

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 10, 2012

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995,*

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

B E T W E E N:

UNIVERSITY OF TORONTO (the "University")

- and -

S [REDACTED] A [REDACTED] L [REDACTED] A [REDACTED] (the "Student")

Hearing Date: December 17, 2012

Panel Members:

Ms. Roslyn M. Tsao, Barrister and Solicitor, Chair
Professor Kathi Wilson, Faculty Panel Member
Ms. Maria Wei, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel for University, Paliare Roland Barristers

In Attendance:

Dr. Kristi Gourlay, Manager of Office of Academic Integrity, Faculty of Arts and Science
Ms. Betty-Ann Campbell, Law Clerk, Paliare Roland Barristers
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. S [REDACTED] A [REDACTED], the Student

Reasons for Decision

Delivered by Ms. Roslyn M. Tsao

1. The Trial division of the Tribunal heard this matter on December 17, 2012. The Student was charged on July 10, 2012 of the following:

1. On or about April 12, 2012, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a Petition to the Committee on Standing of the Faculty of Arts and Science ("Committee") at the University of Toronto seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.

2. On or about April 12, 2012, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which you submitted to the Committee in support of your request for academic accommodation, contrary to Section B.I.1(a) of the Code.

3. On or about April 12, 2012, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a University of Toronto Student Medical Certificate, dated March 15, 2012, which you submitted in support of your request for academic accommodations, contrary to Section B.I.1(a) of the Code.

4. In the alternative to each of the charges above, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by submitting falsified or forged documents to the University of Toronto in support of various forms of academic accommodation or relief, contrary to Section B.I.3(b) of the Code.

Absence of Student from Hearing

2. The Student did not attend at the Hearing. The Tribunal waited 30 minutes after the scheduled commencement of the Hearing to allow for the Student to appear.
3. The University presented evidence to the Tribunal with respect to the steps undertaken to communicate with the Student, advise her of the charges, provide notice of the Hearing and disclosure of the materials. In particular, the Charges and Notice of

Hearing were served in accordance with Rule 3 of the *Rules of Practice and Procedure ("RPP")* by:

- (a) sending a copy of the documents by courier to the Student's mailing address contained in her ROSI records; and
 - (b) e-mailing a copy of the documents to the student's e-mail address contained in ROSI.
4. The emails which were sent to the Student did not "bounce back" or generate any responding error messages. In addition, on May 20, 2012, the Student had sent an email to Ms. Susan Calanza, Assistant Faculty Registrar, Faculty of Arts and Sciences from the email address used by the University to subsequently send the Charges and Notice of Hearing.
5. After the Charges were emailed to the Student on July 10, 2012, the Student also delivered a handwritten letter on July 16th to Sally Walker of New College, acknowledging the offence and apologizing. However, there has been no further communication from the Student, even in response to the Notice of Hearing.
6. Accordingly, the Tribunal is satisfied that the Notice of Hearing (including the Warning) dated November 15, 2012 for the hearing of December 17, 2012, and the Charges were served by courier and e-mail to the Student's ROSI mailing and e-mail addresses.
7. Accordingly, the Hearing may proceed in the absence of the Student.

Facts of the Case

8. The University tendered three witnesses: Ms. Susan Calanza, Dr. Kristi Gourlay and Ms. Sally Walker.
9. Ms. Calanza is the Assistant Faculty Registrar, Faculty of Arts and Sciences at the University of Toronto. She, among other things, reviews students' petitions to the Committee on Standing and checks their supporting documentation and the student's statement that are submitted with the petition.
10. On or about April 20, 2012, the Student submitted a petition requesting late withdrawal without academic penalty in two courses, SLA 238H1S and SLA 103H1S on the basis of "illness". The Student's petition form contained the following statement that the Student attested to by signing:

"I have provided accurate and complete information on this form and with my petition. I have also read, understood and will abide by the petition instructions that were attached to this form..."

11. With her petition, the Student also submitted her required signed "statement" dated April 12, 2012 in support of her petition and a "Student Medical Certificate" dated March 15, 2012 (the "Certificate"). The Certificate is a form with questions that is to be completed by the Student's physician.
12. The answers in the Certificate were completed in handwriting and purportedly by a Dr. Kamruz Zaman.
13. Ms. Calanza was suspicious of the authenticity of the Certificate as the CPSO number for the doctor was 6 digits when such numbers are only 5 digits in length. Naturally, Ms. Calanza assumed that a physician would not err in writing his own CPSO number.
14. On April 24, 2012, Ms. Calanza contacted Dr. Zaman seeking verification of the Certificate. Mr. Zaman subsequently responded and advised that "my original note has been changed/traced. I don't have a copy, but patient did see me on March 15, 2012".
15. Ms. Calanza tried to reach the Student to discuss the matter but when she was unable to reach her, she referred the matter to the Office of Student Academic Integrity ("OSAI").
16. On May 23, 2012, there was a meeting with the Student, Dr. Gourlay (Manager of OSAI) and Ms. Calanza at a Dean's meeting to discuss the matter.
17. Subsequent to that meeting, on May 29, 2012, Dr. Gourlay made further written inquiries of Dr. Zaman (with the Student's signed authorization). Dr. Zaman confirmed that he had written a note for the Student on March 15, 2012 (but had no copy), that he had sent the Student for blood work but had not, as suggested by the Student, written a prescription for Cipralext nor discussed any iron deficiency with her. Dr. Zaman stated that a fee was paid to the clinic for the note. Dr. Zaman further stated that almost the entire Certificate, except his name and date, seemed to be different from the note he wrote. Dr. Zaman did, however, confirm that the stamp on the Certificate was a true version of his clinic stamp.
18. Ms. Sally Walker, the Registrar and Assistant Principal of New College, met with the Student in April, 2012 and again in early July, 2012 to discuss the status of the inquiries relating to the Certificate.
19. On July 10, 2012, the Charges were drawn and emailed to the Student.
20. On July 16, 2012, the Student dropped off a handwritten letter to Ms. Walker which stated:

"I, ...have realised (sic) the consequences of my actions and would like to apologize ... for submitting an inappropriate medical certificate to drop my 2 courses. I had filled out the contents of the letter but the doctor was well aware what the note was intended for and he had stamped and signed it. He was in a

*rush to get the note filled out and that was why I did not even end up paying the obligatory \$20 fee that I had to pay to attain the letter. I apologize for not making this confession earlier because I was scared and afraid; as well as being emotionally traumatized by a series of events that had happened to me throughout my entire academic year. I was undergoing clinical depression and borderline anemia due to an abortion...**My medical records will be given ASAP.** My family doctor and hospital has required me to wait an extra week because of the hospital mandatory waiting time. I apologize once again for the inconvenience caused to the faculty and the grivence (sic) that I had (sic) made... I truly apologize for the mistake I had made. I was under plenty of pressure to lie to the council because of my cultural and family background as well as taking the ill-counsel (sic) of others. However, I do take full responsibility for my actions and I'm truly sorry. I just wish I could get one last chance. Thank you and I hope you could all forgive me... (emphasis added)*

21. The Tribunal notes that the Student did not provide any other medical records, despite her letter and that the Student apparently had a "family doctor" at some recent point but provided no note/letter from that doctor. Accordingly, the Tribunal draws an adverse inference from the Student's failure to attend and deliver any medical evidence in support of her stated medical issues set out in her handwritten letter of July 16th.
22. Nothing further has been heard from the Student since that handwritten letter.

Decision of the Tribunal

23. Based on the foregoing facts and documents filed, the Tribunal finds the Student guilty of the following:
 - (a) 1 count of knowingly forging a document or falsifying a document, namely the Medical Certificate which accompanied her petition contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters*; and
 - (b) 2 counts of academic dishonesty contrary to section B.I.3(b) of the *Code* relating to the Student's statement submitted with her petition and the submission of the petition.

Penalty

25. The University requested final grades of zero in both courses, a suspension and a recommendation for expulsion.
26. The Tribunal was not presented with any sworn evidence of mitigating factors on behalf of the Student and the Student's July 16th letter, where any mitigating factors might have been raised, should be given no weight. The Student had no prior record of academic dishonesty.

27. The Tribunal has found that the Student knowingly forged a document and committed 2 concurrent offences of academic dishonesty. These are serious offences and the following penalty is appropriate in all the circumstances:
28. The Student will receive final grade of zero in the SLA 238H1S and SLA103 H1S;
29. The Student will be immediately suspended from the University for a period of five (5) years and the sanction shall be recorded on the Student's academic record and transcript for a period of five (5) years; and
30. The circumstances do not, in the view of this Panel, warrant a recommendation of expulsion. The Student did authorize the University to make direct inquiries of Dr. Zaman and acknowledged some degree of guilt in her letter of July 16, 2012, though after the fact.
31. The Tribunal shall report this decision to the Provost for publication of a Notice of this decision and the sanction in the University newspaper, with the Student's name withheld.

An Order with the penalty was signed by the Panel at the hearing.

Dated at Toronto, this 25th day of January, 2013.



Roslyn Tsao, Co-Chair