

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 5, 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:

THE UNIVERSITY OF TORONTO

- and -

A [REDACTED] K [REDACTED]

REASONS FOR DECISION

Date of Hearing: February 11, 2013

Panel:

Mr. Paul Morrison, Barrister and Solicitor, Chair

Professor Faye Mishna, Factor-Inwentash Faculty of Social Work, Faculty Panel Member

Ms. Jenna Jacobson, Student Panel Member

Appearances:

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

In Attendance:

Professor Don Dewees, Dean's Designate, Faculty of Arts and Science

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

Hearing:

1. The Trial Division of the Tribunal held a hearing on February 11, 2013 to consider the following charges brought by the University of Toronto against A [REDACTED] K [REDACTED] (the Student) under the Code of Behaviour on Academic Matters, 1995 (the Code):

Charges:

"A. November 2009

1. On or about November 9, 2009, 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 form seeking academic accommodations or relief that you submitted to the Committee on Standing of the Faculty of Arts and Science at the University of Toronto (the "Committee"), contrary to Section B.1.1(a) of the Code.
2. On or about November 9, 2009, 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.1.1(a) of the Code.
3. On or about November 9, 2009, 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 death certificate in the name of S [REDACTED] K [REDACTED], which indicated February 24, 2009, as the date of death, and which you submitted in support of your request for academic accommodations, contrary to Section B.1.1(a) of the Code.

B. January 2010

4. On or about January 8, 2010, 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 form that you submitted to the Committee seeking academic accommodations or relief, contrary to Section B.1.1(a) of the Code.

5. On or about January 8, 2010, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement dated December 18, 2009, which you submitted to the Committee in support of your request for academic accommodation, contrary to Section B.I.1(a) of the Code.

6. On or about January 26, 2010, 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 death certificate in the name of M [REDACTED] K [REDACTED], which indicated February 24, 2009, as the date of death, and which you submitted in support of your request for academic accommodations, contrary to Section B.I.1(a) of the Code.

C. January 2011

7. On or about January 13, 2011, 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 form that you submitted to the Committee seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.

8. On or about January 13, 2011, 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.

9. On or about January 13, 2011, 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 death certificate in the name of K [REDACTED] K [REDACTED], which indicated December 15, 2010, as the date of death, and which you submitted in support of your request for academic accommodations, contrary to Section B.I.1(a) of the Code.

D. August 2011

10. On or about August 22, 2011, 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 form that you submitted to the Committee seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.

11. On or about August 22, 2011, 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.

12. On or about August 22, 2011, 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 death certificate in the name of A [REDACTED] K [REDACTED], which indicated August 14, 2010, as the date of death, and which you submitted in support of your request for academic accommodations, contrary to Section B.I.1(a) of the Code.

E. May 2012 charges

13. On or about May 4, 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 form that you submitted to the Committee seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.

14. On or about May 4, 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.

15. On or about May 4, 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 death certificate in the name of K [REDACTED] K [REDACTED], which indicated April 20, 2012, as the date of death, and which you submitted in support of your request for academic accommodations, contrary to Section B.I.1(a) of the Code.

16. 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."

Plea:

2. The Student did not attend the hearing. Counsel for the University filed a Consent at the hearing (Exhibit 3) whereby the Student:

- Agreed that the University had provided him with reasonable notice of the Hearing;
- Requested that the University Tribunal proceed in his absence and waiving his right to any further notice of the proceedings;
- Acknowledged having signed an Agreed Statement of Facts and a Joint Submission on Penalty, and confirming that he did not wish to attend or participate further in these proceedings; and
- Confirmed his understanding that, in his absence, the University Tribunal may find that he has committed an act or acts of academic misconduct and may impose sanctions against him.

3. The Agreed Statement of Facts stated (at paragraph 4) that the Student “waives the reading of the charges filed against him, and pleads guilty to all 16 charges filed by the Provost”.

4. The Student’s plea of guilty was accepted by the Tribunal.

Agreed Statement of Facts & Finding on Charges:

5. The Agreed Statement of Facts, executed February 5, 2013 by counsel for the University and by the Student, was entered as Exhibit 1 at the Hearing and is attached as Appendix A to this Decision. The Tribunal also received into evidence, on consent, a Joint Book of Documents, containing documents referred to in the Agreed Statement of Facts.

6. As set out in more detail in the Agreed Statement of Facts, the circumstances giving rise to the charges involved multiple occasions where the Student applied by

petition to defer an examination or (in one case) to request late withdrawal from a course without academic penalty. The Student filed such petitions dated November 9, 2009, January 8, 2010, January 13, 2011, August 22, 2011, and May 4, 2012. The Student filed various documentation in support of each of the petitions. The Student admits that each of the petitions contained, to his knowledge, false information and that the documents submitted in support of the petitions were knowingly forged and/or altered and/or falsified and contained false information and that he knowingly uttered, used and circulated these petitions and supporting documentation knowing that they contained false information.

7. After reviewing the facts contained in the Agreed Statement of Facts and the Joint Book of Documents, the Tribunal deliberated and concluded that the facts demonstrated that the charges to which the Student had entered a plea of guilty, as listed in subparagraphs 1-15 above, were proven. A finding of guilt was entered to the charges to which pleas of guilty had been made, as set out in subparagraphs 1-15 above. Counsel for the University withdrew the charge contained in subparagraph 16 above.

Penalty:

8. The parties submitted a Joint Submission on Penalty to the Tribunal. The Joint Submission is attached as Appendix B. The Joint Submission stated that the appropriate penalty in the circumstances of this case is that:

- (a) A final grade of zero be assigned for each of the courses involved in the Student's falsified petitions;

- (b) The Student be immediately suspended from the University for a period of up to five years from the date of the hearing and that a corresponding notation be placed on his academic record and transcript; and
- (c) The Tribunal recommend to the President that he recommend to the Governing Council that the Student be expelled from the University.

The Joint Submission further stated that it would be appropriate for the Tribunal to report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the Student's name withheld.

9. In oral submissions, counsel for the University emphasized that the offences were of the most egregious sort involving multiple instances of repeated conduct and a pattern of conduct designed to violate the Code. He relied upon prior decisions of the Tribunal, including *The University of Toronto and P. P.* (Case No. 642; April 5, 2011 and *The University of Toronto and Q. W.* (Case No. 633; March 22, 2012), as providing guidance to the Tribunal with respect to the appropriate penalty. In light of the pattern of conduct and the Student's record, he urged that the Joint Submission on Penalty be accepted. He also pointed out that the Student had demonstrated no remorse in the course of his dealings with the Provost.

10. The Tribunal deliberated and considered the factors that govern its decision.

11. The proven charges are very serious, particularly the Student's knowing falsification of petitions, the use of elaborate forged or falsified documents in support of the false petitions, and the Student's admitted objective to obtain an academic advantage.

12. The Tribunal recognizes the high threshold that must be met for the Tribunal to reject a Joint Submission. That is, the Tribunal would have to be of the view that accepting the Joint Submission would bring the administration of justice into disrepute. The Tribunal concluded that accepting the Joint Submission in this case would not bring the administration of justice into disrepute.

13. The Tribunal, therefore, accepted the Joint Submission on Penalty.

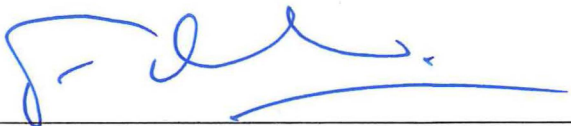
Decision of the Tribunal:

14. The Tribunal issued the following Order:

1. Mr. K [REDACTED] is guilty of 15 counts of knowingly forging a document or falsifying evidence required by the University of Toronto, or circulating such a document or evidence, contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters*;
2. Mr. K [REDACTED] shall receive a final grade of zero in each of the following courses:
 - (a) MAT 235Y1Y, 20089
 - (b) AST 101H1F, 20099
 - (c) MAT 244H 1F, 20109
 - (d) STA 261H1S, 20115
 - (e) STA 261H1S, 20121
3. Mr. K [REDACTED] shall immediately be suspended from the University for a period of up to five years;
4. The Tribunal recommends to the President of the University that he recommend to the Governing Council that Mr. K [REDACTED] be expelled from the University; and
5. This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed, with the name of the student withheld.

15. All of which is ordered as of February 11, 2013.

Dated at Toronto, this 14th day of May, 2013.

A handwritten signature in blue ink, consisting of a stylized 'F' followed by a cursive 'P' and 'M', with a long horizontal stroke extending to the right.

F. Paul Morrison, Chair

APPENDIX A

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 5, 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

NO. 1

BETWEEN:

THE UNIVERSITY OF TORONTO

**THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO**

- and -

Mr. [REDACTED]
This Exhibit is produced by

the University
this 11th day of Feb., 2013

A [REDACTED] K [REDACTED] ([REDACTED])

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purposes of this hearing, the Provost and A [REDACTED] K [REDACTED] ("Mr. K [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. K [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Notice of hearing

2. Mr. K [REDACTED] admits that he received a notice of hearing for February 11, 2013, and that he received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

B. Charges and guilty plea

3. Mr. K [REDACTED] admits that he received a copy of the charges filed by the Provost on October 5, 2012, which are found at JBD Tab 2.

4. Mr. K [REDACTED] waives the reading of the charges filed against him, and pleads guilty to all 16 charges filed by the Provost.

5. If the Tribunal convicts Mr. K [REDACTED] on any of the charges, the Provost will withdraw charge 16. A copy of Mr. K [REDACTED]'s academic record, dated February 4, 2013, is found in the JBD at Tab 3. At all material times, Mr. K [REDACTED] was a student member of the University of Toronto, within the meaning of the *Code of Behaviour on Academic Matters*. Mr. K [REDACTED] acknowledges that the University Tribunal has jurisdiction over him and that the *Code of Behaviour on Academic Matters* applies to his conduct.

C. Petition filed in November 2009

6. On November 9, 2009, Mr. K [REDACTED] filed a petition to the Committee on Standing at the University of Toronto Faculty of Arts and Science ("Committee"). A copy of the petition file is included in the JBD at Tab 4. By filing his petition, Mr. K [REDACTED] affirmed that he had provided accurate and complete information with his petition.

7. Mr. K [REDACTED] filed the petition to request late withdrawal without academic penalty from the course MAT 235Y1Y, which he took the previous academic year. In his personal statement in support of the petition, Mr. K [REDACTED] wrote:

I need to withdraw from MAT 235Y1Y, a course that I took in the 2008/2009 school year for reasons that result from a very personal and excruciatingly painful experience. During the middle of November 2008, my mother was hospitalized

for very dire health complications and passed away approximately one month afterwards on February 24, 2009. The experience was more than I could bear and left Toronto for many months afterwards dealing with the family traumatic experience. Obviously there was not a possibility I could have come even close to performing in MAT 235Y1Y. ... Also, I have enclosed a scanned copy of my mother's death certificate as per your requirements for documentation. I needed to discuss this matter with the Registrar prior to submitting my request for late withdrawal and it took a lengthy time to acquire a copy of my mother's death certificate, which is why this request took up to now to submit.

8. The University accepted the death certificate provided by Mr. K [REDACTED] without confirming its authenticity. On November 24, 2009, the Committee granted Mr. K [REDACTED]'s position and granted him late withdrawal without academic penalty in MAT 235.

9. Mr. K [REDACTED] admits that he filed his petition knowing that it contained false information, including, but not limited to the assertion that his mother had died in February, 2009.

10. Mr. K [REDACTED] admits that he knowingly forged and falsified the death certificate that purported to document his mother's death and circulated that death certificate to obtain an academic advantage.

D. Petition filed in December 2010

11. On January 8, 2010, Mr. K [REDACTED] submitted a petition to the Committee seeking permission to write a deferred final examination in AST 101. A copy of the petition file is included in the JBD at Tab 5. By filing his petition, Mr. K [REDACTED] affirmed that he had provided accurate and complete information with his petition.

12. Mr. K [REDACTED] stated in the personal statement accompanying his petition that:

I was unable to write my final examination for AST 101, originally intended to be written on December 14, 2009 this semester due to a family emergency. My grandmother passes away on the date of December 10, 2009 and because of this I had to immediately depart from Toronto to Ottawa to the wake, funeral and other family functions. It was a trying time and happened very spontaneously. Due to the gravity of the situation I would like to write the deferred examination for this course due to the course work I have already committed to this course. Enclosed are copies of the two train tickets I used to travel to Ottawa immediately after hearing of my grandmother's passing thank you for your understanding.

13. On January 26, 2010, Mr. K [REDACTED] wrote to the Committee and enclosed additional documentation supporting his request. At that time, Mr. K [REDACTED] included a scanned copy of her certificate of death, which was purportedly issued in British Columbia.

14. The University accepted the death certificate provided by Mr. K [REDACTED] without confirming its authenticity. On February 12, 2010, the Committee granted Mr. K [REDACTED]'s request.

15. Mr. K [REDACTED] admits that he filed his petition knowing that it contained false information, including, but not limited to the assertion that his grandmother had died in December 2009.

16. Mr. K [REDACTED] admits that he knowingly forged and falsified the death certificate that purported to document his grandmother's death and circulated that death certificate to obtain an academic advantage.

E. Petition filed in January 2011

17. On January 13, 2011, Mr. K [REDACTED] filed a petition to the Committee seeking a deferred examination in MAT 244 that was to have taken place in the fall examination period. A copy of the petition file is included in the JBD at Tab 6. By filing his petition, Mr. K [REDACTED] affirmed that he had provided accurate and complete information on the form and with his petition.

18. In his personal statement in support of the petition Mr. K [REDACTED] wrote:

I am requesting the deferral of my MAT 244 exam that was supposed to take place in the fall examination period. Prior to the exam, my grandfather passed away and I immediately left my family to British Columbia to attend the wake and funeral and comfort the rest of my family during this difficult time. Enclosed is a duplicate copy of my grandfather's death certificate.

19. The University accepted the death certificate provided by Mr. K [REDACTED] without confirming its authenticity. On January 25, 2011, the Committee granted Mr. K [REDACTED]'s petition and permitted him to write a regular deferred examination during the April examination period in April 2011.

20. Mr. K [REDACTED] admits that he filed his petition knowing that it contained false information, including, but not limited to the assertion that his grandfather had died in December 2010.

21. Mr. K [REDACTED] admits that he knowingly forged and falsified the death certificate that purported to document his grandfather's death and circulated that death certificate to obtain an academic advantage.

F. August 2011 Petition

22. On August 22, 2011, Mr. K [REDACTED] filed a petition to the Committee. A copy of the petition file is included in the JBD at Tab 7.

23. Mr. K [REDACTED] filed the petition to request a deferred final examination in the summer course STA 261H1S, which he took in the summer of 2011. In filing his petition, Mr. K [REDACTED] affirmed that he had provided accurate and complete information on the form and with his petition. In his personal statement in support of the petition Mr. K [REDACTED] wrote:

On Sunday, August 14, 2011, my father passed away after a year's battle with lung cancer in our Vancouver, British Columbia home. Obviously, because of this and other family struggles this summer has been extremely difficult for me to cope with. For these reasons, I was clearly not able to write my final examination for my summer course STA 261H1S, which was supposed to occur on August 16th. Enclosed is a copy of my father's death certificate. I am writing this to defer the writing of this final examination to a later date. Thank you for understanding the gravity of my circumstance.

24. The University accepted the death certificate provided by Mr. K [REDACTED] without confirming its authenticity. On August 24, 2011, the Committee granted Mr. K [REDACTED]'s petition and granted him a special deferred examination during the December examination period in 2011.

25. Mr. K [REDACTED] admits that he filed his petition knowing that it contained false information, including but not limited to the assertion that his father had died in August of 2011.

26. Mr. K [REDACTED] admits that he knowingly forged and falsified the death certificate that purported to document his father's death and circulated that death certificate to obtain an academic advantage namely, to obtain the academic advantage he sought.

27. On May 4, 2012, Mr. K [REDACTED] filed a petition to the Committee seeking to defer an examination in STA 261H1S. A copy of the petition file is included in the JBD at Tab 8. In filing his petition, Mr. K [REDACTED] affirmed that he provided all supporting documentation completely and accurately to the University.

28. In his personal statement in support of the petition, Mr. K [REDACTED] wrote:

I am requesting my exam be deferred for STA 261H1S. On April 20th my uncle past [sic] away after a spontaneous and completely unexpected heart attack that evening. Obviously, this had a huge impact on my family. Because of this, I had to fly to Vancouver in order to be with family for wake, funeral arrangements, and to be with relatives during this time disallowing me the opportunity to write my final exam for STA 261H1S, which was scheduled for April 23rd. I was able to get documentation in the form of a duplicate of my uncle's death certificate at the end of the month, in which I enclosed in my deferral request.

29. Mr. K [REDACTED] admits that he filed his petition knowing that it contained false information, including, but not limited to the assertion that his uncle had died in April of 2012.

30. Mr. K [REDACTED] admits that he knowingly forged and falsified the death certificate that purported to document his uncle's death and circulated that death certificate to obtain the academic advantage he sought.

G. General Admissions

31. With respect to all of the false information, forged or falsified documents that Mr. K [REDACTED] provided to the University, Mr. K [REDACTED] admits that he knowingly sent this false information:

- (a) in order to obtain an academic advantage;
- (b) to mislead the Committee and others at the University; and
- (c) expecting that the Committee would rely on this information to its detriment and would provide him with an academic advantage.

32. On July 26, 2012, Mr. K [REDACTED] met with Professor Donald Dewees, Dean's Designate for Academic Integrity, to discuss the allegations that he had violated the *Code of Behaviour on*

Academic Matters. During this meeting, Mr. K [REDACTED] admitted that he had committed the academic offences described above.

33. Mr. K [REDACTED] acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces. Mr. K [REDACTED] acknowledges that the Provost has provided him with no assurances regarding what sanction he may request the Tribunal to impose in this case.

Signed on February 5, 2013.

A large black rectangular redaction box covering the signature of the first party.

Signed on February 5, 2013.

A handwritten signature in blue ink, appearing to read "R. Centa", written over a horizontal line.

[REDACTED] Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 5, 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

NO. 4

BETWEEN:

THE UNIVERSITY OF TORONTO

**THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO**

- and -

.....
This Exhibit is produced by
the University
11th day of Feb., 2013
.....
C/2

JOINT SUBMISSION ON PENALTY

1. The University of Toronto and A [REDACTED] K [REDACTED] submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that:

- a. a final grade of zero be assigned for each of MAT235, AST 101, MAT 244 and STA 261;
- b. Mr. K [REDACTED] be immediately suspended from the University for a period of up to five years from the date of the hearing, and that a corresponding notation be placed on his academic record and transcript; and
- c. the Tribunal recommend to the President that he recommend to the Governing Council that Mr. K [REDACTED] be expelled from the University.

2. The University of Toronto and Mr. K [REDACTED] submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the student's name withheld.

3. Mr. K [REDACTED] acknowledges that the University of Toronto has advised him to obtain independent legal advice before signing this Joint Submission on Penalty and that he has done so or that he has deliberately waived his right to do so.

Signed in Toronto on February 5, 2013.

[REDACTED]
A [REDACTED] K [REDACTED]

Signed in Toronto on February 5, 2013.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto