

**Case No.: 1500**

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 26, 2023,

**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 am. S.O. 1978, c. 88

**B E T W E E N:**

**THE UNIVERSITY OF TORONTO**

**- and -**

**H [REDACTED] S [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** October 24, 2023, via Zoom

**Members of the Panel:**

F. Paul Morrison, Chair  
Professor Michael Evans, Faculty Panel Member  
Dylan Dingwell, Student Panel Member

**Appearances:**

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

Nadia Bruno, Special Projects Officer, Office of Appeals Discipline and Faculty Grievances

**Not In Attendance:**

**H [REDACTED] S [REDACTED]**

1. On October 24, 2023, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against H■■■■ S■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

**A. CHARGES AND PARTICULARS**

2. The Charges were as follows:
  1. On or about December 23, 2021, 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 such forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 20, 2021, which you submitted in support of your request for academic accommodation or relief in GGR112H5F, contrary to Section B.I.1(a) of the Code.
  2. In the alternative, on or about December 23, 2021, you knowingly 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, by submitting a forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 20, 2021, in support of your request for academic accommodation or relief in GGR112H5F, contrary to Section B.I.3(b) of the Code.

**Particulars**

1. At all material times you were a student registered at the University of Toronto Mississauga.
2. In Fall 2021, you enrolled in GGR112H5F: Physical Geography.
3. Students in GGR112H5F were required to write a final exam on or about December 20, 2021, which was worth 40% of their final grade.

4. You did not write the final exam in GGR112H5F on or about December 20, 2021.
5. On or about December 23, 2021, you submitted a request to defer the final exam in GGR112H5F. In support, you submitted a Verification of Student Illness or Injury form, purportedly completed and signed by a doctor at North York General Hospital on December 20, 2021 (the "Medical Note").
6. You were granted the deferral.
7. The Medical Note was forged, altered or falsified. It was not prepared or signed by a doctor at North York General Hospital on December 20, 2021.
8. You did not visit a doctor at North York General Hospital in-person or virtually or otherwise on December 20, 2021.
9. You knowingly submitted the forged, altered or falsified Medical Note:
  - (a) understanding that the University of Toronto required legitimate medical documentation and evidence to be presented in order to obtain the academic accommodation or relief you requested;
  - (b) with the intention that the University of Toronto rely on the Medical Note in considering whether or not to provide you with the academic accommodation or relief you requested; and
  - (c) in an attempt to obtain academic credit and/or other academic advantage.
10. You knowingly 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.

**B. PROCEEDING IN ABSENCE OF STUDENT**

3. At the commencement of the hearing, counsel for the University requested an Order that the hearing proceed in the absence of the Student.
4. An Order that a hearing proceed in the absence of the student may be issued where the Panel is satisfied that the student had received reasonable notice of the hearing and of the date thereof. It was apparent to the Panel that the Agreed Statement of Facts (“ASF”) (to be reviewed hereinafter) demonstrated that the Student had received reasonable and, indeed, repeated notice of the charges, the hearing and the date thereof.
5. Indeed, in the ASF (paragraph 3) the Student acknowledged that he had received a copy of the charges, that he waived the reading of the charges, and that he pleads guilty to all charges.
6. The Panel was satisfied that the Student had received reasonable and, indeed, actual notice of the hearing and was aware of the date on which it was to proceed.
7. As a result, the Panel issued an Order that the hearing may proceed in the absence of the Student.

**C. AGREED STATEMENT OF FACTS**

8. Counsel for the University filed an ASF. The ASF was part of the Book of Documents re Notice and Finding of Offence which was marked as Exhibit 1 at the hearing. The Agreed Statement was signed by the Student and by the University.
9. The ASF contained, in part, the following facts:
  1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the Provost of the University of Toronto and H■■■■ S■■■■ (the “Student”) have prepared this Agreed Statement of Facts (“ASF”). The Provost and the Student agree:

- (a) each document attached to the ASF may be admitted into evidence before 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. This hearing arises out of charges of academic misconduct filed by the Provost on January 26, 2023. A copy of the charges is attached to the ASF at **Tab A**.
3. The Student acknowledges that he has received a copy of the charges, waives the reading of the charges, and pleads guilty to all charges.
4. The Provost agrees that if the Tribunal makes a finding of academic misconduct with respect to charge #1, the Provost will withdraw charge #2.
5. The Student acknowledges that he has an obligation to monitor and retrieve emails from his official University email account on a frequent and consistent basis under the University's Policy on Official Correspondence with Students. A copy of the Policy on Official Correspondence with Students is attached to the ASF at **Tab B**.
6. The Student was enrolled at the University of Toronto Mississauga at all material times. A copy of the Student's academic record is attached to the ASF at **Tab C**.

**A. *The petition to write a deferred exam***

7. In Fall 2021, the Student enrolled in GGR112H5F: Physical Geography. Students in GGR112H5F were required to write a final exam on December 20, 2021, which was worth 40% of their final grade. A copy of the GGR112H5F syllabus is attached to the ASF at **Tab D**.

8. On December 23, 2021, the Student filed a petition to write a deferred exam in the course. As part of the petition, the Student submitted a medical note that was purportedly signed by a doctor at North York General Hospital on December 20, 2021 (the “Purported Medical Note”). A copy of the Purported Medical Note, which is not introduced for the truth of its contents, is attached to the ASF at **Tab E**.<sup>1</sup>
9. The Purported Medical Note states that the Student visited a doctor at North York General Hospital on December 20, 2021, and that he had a fever and cough on that date. The Purported Medical Note is signed by the Student.
10. On December 22, 2022, the Registrar’s Office emailed the Student to confirm that his deferral request had been granted. A copy of the email granting the request is attached to the ASF at **Tab F**.

***B. The investigation***

11. On January 20, 2022, the Registrar’s Office emailed North York General Hospital to inquire whether the Purported Medical Note was legitimate. Later that day, North York General Hospital confirmed that the Purported Medical Note contained the wrong logo, that the stamp on the Purported Medical Note failed to contain the note provider’s name, and that North York General Hospital did not have a stamp for notes. A copy of this email thread is attached to the ASF at **Tab G**.
12. On March 18, 2022, the Student met with Chioma Nwabugwu, Assistant Registrar, to discuss the allegations in this matter.
13. From June 20, 2022 to August 5, 2022, the Office of the Vice Principal Academic and Dean made several attempts to schedule a Dean’s Designate meeting to discuss the allegations with the Student. A copy

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<sup>1</sup> The Registrar’s Office marked up the documents at Tabs E, F, and G of this ASF with different tab numbers and letters in red text. The tab numbers and letters in red text do not correspond to this ASF. The tab letters in black text correspond to the documents in this ASF.

of the emails between the Dean's Office and the Student are attached to the ASF at **Tab H**.

14. On August 8, 2022, the Student attended a Dean's Designate meeting with Professor Catherine Seguin to discuss the allegations in this matter. Professor Seguin gave the Student the warning that is required by the Code.
15. During the Dean's Designate meeting, the Student stated that:
  - (a) He had an allergy and went to see a doctor in China. He received a medical note from a doctor in China, but he thought that he needed a note from an Ontario doctor to defer his exam, and he could not see a doctor in Ontario because he was in China.
  - (b) He posted online on a social media application (Baidu Tieba) for help. He was contacted by a person who claimed that they worked at a hospital (the "Baidu User"). The Baidu User told the Student that they would take his medical note to a doctor in Ontario and put the information on a Verification of Illness form.
  - (c) He paid the Baidu User \$70 for the Purported Medical Note.
  - (d) He did not try to buy a fake medical note, and he thought that paying for a medical note was part of the regular process.
16. At the end of the Dean's Designate meeting, the Student admitted to committing an academic offence.

**C. *Pre-hearing procedures***

17. On January 26, 2023, the Provost issued the charges in this matter. Later that day, Assistant Discipline Counsel emailed the Student to request that they discuss the case. The Student did not respond.
18. On April 6, 2023, Assistant Discipline Counsel sent the Student disclosure in this matter. The Student did not respond.

19. On April 27, 2023, Assistant Discipline Counsel called the Student, and the Student stated that he preferred to schedule a hearing for Fall 2023.

***D. Admissions and acknowledgements***

20. The Student admits that he did not receive any medical assessments or treatments on December 20, 2021, or on any other date near the final exam in GGR112H5F from anyone who worked at North York General Hospital. The Student admits that he did not have a fever or a cough on December 20, 2021, or on any other date near the final exam in GGR112H5F.
21. The Student admits that he made several false statements to Professor Seguin during the Dean's Designate meeting. The Student admits that he bought the Purported Medical Note from a person whom he met online, he knew or ought to have known that this person did not work for a hospital, he knew or ought to have known that this person did not obtain the Purported Medical Note from a hospital, he knew that purchasing a medical note from someone on social media was not part of the regular process, and he knew that the Purported Medical Note contained false medical information.
22. The Student admits that he knew or ought to have known that he 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 such forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 20, 2021, which he submitted in support of his request for academic accommodation or relief in GGR112H5F, contrary to Section B.I.1(a) of the Code.
23. The Student admits that he knew or ought to have known that he 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, by submitting a forged, altered or falsified document, namely a



Verification of Student Illness or Injury form dated December 20, 2021, in support of his request for academic accommodation or relief in GGR112H5F, contrary to Section B.1.3(b) of the Code.

10. On the basis of the agreed upon evidence contained in the ASF, counsel for the University submitted that the charges had been proven and sought a finding of guilt on Charge 1.
11. The Panel fully discussed and deliberated upon the evidence and counsel for the University's submissions. The Panel was cognizant of the content of the ASF and the facts admitted therein by the Student. The Panel concluded that the evidence did support a finding of guilt on Charge 1.
12. Accordingly, the Panel made a finding of guilt on Charge 1. In accordance with the University's undertaking, the University thereupon withdrew Charge 2.

**D. SANCTION / PENALTY**

13. Counsel for the University filed a Book of Documents re Sanction as Exhibit 2 at the hearing.
14. Exhibit 2 contained an Agreed Statement of Facts on Penalty ("ASFP"), which was executed by the Student and by the University. The ASFP contained the following content:
  1. For the purposes of this hearing under the Code of Behaviour on Academic Matters ("Code"), the Provost of the University of Toronto and H■■■■ S■■■■ (the "Student") have prepared this Agreed Statement of Facts on Penalty ("ASFP"). The Provost and the Student agree that:
    - (a) each document attached to the ASFP may be admitted into evidence before 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. The Academic Integrity Unit in the Office of the Vice-Principal Academic & Dean (the “Dean’s Office”) at the University of Toronto Mississauga (“UTM”) is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean’s Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the “Code”).
  3. The Dean’s Office maintains a database of allegations of academic misconduct that have been made against students. There is a case report for each allegation in the database, which records the details relating to the allegation and the outcome.
  4. According to the Dean’s Office’s records, the Student has one prior offence. A copy of the discipline case report for this offence is attached to the ASFP at **Tab A**.
  5. In Summer 2021, the Student enrolled in CCT110. Students in the course were required to write an essay, which was worth 15% of their final grade.
  6. In August 2021, the Student submitted an essay in CCT110. The course instructor reviewed the Student’s essay and found that the Student previously submitted the essay for academic credit in another course.
  7. On August 3, 2021, the course instructor met with the Student to discuss the allegations in CCT110.
  8. On December 3, 2021, the Dean’s Office sent the Student an email that stated the Vice Dean was prepared to expedite the case if the Student admitted to committing an academic offence, waived his right to a dean’s designate meeting, and accepted a mark of zero on the assignment and a notation on his academic record and transcript for a

period of twelve months. The Student received and reviewed the email on the date that it was sent.

9. On January 3, 2022, the Dean's Office followed up with the Student about the CCT110 allegations. Later that day, the Student responded to the email by admitting to an offence, waiving his right to a dean's designate meeting, and accepting the proposed sanction. A copy of this email thread is attached to the ASFP at **Tab B**.
15. A Joint Submission on Penalty was also contained in the Book of Documents re Sanction as Exhibit 2. The Joint Submission on Penalty contained the following content:
- A. *Joint Submission on Penalty***
    3. The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:
      - (a) A final grade of zero in GGR112H5F;
      - (b) A suspension from the University for 3 years from the date of the University Tribunal's order; and
      - (c) A notation of the offence on the Student's academic record and transcript for 4 years from the date of the University Tribunal's order or until graduation, which ever comes first.
    4. The parties agree that this case shall be reported to the Provost for publication of a notice of the University Tribunal's decision and the sanction imposed, with the Student's name withheld.
16. Counsel for the University made submissions as to the appropriate penalty/sanction.
17. The Panel accepts, as submitted by counsel, that a panel is not obliged or required to accept a joint submission as to penalty. However, a joint submission may be

rejected by a panel only in circumstances where, to give effect to it, would be contrary to the public interest or would bring the administration of justice into disrepute. A joint submission must be measured against the understood and entrenched set of values and behaviours which members of the University are expected to uphold. Only if the joint submission is fundamentally offensive to these values may it be rejected.

18. The Panel carefully considered a chart summarizing similar cases contained in the Book of Documents re Sanction. The Panel recognized that the penalty proposed by the parties was representative of a typical sentence in cases of similar circumstance.
19. The Panel carefully considered the content of the Book of Documents re Sanction, the ASFP and the Joint Submission on Penalty. Having done so, the Panel saw no reason to deviate from the joint submission made by the parties.
20. Accordingly, the Panel issued a sanction in accordance with the following Order.

**E. ORDER**

21. The Tribunal issued the following Order:
  - (a) **THAT** The hearing may proceed in the absence of the Student;
  - (b) **THAT** the Student is guilty of one count of knowingly forging or in any other way altering or falsifying a document or evidence required by the University of Toronto, or uttering, circulating or making use of such forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 20, 2021, which the Student submitted in support of a request for academic accommodation or relief in GGR112H5F, contrary to Section B.I.1(a) of the *Code of Behaviour on Academic Matters*;
  - (c) **THAT** the following sanctions shall be imposed on the Student:
    - (i) A final grade of zero in GGR112H5F;

- (ii) A suspension from the University for 3 years from the date of the University Tribunal's order; and
  - (iii) A notation of the offence on the Student's academic record and transcript for 4 years from the date of the University Tribunal's order or until graduation, which ever comes first.
- (d) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

**DATED** at Toronto, this 24<sup>th</sup> day of January 2024.

Original signed by:

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F. Paul Morrison, Chair  
On behalf of the Panel