

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on March 3, 2022,

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 amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] Y [REDACTED]

REASONS FOR DECISION

Date of Hearing: April 11, 2023, via Zoom

Members of the Panel:

Sarah Whitmore, Chair
Dr. Maria Rozakis, Faculty Panel Member
Charles Buck, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Hillson Tse, Counsel for the Student

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline & Faculty Grievances

In Attendance:

Y [REDACTED] Y [REDACTED]

Introduction

1. A hearing before the University Tribunal (the “Tribunal”) was convened on April 11, 2023 to consider the Charges (as defined below) against the Student, Y■■■■ Y■■■■ (the “Student”).

The Charges

2. The charges against the Student (the “Charges”) are as follows:

1. On or about June 6, 2021, you knowingly altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, namely, a University of Toronto Verification of Student Illness or Injury Form (“VOI”), dated April 13, 2021, which you submitted in support of your petition request for a deferred examination in STAB57H 2021(1), contrary to section B.I.1(a) of the Code (Charge #1).
2. In the alternative to Charge #1, you 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 in STAB57H 2021(1), which violated section B.I.3(b) of the Code (Charge #2).
3. On or about November 29, 2021, you knowingly obtained unauthorized assistance in connection with a research project titled “Konstant Partition Functions and Flow Polytopes for Signed Graphs” that you submitted in partial completion of the course requirements in Classical Plane Geometries and their Transformations - MATD02F21 (20219) (“Geometries”), contrary to section B.I.1(b) of the Code (Charge #3).
4. In the alternative to Charge #3, you 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 in Geometries, which violated section B.I.3(b) of the Code (Charge #4).

3. The particulars in support of charges #1 and #2 are as follows:

- a) You were a student at the University of Toronto Scarborough at all material times and were registered in in STAB57H 2021(1).
- b) On June 6, 2021, you submitted petition number PT33438, which requested a deferred examination in the course in STAB57H 2021(1).

- c) In support of this petition, and as required by the University of Toronto, you submitted a VOI dated April 13, 2021. This form was stamped with information for Centenary Hospital, but the name of the doctor who purportedly signed the VOI, and that doctor's CPSO number were both illegible.
- d) You subsequently advised the University of Toronto that the doctor's name was Adamantios Pagiotis Zoudis, CPSO #90543.
- e) Dr. Zoudis does not have hospital privileges at Centenary Hospital. He did not see, examine, or treat you on April 13, 2021. He did not complete the VOI that you submitted.
- f) You knew that the VOI that you submitted was forged, altered or contained false information when you submitted it. You knowingly submitted the VOI:
 - (i) understanding that the University of Toronto required evidence to be presented in order to obtain the accommodations you sought in the petitions;
 - (ii) with the intention that the University of Toronto rely on it in considering the petition you filed; and
 - (iii) in an attempt to obtain an academic advantage.

4. The particulars in support of charges #3 and #4 are as follows:

- a) You were a student at the University of Toronto Scarborough at all material times.
- b) In Fall 2021, you enrolled in Geometries, which was taught by Zohreh Shahbazi.
- c) You were required to complete a research project, which was worth 25% of the final grade in Geometries.
- d) On or about November 29, 2021, you submitted a paper titled "Konstant Partition Functions and Flow Polytopes for Signed Graphs" in fulfilment of the research paper requirement.
- e) Your research paper covered very advanced topics that were beyond the scope of the course and your demonstrated familiarity with the course material.
- f) You knowingly received unauthorized assistance from another person to complete your paper.

Agreed Statement of Facts

5. The hearing preceded on the basis of an Agreed Statement of Facts (the “ASF”), which was marked as Exhibit 1. The parties also presented a Joint Book of Documents (the “JBD”) that is referred to in the ASF, which was marked as Exhibit 2. A summary of the agreed facts follows.

6. At all material times the Student was a registered student at the University of Toronto Scarborough (“UTSC”). The Student first registered at UTSC in Fall 2017. As at the end of the 2022 Winter term she had earned 20.0 credits, with a cumulative grade point average of 2.35. The Student has not enrolled in courses since that time. A copy of the Student’s academic record, dated January 26, 2023, is included in the JBD at **Tab 3**.

B. Petition for deferred exam in STAB57H (2021(1))

7. In Winter 2021, the Student registered in STAB57H. The final exam in the course was scheduled to be written on April 13, 2021 (“Exam”).

8. The Student did not write the final exam in STAB57H on April 13, 2021.

9. Students who miss an exam may petition to write a deferred exam. If illness is cited as the reason for missing a final exam, students are required to file supporting documentation in the form of a standard Verification of Student Illness or Injury form (“VOI”). The VOI form must show that the physician was consulted on the day of the missed exam or the next day. Students are warned that if it is determined that information provided for a petition is altered or misrepresented, a student can be held accountable under the *Code*.

10. On April 13, 2021, the Student submitted a petition, PT32689, requesting that she be permitted to write a deferred Exam during the August exam period (“April Petition”). A copy of Petition PT32689 is included in the JBD at **Tab 4**.

11. On April 16, 2021, in support of her April Petition the Student submitted a Verification of Illness Form to the Petitions Office with a stamp from Chinese TRT Acupuncture & Herbal Medicine signed April 13, 2021 (“Acupuncture VOI”). A copy of the Acupuncture VOI is included in the JBD at **Tab 5**.

12. The Acupuncture VOI listed one visit only for April 13, 2021, and indicated that the reason for the visit is “Herbal medicine for dysmenorrhea with nausea...”

13. The April Petition was denied on the basis that a medical report from Chinese TRT acupuncture and herbal medicine was not a sufficient supporting document.
14. The Student submitted another petition on June 6, 2021, PT33438, seeking the same accommodation of a deferred Exam in STAB57H. A copy of PT33438 is included in the JBD at **Tab 6**.
15. In support of this second petition, the Student submitted another Verification of Illness Form which was also dated April 13, 2021 ("Second VOI"). The Second VOI had been stamped with information from Centenary Hospital, but the doctor's name and CPSO number were illegible. A copy of the Second VOI is included in the JBD at **Tab 7**.
16. The Student was asked to provide clarification of the illegible information. She responded with an email on July 9, 2021, advising that the doctor's name was Adamantios Panagiotis Zoudis, CPSO #90543. A copy of the Student's email of July 9, 2021, is included in the JBD at **Tab 8**.
17. The Petition Office determined that Dr. Zoudis did not have hospital privileges at Centenary Hospital, contrary to the stamp that appeared on the Second VOI.
18. The Student has never been a patient of Dr. Zoudis, and was not seen by him on April 13, 2021, or on any other day.

C. *Research project in MATD02H3 (2021(9))*

19. The Student enrolled in MATD02H3 – Classical Plane Geometries and their Transformations in Fall 2021, taught by Professor Zohreh Shahbazi ("MATD02"). Students in MATD02 were provided with extensive information about academic integrity. A copy of the course syllabus for MATD02 is included in the JBD at **Tab 9**.
20. Students in MATD02 were required to complete a research project, which was worth 20% of the final grade in the course. The research project required students to submit a two-page research report in the format of a standard academic mathematics extended abstract, and to produce a ten-minute video based on their work from the research report. A significant part of the research project was investigating the relevant area of mathematics and finding the papers to read and summarize. A copy of the instructions provided to students for the research project is included in the JBD at **Tab 10**.
21. The Student submitted a paper titled "Konstant Partition Functions and Flow Polytopes for Signed Graphs" in fulfilment of the research paper requirement ("Essay"). A copy of the Essay is included in the JBD at **Tab 11**.

22. When marking the Essay, Professor Shahbazi became suspicious because it covered very advanced topics that were beyond the scope of the course and the Student's demonstrated familiarity with the course material.

D. The Dean's Designate meeting

23. On February 8, 2022, the Student met with Anya Taffliovich, the Dean's Designate for academic integrity. The Student acknowledges that Professor Taffliovich provided her with the required warnings under the *Code*.

24. During this meeting, the Student explained that:

- a) When her first petition was rejected by the Registrar's Office because it was completed by an acupuncturist, she panicked and asked her friends for advice.
- b) Someone in an online chat group suggested a "doctor" that would provide her with a forged form. Another friend obtained the Second VOI for her.
- c) When writing the Research Paper, a friend suggested the papers she should read and summarize for the project, and she then wrote the paper herself.
- d) She understood that she had made a mistake for each of the Second VOI and the Research Paper and that her actions in respect of each of them constitute academic offences.

E. Admissions and acknowledgements

25. The Student admits that by submitting the Second VOI to support her second petition on June 6, 2021, purporting to have met with Dr. Koudis and to have obtained an authentic medical certificate from him to seek an academic accommodation she knowingly:

- a) forged or falsified a document or evidence required by the University in respect of the Second VOI, and knowingly circulated or made use of that Second VOI, contrary to section B.I.1(a) of the *Code*; and
- b) engaged in a form of cheating, academic dishonesty or misconduct, or made a misrepresentation in respect of the Second VOI in order to obtain an academic advantage, contrary to section B.I.3(b) of the *Code*.

26. The student further admits that she knowingly:

- a) obtained unauthorized assistance on her Research Paper, contrary to section B.I.1(b) of the *Code*; and
- b) 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 her Research Paper, contrary to section B.I.3(b) of the *Code*.

Findings on Charges

6. Following deliberations and based on the ASF and the JBD, the Panel concluded that Charges 1 and 3 (as outlined in paragraph 2 above) 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. The Panel was advised that if the Tribunal convicts the Student on Charges 1 and 3, the Provost will withdraw the alternative Charges 2 and 4.

Penalty

7. The University and the Student submitted an Agreed Statement of Facts and Joint Submission on Penalty (the "JSP"), which was marked as Exhibit 3. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:
 - a) a final grade of zero in each of STAB57H3 in 2021 Winter and MATD02H3 in 2021 Fall;
 - b) a suspension from the University for three years and six months commencing on May 1, 2022; and
 - c) a notation of the offence on the student's academic and record for five years from April 11, 2023.

8. The parties also submitted that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the Student withheld.
9. Counsel for the University provided submissions on the high threshold required for a Tribunal to deviate from a joint submission on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto v. M.A.* (Case No. 992, December 16, 2019), “only truly unreasonable or ‘unconscionable’ joint submissions should be rejected” (para 29).
10. In the Panel's view, on the basis of the factors set out in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976), the joint submission in this case is reasonable. In particular, the Panel took into consideration the seriousness of the offences and the fact that the offences were not the Student's first offences. The Panel also noted the detriment to the University from the offences.
11. As reflected in the JSP, the Student had previously been sanctioned for two prior offences: in one case plagiarism in Fall 2018 and in the other obtaining unauthorized assistance in Winter 2021. The timing of these prior offences is relevant and suggests that the prior warnings the Student received went unheeded. This suggests that the Student's likelihood of committing a further offence is serious and must be factored into the penalty.
12. Further, the offence relating to the VOI causes detriment to the University, because the breach of trust that arises through this offence undermines the University's process for offering accommodations to students.
13. However, the Panel also considered mitigating factors. The Student cooperated in the process and entered into the ASF and JSP, thereby showing insight and remorse. The Student's admission of guilt to the offences is a demonstration of that insight and of taking responsibility for her actions.
14. Having regard to the above, and based on a review of similar cases presented by counsel, the Panel agreed that the recommended sanctions are appropriate in the circumstances, and made the following order:

- a) one count of knowingly forging, altering, or falsifying a document or evidence required by the University, or uttering, circulating, or making use of any such forged, altered, or falsified document, contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters* (“Code”); and
- b) one count of knowingly obtaining unauthorized assistance, contrary to B.I.1(b) of the *Code*.

15. The following sanctions shall be imposed on the Student:

- a) a final grade of zero in:
 - (i) STAB57H3 in 2021 Winter; and
 - (ii) MATD02H3 in 2021 Fall;
- b) a suspension from the University for 3 years and six months commencing on May 1, 2022;
- c) a notation of the sanction on the student’s academic record and transcript for five years from April 11, 2023; and
- d) 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, this 23 of June, 2023,

Original signed by:

Sarah Whitmore, Chair
On behalf of the Panel