

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on January 7, 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 amended S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

– AND –

S ■ F ■

Hearing Date: August 3, 2016

Members of the Panel:

Ms. Sana Halwani, Barrister and Solicitor, Gilbert's LLP, Chair
Professor Dionne Aleman, Department of Mechanical and Industrial Engineering, Faculty Panel Member
Ms. Yusra Qazi, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Emily Home, Articling Student, Paliare Roland Barristers
Ms. Julia Wilkes, Counsel for the Student, Wardle Daley Bernstein Bieber LLP

In Attendance:

Ms. S ■ F ■, the Student
Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Faculty of Arts and Science
Ms. Krista Osbourne, Administrative Assistant, Appeals, Discipline and Faculty Grievances
Ms. Maya Bielinski, Articling Student, Gilbert's LLP
Ms. Michelle Henry, (Observer, New University Tribunal Chair)
Mr. Shahzad Khan, Spouse of the Student
Mr. Victor O'Brien, Observer

I. Charges and Procedural History

1. The Trial Division of the University Tribunal convened August 3, 2016 to consider charges of academic dishonesty brought by the University of Toronto (the "University") against S ■ F ■ (the "Student") under the *Code of Behaviour on Academic Matters, 1995* (the "Code") by letter dated January 7, 2016 from the Vice-Provost, Faculty & Academic Life, Professor Sioban Nelson.
2. The University alleges that the Student:
 - a. on or about December 19, 2013, knowingly falsified evidence required by the University of Toronto ("University"), namely, a Personal Statement, which she submitted to the Committee on Standing of the Faculty of Arts and Science (the "Committee"), in support of her request for academic accommodation in courses MAT135, CHM138, NMC388, and NML455 (the "Courses"), contrary to Section B.I.1(a) of the Code;
 - b. on or about December 19, 2013, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a University Verification of Student Illness or Injury Form, dated December 8, 2013 ("December 8 Form"), which she submitted to the Committee in support of her request for academic accommodations in the Courses, contrary to Section B.I.1(a) of the Code;
 - c. on or about December 19, 2013, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a University Verification of Student Illness or Injury Form, dated December 18, 2013 ("December 18 Form"), which she submitted to the Committee in support of her request for academic accommodations in the Courses, contrary to Section B.I.1(a) of the Code.
 - d. on or about May 2, 2014, knowingly falsified evidence required by the University, namely, a Personal Statement, which she submitted to the Committee in support of her request for a second deferral of an examination in MAT135, contrary to Section B.I.1(a) of the Code;

- e. on or about May 2, 2014, knowingly altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such altered or falsified document, namely, a University Verification of Student Illness or Injury Form, dated May 2, 2014 ("May 2 Form"), which she submitted to the Committee in support of her request for academic accommodation in MAT135, contrary to Section B.I.1(a) of the Code;
- f. on or about May 2, 2014, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such a document, namely, a Receipt for Services dated April 27, 2014, ("April 27 Receipt"), which she submitted to the Committee in an attempt to obtain academic accommodation in the course MAT135, contrary to Section B.I.1(a) of the Code;
- g. on or about September 28, 2015, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such a document, namely, a University Verification of Student Illness or Injury Form dated September 28, 2015 ("September 28 Form"), which she submitted to the University's Human Biology Program Office (the "HMB") in an attempt to obtain academic accommodation in the course HMB265, contrary to Section B.I.1(a) of the Code;
- h. on or about October 23, 2015, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such a document, namely, a University Verification of Student Illness or Injury Form dated October 19, 2015 ("October 19 Form"), which she submitted to the HMB in an attempt to obtain academic accommodation in the course HMB265, contrary to Section B.I.1(a) of the Code;
- i. on or about November 17, 2015, knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such a document, namely, a Receipt for Services dated October 19, 2015 ("October 19 Receipt"), which she submitted to the HMB in an attempt to obtain academic accommodation in the course HMB265, contrary to Section B.I.1(a) of the Code.

3. In the alternative to each of these nine charges, the University alleges that the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, which violated section B.I.3(b) of the Code.

II. Agreed Statement of Facts

4. At the outset of the hearing, the Panel was advised that the Student was pleading guilty to the first nine charges and that the matter would proceed on the basis of an Agreed Statement of Facts (attached as Appendix A to this decision). The Panel was also advised that if the Student's plea was accepted, the University would withdraw the alternative charge.
5. The Panel also received into evidence a Joint Book of Documents that is referred to in the Agreed Statement of Facts.
6. As is set out in the Agreed Statement of Facts, the charges arose out of three petitions submitted by the Student to the University to receive academic accommodation.

A. The 2013 Petition

7. The first of these petitions was submitted by the Student to the Committee on Standing of the Faculty of Arts and Science ("Committee") on December 19, 2013 (the "2013 Petition").
8. At that time, the Student sought the following academic accommodation:
 - a. Deferral of an examination MAT135, which was originally scheduled for December 9, 2013;
 - b. Deferral of an examination in CHM138, which was originally scheduled for December 18, 2013;
 - c. Extension of time to complete an essay in NMC388, which was originally due December 6, 2013;
 - d. Extension of time to complete an essay in NML455, which was originally due on December 4, 2013; and

- e. Deferral of a term test in NMC388, which was originally scheduled for November 27, 2013.
9. In support of the 2013 Petition, the Student submitted, among other documents:
- a. a Personal Statement; and
 - b. two University Verification of Student Illness or Injury Forms, each purportedly signed by Dr. Noah Vale: one dated December 8, 2013, and the second dated December 18, 2013.
10. The Committee granted this petition as set out in letters dated January 7 and 8, 2014.

B. The 2014 Petition

11. On May 2, 2014, the Student submitted a petition to the Committee seeking a second deferral of the examination in MAT135 (which was originally scheduled for December 9, 2013, and deferred until April 29, 2014) (the “2014 Petition”).
12. In support of this petition, the Student submitted, among other documents:
- a. a Personal Statement;
 - b. a purported Receipt of Services from Appletree Medical Group dated April 27, 2014; and
 - c. a University Verification of Student Illness or Injury Form, dated May 2, 2014, which was purportedly signed by Dr. Madan.
13. The Committee granted the 2014 Petition as set out in a letter dated May 28, 2014.

C. The 2015 Request for Accommodation

14. On each of September 28, 2015 and October 19, 2015, the Student did not attend a tutorial and also missed a tutorial quiz in HMB265.
15. She sought academic accommodation for these missed classes and quizzes by submitting documents to the Human Biology Department (the “2015 Request for Accommodation”). These documents consisted of two further University Verification of Student Illness or Injury Forms: one dated September 28, 2015, and another dated October 19, 2015, each purportedly signed by Dr. Noah Vale.

16. The Human Biology Department challenged the authenticity of the October 19 Form. In response, the Student submitted a purported Receipt for Services from Appletree Medical Group Inc. dated October 19, 2015.

A. Meeting with the Dean's Designate and Student Admissions Regarding Documents Submitted in Support of Petitions

17. On December 4, 2015, the Student met with Professor John Britton, Dean's Designate for Academic Integrity in the Faculty of Arts and Science. During that meeting, the Student admitted that she had forged, altered and/or falsified documents submitted in support of her Petitions.

18. In respect of those documents, as part of the Agreed Statement of Facts, the Student admits the following:

a. Personal Statements

The Student admits that the Personal Statement submitted on or about December 19, 2013 and the Personal Statement submitted on or about May 2, 2014 each contained statements that she knew to be false at the time of submission.

b. University Verification of Student Illness or Injury Forms

The Student admits that she was not seen by Dr. Vale on December 8, 2013, on December 18, 2013, on September 28, 2015, or on October 19, 2015. On each associated University Verification of Student Illness or Injury Form (the December 8 Form, the December 18 Form, the September 28 Form, and the October 19 Form) the Student forged Dr. Vale's signature and the description of the nature of the health problem he purportedly described. The Student admits that she knew that these forms had each been forged or altered and contained false information when she submitted them in an attempt to obtain academic accommodation.

With regards to the May 2 Form, the Student admits that she increased the seriousness of the incapacity therein described, and added text that was not originally present on the Form. She admits that she knew this form had been

altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

c. Receipts for Medical Services

The Student admits that knew the April 27 Receipt as well as the October 19 Receipt had been forged or altered and contained false information when she submitted them in an attempt to obtain academic accommodation.

19. The Student also admits that she knowingly submitted all of the documents and statements described above understanding that the University of Toronto required evidence to be presented in order to grant her requests for accommodation; with the intention that the University of Toronto rely on them in considering her requests for academic accommodation; and in an attempt to obtain an academic advantage.

III. Finding on Charges

20. Following deliberation and based on the submissions of counsel and the facts in the Agreed Statement of Facts and Joint Book of Documents, the Panel concluded that charges 1 through 9 had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of those charges. Given that finding of guilt the University withdrew charge 10. The Panel therefore makes no finding with respect to charge 10.

IV. Penalty

21. The Panel was provided with a further Agreed Statement of Facts and Joint Submission for Penalty (“JSP”).
22. The Student (represented by experienced counsel) and the University jointly recommended:
- a. a final grade of zero in the affected courses;
 - b. a suspension from the University of four years; and
 - c. a notation of this sanction on the Student’s record and transcript for five years.

23. Counsel for the University provided submissions on the high threshold required to reject a joint submission on penalty.
24. As set out by the Discipline Appeal Board in *University of Toronto and S [REDACTED] F [REDACTED]* (Case No. 690 - Appeal, October 20, 2014) ("*Fernando*"), a panel is not obliged or required to accept a joint submission regarding the sanction of a student who has committed academic misconduct. However, the Appeal Board in *F [REDACTED]* made clear that a panel should only reject a joint submission on penalty if that submission is unreasonable, unconscionable, or brings the University's discipline process into disrepute (*Fernando* at paragraph 22). This is not such a case.
25. Having heard these submissions, the Panel reviewed relevant past decisions of the Tribunal and considered the principles and factors as set out in *University of Toronto and C.* (File 1976/77-3; November 5, 1976). In particular, the Panel took the following into account as relevant to penalty in this case:
- a. The offences involve dishonesty and call into question the Student's character.
 - b. The offences are serious:
 - i. The Student not only falsified numerous documents on a number of occasions, but also took additional steps to bolster the authenticity of falsified documents when the authenticity of the 2015 Request for Accommodation was challenged.
 - ii. In repeating her misconduct over a period of several months and in taking steps to bolster the authenticity of the documents, there is clear evidence of intention, deliberation, and knowing deception.
 - c. The offences raise significant concerns with regards to the falsification of third-party documents, particularly signed documents from medical professionals.
 - i. In forging the medical notes, the Student not only undermined the integrity of the procedure used to assess medical circumstances and extend accommodations at the University of Toronto, but also risked the reputation of a practicing medical doctor.
 - d. A number of mitigating factors are present:

- i. The Student has cooperated with the University throughout the discipline process.
 - ii. The Student made full admission of her misconduct at her meeting with the Dean's Designate.
 - iii. The Student is a first-time offender.
 - iv. As disclosed in the Agreed Statement of Facts and Joint Submission on Penalty, the Student was facing challenging medical and personal circumstances around the time of the commission of the offences. These challenges include a diagnosed mental health concern that significantly interfered with the Student's ability to complete her academic obligations. The Student has since sought treatment. The Panel received into evidence a letter from a medical professional currently treating the Student regarding the relevant circumstances and the Student's progress since her misconduct. Although this medical evidence is not sufficient to excuse the Student's misconduct, the difficult personal and medical challenges experienced by the Student at or around the time of her commission of the offences justify a reduction of penalty.
- e. The University has agreed with the Student, and the Panel accepts, that the Student's relationship with the University can be rehabilitated.

26. In contextualizing the JSP, Counsel for the University submitted that this Tribunal has more or less consistently imposed five-year suspensions in cases of similar misconduct. In particular, the Panel was directed to *F* [REDACTED] cited above, where the Appeal Panel noted that "a review of all relevant Tribunal decisions concerned with forgery and falsification show a consistent pattern" leading to a "five-year suspension." However, counsel submitted that the mitigating factors in this case warranted a slightly lower suspension of four years.

27. With respect to Counsel's submission on the consistency with which this Tribunal imposes five-year suspensions in cases of this kind, we do not understand the Appeal Panel in *F* [REDACTED] to mean that all Tribunal decisions concerned with forgery and falsification warrant a five-year suspension (see for example *University of Toronto and M. C.* (Case No. 733, decided July 3, 2014), wherein a student was suspended for a

period of two years for having forged and submitted a medical certificate in support of a request for accommodation).

28. In any case, as first described in the matter of Mr. C., *supra*, and as followed in a preponderance of decisions since, the question of sanction must be answered with due regard to relevant mitigating or aggravating factors. Based on the above factors and on a review of similar cases provided by counsel to the University, the Panel agrees that a four-year suspension is appropriate in this case.

V. Decision of the Panel

29. At the conclusion of the hearing, the Panel made the following order:

- a. the Student is guilty of nine counts of the academic offence of forging or falsifying documents or evidence required by the University, contrary to section B.I.1(a) of the Code;
- b. the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in each of the courses MAT135, CHM138, NMC388, NML455, and HMB265;
 - ii. a suspension from the University for 4 years from the day the Tribunal makes its order; and
 - iii. a notation of the sanction on her academic record and transcript for 5 years from the day the Tribunal makes its order.
- c. this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

DATED at Toronto, September 21, 2016



Sana Halwani, Co-Chair

APPENDIX A

APPENDIX A

Ex #1

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 7, 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 am.

BETWEEN:

The University of Toronto

- and -

S ■ F ■ (999 750 256)

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 purpose of this hearing, the Provost and S ■ F ■ ("Ms. F ■") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Ms. F ■ agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for 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.

2. Ms. F█ admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.

3. Ms. F█ admits that she has received reasonable notice of the hearing. The notice of hearing in this matter is included in the JBD at Tab 2.

4. Ms. F█ waives the reading of the charges filed against her and pleads guilty to all charges. The Provost agrees that if the Tribunal convicts on all charges 1 to 9, the Provost will withdraw charge 10.

5. Ms. F█'s academic record dated July 26, 2016, is included in the JBD at Tab 3.

A. 2013 Petition

6. On December 19, 2013, Ms. F█ submitted a petition to the Committee on Standing of the Faculty of Arts and Science ("Committee"). The petition, which was given file number 57825, and the supporting documents submitted by Ms. F█ are included in the JBD at Tab 4 ("2013 Petition").

7. In the 2013 Petition, Ms. F█ sought the following academic accommodation:

- (a) To defer an examination in MAT135, which was originally scheduled for December 9, 2013;
- (b) To defer an examination in CHM138, which was originally scheduled for December 18, 2013;
- (c) An extension of time to complete an essay in NMC388, which was originally due on December 6, 2013;

- (d) To extend the time to complete an essay in NML455, which was originally due on December 4, 2013; and
- (e) To defer a term test in NMC388, which was originally to have been written on November 27, 2013.

8. The Committee granted the 2013 Petition as set out in letters dated January 7 and 8, 2014, which were signed by Susan Calanza, Assistant Faculty Registrar, which are found at Tab 4G and 4H.

9. In support of the 2013 Petition, Ms. F█ submitted, among other documents, a

- (a) Personal Statement, which is found at Tab 4B;
- (b) University Verification of Student Illness or Injury Form, dated December 8, 2013, which was purportedly signed by Dr. Vale ("December 8 Form") which is found at Tab 4D; and
- (c) University Verification of Student Illness or Injury Form, dated December 18, 2013, which was purportedly signed by Dr. Vale ("December 18 Form"), which is found at Tab 4F.

10. Ms. F█ admits that the Personal Statement contained statements that she knew to be false when she submitted it.

11. Ms. F█ admits that she was not seen by Dr. Vale on December 8, 2013. She forged his signature on the December 8 Form and the description of the nature of the health problem he purportedly described. Ms. F█ admits that she knew that the December 8 Form had been forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

12. Ms. F█ admits that she did not receive the December 18 Form when she was seen by Dr. Vale on that date. She forged his signature on the December 18 Form and the description of the nature of the health problem he purportedly described. She knew that the December 18 Form had been forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

13. Ms. F█ admits that she knowingly submitted all of the documents described above:

- (a) understanding that the University of Toronto required evidence to be presented in order to obtain the academic accommodation she sought;
- (b) with the intention that the University of Toronto rely on them in considering whether or not to provide her with the academic accommodations she requested; and
- (c) in an attempt to obtain an academic advantage.

B. 2014 Petition

14. On May 2, 2014, Ms. F█ submitted a petition to the Committee. The petition, which was given file number 59438, and the supporting documents submitted by Ms. F█ are included in the JBD at Tab 5 ("2014 Petition").

15. In the 2014 Petition, Ms. F█ sought a second deferral of the examination in MAT135, which was originally scheduled for December 9, 2013, and then deferred until April 29, 2014. The Committee granted the 2014 Petition in a letter dated May 28, which was signed by Susan Calanza, Assistant Faculty Registrar, and is found at Tab 5F.

16. In support of the 2014 Petition, Ms. F█ submitted, among other documents, a

- (a) Personal Statement, which is found at Tab 5B;
- (b) a Receipt for Services from Appletree Medical Group dated April 27, 2014, ("April 27 Receipt"), which is found at Tab 5D; and
- (c) University Verification of Student Illness or Injury Form, dated May 2, 2014, which was purportedly signed by Dr. Madan, which is found at Tab 5C ("May 2 Form").

17. Ms. F█ admits that the Personal Statement contained statements that she knew to be false when she submitted it.

18. Ms. F█ admits that she knew that the April 27 Receipt had been forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

19. Ms. F█ admits that she increased the seriousness of the incapacity, and added text that was not originally present on the May 2 Form. She knew that the May 2 Form had been altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

20. Ms. F█ admits that she knowingly submitted all of the documents and statements described above:

- (a) understanding that the University of Toronto required evidence to be presented in order to obtain the academic accommodation she sought;
- (b) with the intention that the University of Toronto rely on them in considering whether or not to provide her with the academic accommodations she requested; and

(c) in an attempt to obtain an academic advantage.

C. 2015 Request for accommodation

21. In Fall 2015, Ms. F■■ registered in HMB265. On September 28, 2015, she did not attend a tutorial and also missed a tutorial quiz.

22. In support of her request for academic accommodation for missing the tutorial and the quiz, Ms. F■■ submitted a University Verification of Student Illness or Injury Form dated September 28, 2015 ("September 28 Form"), which was purportedly signed by Dr. Vale. A copy of the September 28 Form is included in the JBD at Tab 6.

23. Ms. F■■ admits that she was not seen by Dr. Vale on September 28, 2015. She forged his signature on the September 28 Form and the description of the nature of the health problem he purportedly described. Ms. F■■ knew that the September 28 Form had been forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

24. On October 19, 2015, Ms. F■■ did not attend class and also missed a quiz and a tutorial in HMB 265.

25. In support of her request for academic accommodation for missing the class and quiz, Ms. F■■ submitted a University Verification of Student Illness or Injury Form dated October 19, 2015 ("October 19 Form"), which was purportedly signed by Dr. Vale. A copy of the October 19 Form is included in the JBD at Tab 7.

26. Ms. F■■ admits that she was not seen by Dr. Vale on October 19, 2015. Ms. F■■ forged his signature on the October 19 form as well as forging the description of the nature of the health problem he purportedly described. Ms. F■■ knew that the October 19 Form had been

forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

27. The Human Biology Department challenged the authenticity of the October 19 Form. In response, Ms. F█ submitted a Receipt for Services dated October 19, 2015 ("October 19 Receipt"), which was purportedly from Appletree Medical Group Inc. A copy of the October 19 Receipt is included in the JBD at Tab 8.

28. Ms. F█ admits that she knew that the October 19 Receipt had been forged or altered and contained false information when she submitted it in an attempt to obtain academic accommodation.

29. Ms. F█ admits that she knowingly submitted all of the documents and statements described above:

- (a) understanding that the University of Toronto required evidence to be presented in order to obtain the academic accommodation she sought.
- (b) with the intention that the University of Toronto rely on them in considering whether or not to provide her with the academic accommodations she requested;
- (c) in an attempt to obtain an academic advantage

D. The meeting with the Dean's Designate

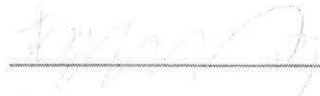
30. On December 4, 2015, Ms. F█ met with Prof. John Britton, Dean's Designate for Academic Integrity in the Faculty of Arts and Science. Ms. F█ acknowledges that Prof. Britton provided the warning that was required to be given to her under the Code. During that meeting, Ms. F█ admitted that she forged, altered and/or falsified and circulated the forged, altered and/or falsified documents.

E. Acknowledgments

31. Ms. F [redacted] acknowledges that:


- (a) the Provost advised her of her right to obtain legal counsel and that she obtained that advice; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

Signed on August 3, 2016



S [redacted] F [redacted]

Signed on July 26, 2016



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

[redacted] by

the UNIVERSITY
this 3 day of August, 2016
K. Osborne