory”), contrary to section B.I.1(c) of the *Code*.
- 4. In the alternative, on or about July 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 a test you submitted in Price Theory, contrary to section B.I.3(b) of the *Code*.

The particulars of charges 3 to 4 are as follows:

- (a) At all material times, you were a student enrolled at the University of Toronto Scarborough.
- (b) In Summer 2023, you enrolled in Price Theory.
- (c) A term test for Price Theory took place on or about July 21, 2023. The test was worth 25% of the final grade in the course.
- (d) The test took place in person.

- (e) You knew that you were required to complete the term test yourself and that you were not permitted to obtain the assistance of anyone else.
  - (f) You asked a third party to attend the test and write it on your behalf in exchange for payment. This person did so.
  - (g) You knowingly had this person write the test in your name. You provided your TCard to facilitate this. You did so in order to obtain academic credit and an academic advantage you did not earn.
8. In tendering the Charges, counsel for the University advised that Charge 2 and Charge 4 were relied upon in the alternative to Charge 1 and Charge 3. She further undertook that if findings of guilt were entered with respect to Charges 1 and 3, the University would withdraw Charges 2 and 4.

**C. EVIDENCE**

9. The Charges were supported by the affidavit evidence of four witnesses tendered by counsel for the University. The affidavits and exhibits thereto were contained in the Book of Documents (Re: Finding of Offence), which was marked as Exhibit 3 at the hearing.

**(i) Affidavit of Karishma Punjabi**

10. Pertinent extracts of the affidavit evidence of Karishma Punjabi are as follows:

3. On December 15, 2022, I was one of the invigilators for the final exam for MGE06H3 – Macroeconomic Theory and Policy: A Mathematical Approach.

4. The exam took place from 2-4 p.m. at the Instructional Centre at UTSC in room IC130. IC130 is a lecture theatre style room, with rows of long tables rather than individual desks.

5. At the start of the exam, the Chief Presiding Officer made the standard announcement for all exams in which they reminded students that electronic devices, such as cell phones, were prohibited and that possessing or using one would be considered an academic offence. Students were instructed to turn off their phones and place them in a bag underneath their desk.
6. Once the exam started, I began doing rounds to ensure that all students had exams and no one had any questions. I was also monitoring the room to ensure that students were not looking at each other's exams.
7. Z█████ L█████ (the "Student") was seated in the far back right corner of the room. I noticed that the Student was looking around the room a lot and that every time I walked past them, they stopped writing.
8. Eventually, I took up a standing position near the Student and stayed there for 15-17 minutes. During this time, the Student wrote nothing on their exam paper.
9. I found this very unusual. After the 30-minute mark of the exam, students who were finished writing were allowed to leave the exam. The Student had opted to stay, but was not writing anything.
10. I spoke to another invigilator about my concerns, who suggested that I ask the Student to move to another seat.
11. I asked the Student to move up to the front row. They complied, but moved very slowly when standing up. As they were standing, I noticed a phone under the Student's leg, on their chair.
12. The phone was turned on and displayed a photo of a white page with writing on it. When the Student saw me looking at the phone, they immediately locked it and said that they did not know how this had happened.

13. I reminded the Student that we had announced that they were not allowed to have phones. The Student said it was a mistake and I pointed out that the Student had been hiding the phone.

14. As the course instructor had left to go to the accessibility room, I called them and waited for them to return before speaking to the Student further. Upon the instructor's return, the Student told us that their girlfriend needed to know where they were at all times and to be able to speak to them, which is why they had their phone with them. They opened their phone, which was still on the photo of notes. The instructor took photos of the Student's phone.

**(ii) Affidavit of Jack Parkinson**

11. Pertinent extracts of the affidavit evidence of Professor Jack Parkinson are as follows:

**A. Macroeconomic Theory**

2. In Fall 2022, I taught MGEB06H3 – Macroeconomic Theory and Policy: A Mathematical Approach (“Macroeconomic Theory”).

3. Z█████ L█████ (the “Student”) was a student in the Course.

...

**B. Macroeconomic Theory Exam**

5. Students in Macroeconomic Theory were required to write a final exam worth 50% of their final grade.

6. The exam took place on Thursday, December 15, 2022, from 2-4 p.m., in person.

7. Before the start of the exam, all students were required to sign an Examination Candidate Form. The form included a reminder that the *Code of Behaviour on Academic Matters* (the “Code”) applied to all students and prohibited academic dishonesty, including cheating, plagiarism, and the use of unauthorized aids. Students were warned that

violating the Code may result in penalties up to and including suspension or expulsion from the University. I have attached a copy of the Student's signed Examination Candidate Form to my affidavit as Exhibit B.

8. I was present at the exam, but alternated my time between the main exam room (where the Student was writing the exam) and the accessibility room.

9. At around 2:45 p.m., Karishma Punjabi, one of the exam invigilators in the main exam room, notified me that a student had been found with a phone, which was turned on.

10. I returned to the main exam room from the accessibility room and spoke to Ms. Punjabi, who informed me that it was the Student who had been found with a phone.

11. I spoke to the Student and looked at their phone, which was unlocked and powered on. The Student's phone was open on a WeChat conversation in which the Student had sent photographs of several of the Macroeconomic Theory final exam questions. The other person in the WeChat conversation had sent back photographs of what appeared to be handwritten responses to the exam questions, one typed response to a question, and several other text messages in what I believe to be Mandarin. I have attached a copy of the photographs that I took of the WeChat conversation to my affidavit as Exhibit C.

12. After the exam, I showed the photos of the Student's WeChat conversation to the Chair of my department, Professor Iris Au. Professor Au speaks Mandarin and translated the text messages for me. I have attached a copy of Professor Au's translations to my affidavit as Exhibit D.

13. The photos of the WeChat conversation on the Student's phone were later translated by All Languages, a professional translation company, to ensure accuracy. I have attached a copy of the All Languages' translation to my affidavit as Exhibit E.

14. The All Languages translations show the following:



- (a) On Sunday, the Student was invited to join a group chat with “Meng” and “mgeb06” (i.e., the Macroeconomic Theory course code);
- (b) Meng stated that “the time” was December 16 between 3-5 a.m., which, if referring to the time in China, would be equivalent to December 15 between 2-5 p.m. in Toronto (i.e., the date and time for the Macroeconomic Theory exam);
- (c) Meng sent several PDF documents that appeared from the file names to include sample questions and solutions for Macroeconomic Theory;
- (d) Meng stated: “The balance of 1,300” and that “supplementary materials” would be posted in this group;
- (e) On Monday, the Student sent a pdf titled “MGEB0506 Class 14” with a note that these were “the review questions” and that it was “best to use the formulae [taught] by parkinson”. The Student clarified that by “Parkinson” he meant me;
- (f) Meng responded: “No problem. We are all [ghost] writers for the international students. We all know how to write after reading your materials” (the addition of [ghost] was provided by All Languages);
- (g) At 1:52 p.m. on an unknown date, the Student messaged: “I am preparing to enter the exam centre. I am taking [photos of the questions] later when I have the opportunity”;
- (h) At 2:05 p.m., Meng replied: “Seven minutes passed, I am worrying if you can finish writing on time” followed by an emoji of a person covering their eyes while laughing;
- (i) The Student then sent a photograph of one of the pages of the exam questions;

- (j) Meng initially instructed the Student to retake the photo because it was illegible. However, at 2:16 p.m., Meng sent a photo of a handwritten answer to question 1a. At 2:22 p.m., Meng sent a typed answer to question 1b. At 2:41 p.m. and 2:53 p.m., Meng sent two more photos of what appear to be handwritten exam answers and a photo of another illegible text chain; and
- (k) Meng asked the Student to retake the photo of question 3 several times because it was illegible, to which the Student finally responded: “Um, please try your best to read Question 3 more carefully”, followed by a laughing crying emoji.

15. Based on the translated text messages, I concluded that the Student appeared to have hired someone to provide them exam answers. The reason that I believe this person was “hired” is because of the text message from this individual in which they refer to an outstanding “balance” of “1,300”.

16. I met with the Student later on December 15, 2022 to discuss the events of the exam and the phone that they were found with.

**(iii) Affidavit of Adrian Chan**

12. Pertinent extracts of the evidence of Adrian Chan are as follows:

2. In my time at the Office of the Registrar and as a Teaching Assistant (“TA”) for various courses, I have invigilated over 100 exams. This includes, among other responsibilities, setting up and collecting exam packages, monitoring exams as students write, and checking students’ TCards and obtaining signatures for attendance purposes.

**A. Price Theory**

3. In Summer 2023, I was a TA for MGEB02 – Price Theory: A Mathematical Approach (“Price Theory”).

...

5. Students in Price Theory were required to write a term test worth 25% of the grade in the course.
6. The test took place on July 21, 2023, from 7-9 p.m. I attended the test as a TA to invigilate the test.
7. At the beginning of the test, the invigilating team read out an announcement to remind students that this was a closed book test and electronic devices were not permitted. Students were instructed to turn off their cell phones and place them in a bag under their desk.
8. Around 10 minutes into the exam, at approximately 7:10 p.m., another TA told me that they had seen something shiny under the seat of Z█████ L█████ (the "Student"). I told her to continue keeping an eye on the Student and said that I would do the same. During this time, I noticed that the Student seemed to be looking under their desk.
9. Around 7:23 p.m., I began doing attendance by walking through each row, checking TCards, and recording students' names. I looked at the Student's TCard and recorded his name.
10. I then asked the Student to move to the front of the room. While they were packing up their things, I saw a cell phone on their chair. The phone was turned on and open to a notes application.
11. I asked the Student to hand me their phone. He started to give me the phone, and I grabbed on to it, but he did not let go. While still holding the phone, he asked me what the consequences would be for this. I said that I did not know, that it was not up to me, and that my job was just to report the incident. I took a photo of the Student's phone with my other hand, while he was still holding it.
12. The Student suddenly grabbed his exam paper and the rest of his belongings and ran out of the lecture hall. As I was still holding on to the phone, I was brought along with him until we reached the connecting lobby outside of the exam room.

13. In this lobby area, the Student used his elbow to hit me in the chest. This caused me to release my hold on the phone and the Student continued running out of the building. I called after the Student that we had his name and he responded that he knew.

14. I waited a few minutes to catch my breath, as I was having trouble breathing properly, before going back outside and taking photos of the Student running away. I have attached a copy of the exam incident report that I filed, along with these photos, to my affidavit as Exhibit B.

**(iv) Affidavit of Jack Pienczykowski**

13. Pertinent extracts from the Affidavit of Jack Pienczykowski, a Special Police Constable with the University of Toronto Campus Police, are as follows:

**A. Report of Incident in MGEB02 Exam**

2. Late on July 21, 2023, a Teaching Assistant named Adrian Chan reported that during the exam for MGEB02 that had taken place earlier that evening, a student who identified themselves as Z [REDACTED] L [REDACTED] had been caught with a cell phone. Mr. Chan reported that this individual had hit Mr. Chan very hard in the chest before running out of the exam room.

3. Mr. Chan described Mr. L [REDACTED] as an Asian male in his 20s, approximately 6 feet tall and 185 pounds, with a medium build, long black hair in a ponytail, reading glasses, a green olive jacket, and black pants and shoes. I have attached a copy of my report following my conversation with Mr. Chan, dated July 22, 2023, to this affidavit as Exhibit A.

4. On July 22, 2023, I reviewed the security footage outside of IC130, the room where the exam had taken place. There are no cameras inside IC130, but the footage from outside the room showed:

- (a) Mr. Chan trying to stop the other individual outside of IC130;
- (b) The individual running from the Military Trail sidewalk to the walkway between the Instructional Centre (IC) and

Environmental Science and Chemistry Building (EV) and toward the IC loading dock; and

- (c) The individual walking from the loading dock area and entering Lot J of the Centennial College parking lot.

5. I could not get a clear picture of the individual from the security footage, but he appeared to match the description provided by Mr. Chan. I have attached a copy of the screenshots that I captured of the security footage to my affidavit as Exhibit B.

**B. Interview with the Student**

6. On July 22, 2023, at 9:55 p.m., Z██████ L██████ (the "Student") attended the Campus Security Office upon my request to him to do so. I provided the Student with a caution before interviewing him in which I advised him that he did not have to say anything and that anything he did say may be used as evidence.

7. At around 10:00 p.m., the Student stated that he had attended the exam in IC130 the day before at 7 p.m. He said that he had a phone with him during the exam and that a TA saw it. He said he was "too scared" and ran out of the classroom in a panic.

8. I asked the Student what had happened to the exam papers and he responded that he had taken them away, along with everything else. The Student said the TA had tried to take his TCard and test from him.

9. I asked the Student what he had been wearing. He responded that he was wearing black jeans and a black t-shirt, but that he could not remember the rest as he had many shoes.

10. I asked the Student where he had placed the exam papers and he said he did not remember much because he was too scared. He said he got home and destroyed the papers.

11. I asked the Student what car he was driving. He responded that it was a red, four-door sedan BMW, 2019 530 series. He said he did not remember the license plate number and that the car belonged to his friend.

12. I asked the Student whether this friend attended school at the University and to describe him. The Student said he did not go to the same school and that he was 170 centimetres, medium build, and with hair longer than the Student's. The Student added that he had just gotten a haircut.

13. I asked whether the Student's friend had a ponytail and the Student responded that he did not.

14. When asked for his friend's name, the Student responded that it was "Wang, Hao" and that he did not know his phone number. I summarized that the Student had borrowed his friend's BMW but did not know his phone number. The Student said his friend had just changed his phone number.

15. I asked if the Student had anything else he wished to say and he said no.

16. At 10:44 p.m., the Student admitted that it was not him writing the exam. He said that he had found someone online, through the TikTok app, who said he could help the Student with the test. He did not know this person's name. They came to his apartment and asked for his TCard so that he could write the exam on the Student's behalf.

17. The Student further admitted that at around 11 p.m. the day before, this individual had pulled up to the Student's apartment building in a red Porsche SUV with tinted windows. The Student described that this individual wore glasses and had a ponytail. This description fits the individual caught on the security footage.

18. The Student said that this individual told him that he had "failed" and returned the Student's TCard to him. He told the Student to drop the

course to avoid trouble and to delete all of their messages. He also said that he had destroyed the exam papers and that the Student did not have to pay him.

19. The Student stated that he was barely passing and having difficulty boosting his GPA. He said that this was the first time that he had had someone write a test for him, but that he had cheated once before with his cell phone.

**D. DECISION**

14. The Panel received and carefully considered the submissions of counsel for the University. In particular, counsel for the University characterized the evidence in support of the Charges as “clear and convincing”. The Panel agreed with that characterization and found that it applied to the evidence of the four witnesses summarized above.
15. With respect to Charges 1 and 2, the evidence clearly established that the Student surreptitiously used his cell phone to receive messages as to the correct answers on the exam from an outside third-party collaborator.
16. With respect to Charges 3 and 4, the evidence clearly established that the Student arranged for an outsider to impersonate him and to attend and write the exam while impersonating the Student. Indeed, the Student admitted this to be so.
17. Accordingly, the Panel entered a finding of guilt with respect to Charge 1 and Charge 3. In accordance with the University’s undertaking, counsel for the University thereupon withdrew Charge 2 and Charge 4.

**E. SANCTION / PENALTY**

18. Counsel for the University sought a penalty of expulsion from the University. In support of her submissions as to the penalty that should be imposed upon the

Student by reason of the findings of guilt cited above, counsel for the University tendered a Book of Documents (Re: Sanction).

19. The said Book of Documents categorized previously decided pertinent case law as follows:
  - (i) "Personation" cases in which the penalty imposed was expulsion from the University;
  - (ii) "Personation" cases in which the penalty imposed was one of suspension, but not expulsion;
  - (iii) cases involving the use of "Unauthorized Aids / Assistance".

The Panel carefully considered all of these cases and found the said Book to be of considerable assistance in its deliberations. The Panel noted that the sanction sought in this case was consistent with and justified by penalties imposed in previously decided cases of similar nature.

20. The Panel was also referred to and carefully considered the *Provost's Guidance on Sanctions* found as Appendix "C" to the *Code of Behaviour on Academic Matters*. The Panel noted that the Provost's Guidance included a provision that a Tribunal would be requested to recommend that a student be expelled where, inter alia, the student "personated" another student or had a student personate that student in a test, exam, or other academic evaluation". The Panel noted that Charge 3 in this case was indeed one of "personation".
21. The Panel was referred to case law in which the penalty for personation was expulsion of the student from the University even where there were mitigating circumstances. In the instant case the Panel noted that the Student had neither cooperated nor participated in the prosecution, such that the Panel was not provided with personal circumstances of the Student or other considerations in mitigation of the penalty although it had been open to the Student to participate and cooperate. As a result, the Tribunal did not have before it personal



circumstances or mitigating factors that might otherwise affect the recommended penalty of expulsion. Further, in this case the student has not only had someone personate him, but also committed the offence of unauthorized aid 8 months prior.

22. The Panel, accordingly, issued an Order as to sanctions as requested by counsel for the University.

**F. ORDER**

23. The Panel issued the following Order:

1. The hearing may proceed in the absence of Z█████ L█████;
2. Z█████ L█████ is guilty of knowingly using or possessing an unauthorized aid or aids or obtaining unauthorized assistance in connection with the final exam in MGEBO6H3, contrary to section B.I.1(b) of the Code of Behaviour on Academic Matters;
3. Z█████ L█████ is guilty of knowingly having someone personate them during a term test in MGEBO2H3, contrary to section B.I.1(c) of the Code of Behaviour on Academic Matters;
4. The following sanctions shall be imposed on Z█████ L█████:
  - (a) the Tribunal recommends to the President of the University that the President recommend to the Governing Council that Z█████ L█████ be expelled from the University;
  - (b) Z█████ L█████ shall be immediately suspended from the University for a period of up to five years from the date of this Order or until the Governing Council makes its decision on expulsion, whichever comes first, and a corresponding notation shall be placed on Z█████ L█████'s academic record and transcript;

(c) Z [REDACTED] L [REDACTED] shall receive a final grade of zero in MGEB06H3;  
and

(d) Z [REDACTED] L [REDACTED] shall receive a final grade of zero in MGEB02H3.

5. This case shall 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.

**DATED** at Toronto, this 27<sup>th</sup> day of September, 2024.

Original signed by:

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F. Paul Morrison, Chair  
On behalf of the Panel