

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on October 28, 2015 and March 9, 2016,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

M■■■■ N■■■■

REASONS FOR DECISION

Hearing Date: May 27, 2016

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair
Professor M. Evans, Faculty Panel Member
Ms. Raylesha Parker, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Rabiya Mansoor, Law Student for the Student, Downtown Legal Services
Dr. Kristi Gourlay, Manager of Office of Academic Integrity, Office of Student Academic Integrity

In Attendance:

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances

Ms. M■■■■ N■■■■, the Student

Ms. M■■■■ N■■■■, the Student's Mother

1. Ms. N■■■ appeared before the Tribunal charged with a series of offences involving the alternation or forgery of medical notes.

2. We were advised that Ms. N■■■ and the Provost had come to an agreement with respect to the facts, and an Agreed Statement of Facts was filed. There was also a joint disposition as to Penalty. In the result, Ms. N■■■ agreed to plead guilty to the following charges:

The October 28, 2015 Charges

- (a) On or about June 7, 2015, 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 Verification of Student Illness or Injury form, dated June 7, 2015, which you submitted in support of your request for academic accommodations in SOC364H1F (the "Course"), contrary to Section B.I.1(a) of the Code.
- (b) On or about June 23, 2015, 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 Verification of Student Illness or Injury Form, dated June 23, 2015, which you submitted in support of your request for

academic accommodations in the Course, contrary to Section B.I.1(a) of the Code.

- (c) On or about June 30, 2015, 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, purported receipts from Turnitin.com, dated June 30, 2015, which you submitted in support of your request for academic accommodations in the Course, contrary to Section B.I.1(a) of the Code.
- (d) On or about June 30, 2015, 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, what purported to be the submission page from Turnitin.com, which you submitted in support of your request for academic accommodations in the Course, contrary to Section B.I.1(a) of the Code.

The March 9, 2016 Charges

- (e) On or about October 23, 2014, 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 Verification of Student Illness or Injury form, dated October

23, 2014, which you submitted in support of your request for academic accommodations in PCJ460, contrary to Section B.I.1(a) of the Code.

- (f) On or about March 9, 2015, 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 Verification of Student Illness or Injury Form, dated March 9, 2015, which you submitted in support of your request for academic accommodations in HIS202, contrary to Section B.I.1(a) of the Code.

DISCUSSION

(a) October 28, 2015 Charges

3. Ms. N■■■■ registered in course SOC364H1F which was taught by Professor Anthony Lombardo. She sought various extensions for term work and assignments which were either missed or not completed.

4. In support for her request for accommodation, she submitted a University of Toronto Verification Illness or Injury Form dated June 7, 2015. This medical note was forged or altered. She also supplied a Medical Verification Form dated June 25, 2015 in support of her request, but altered the date on which the doctor had examined her as well as the date on which the doctor had signed the form.

5. As well, Ms. N■■ submitted documents from turnitin.com which she had then altered in order to attempt to persuade the instructor that pieces of academic work had been submitted when this had not been done.

(b) The March 9, 2016 Charges

6. The University subsequently learned that some time earlier, on October 23, 2014, Ms. N■■ had submitted a falsified Verification of Student Illness or Injury Form dated October 23, 2014. Ms. N■■ had submitted this Verification Form in order to be granted academic accommodations in course PCJ460. As well, Ms. N■■ submitted a further Verification Form dated March 9, 2015.

7. When Ms. N■■ met with the Dean's designate, she readily admitted that she had falsified and forged medical notes. She otherwise cooperated with the University investigation. She admitted that the offences alleged had been proven. The University agreed to withdraw the alternative charges.

PENALTY

8. The University and counsel for the student jointly submitted that the following should be imposed as a penalty:

- (a) she shall receive a final grade of zero in each of the courses SOC364H1F, PCJ460, and HIS202;
- (b) she shall be suspended from the University for 5 years from the date of the order; and
- (c) the sanction will be recorded on her academic record and transcript

for six years from the day the Tribunal makes its order.

9. In our consideration of this matter, we were struck by two things. Ms. N [REDACTED] had participated in dishonesty over a significant period of time. This was not a case in which she could be said to have acted impulsively to falsify a single medical note, or a series of related documents on a single occasion. She had instead acted dishonestly over most of an academic year. She had deceived or attempted to deceive three separate instructors at the University. All of this would have tended to increase the period of suspension, or indeed to have led us to consider imposing expulsion as a penalty, recognising that the penalty imposed in such a case must reflect not only the gravity of the offence, but must also serve as a deterrent to others who are engaged in similar conduct.

10. At the same time, Ms. N [REDACTED] through her counsel, persuaded us that her case involved truly extenuating circumstances. Ms. N [REDACTED] grew up in a very conservative and religious family. She did not know how to advise her family of her sexual orientation. Her academic work began to spiral. She found herself in excruciating turmoil, and attempted suicide. We were provided with hospital documentation which reflected that she had been involuntarily admitted to the Centre for Addiction and Mental Health following her suicide attempt.

11. In these exceptional circumstances, we accept that the Joint Submission with Respect to Penalty is appropriate. Indeed, as we advised the parties at the conclusion of the hearing about the joint submission, we might have imposed a shorter period of suspension. That said, the Joint Submission with Respect to

Penalty is consistent with a number of decisions reviewed with us by Ms. Harmer on behalf of the Provost. We should not depart from the Joint Submission with Respect to Penalty unless the proposed result amounts to an error in principle, and that is certainly not the case. A five-year suspension is often handed down by this Tribunal in cases of forgery of medical notes.

12. We were heartened to hear that Ms. N■■■■s family has proven to be quite supportive of her, and that she has other professional supports in place. We accept the position of Ms. Mansoor on her behalf that it seems quite unlikely she will offend the University's academic regulations in the future.

13. We impose the penalty set out in paragraph 8, above.

DATED at Toronto, this  day of , 2016.



William C. McDowell, Co-Chair