

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on June 21, 2023, amended
November 20, 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 amended
S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND -

I [REDACTED] V [REDACTED]

REASONS FOR DECISION

Hearing Date: November 27, 2023, via Zoom

Members of the Panel:

Alexandra Clark, Chair

Dr. Emily Nacol, Faculty Panel Member

Ryan Cortez, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Lily Chen, Representative for the Student, Downtown Legal Services

I [REDACTED] V [REDACTED]

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty
Grievances

A. Charges

1. On November 27, 2023, this panel of the University Tribunal held a hearing to consider the charges brought by the Provost against [REDACTED] V [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

2. Those charges were originally set out in a letter to the Student dated June 21, 2023, and later amended and set out in a further letter dated November 20, 2023, as follows:

1. On or about May 16, 2023, 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 document containing the title “In Loving Memory” and an invitation to a celebration of life for “L. V [REDACTED]” which you submitted in support of your petition request for academic accommodation or relief in PHL377H1S, contrary to Section B.I.1(a) of the *Code*.
2. On or about May 29, 2023, 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 death certificate for “L. V [REDACTED]” which you submitted in support of your petition request for academic accommodation or relief in PHL377H1S, contrary to Section B.I.1(a) of the *Code*.
3. In the alternative, 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 the following forged, altered, or falsified documents, which you submitted in support of your petition request for academic accommodation or relief in PHL377H1S, contrary to Section B.I.3(b) of the *Code*:
 - (a) a document containing the title “In Loving Memory” and an invitation to a celebration of life for “L. V [REDACTED]”, on or about May 16, 2023; and
 - (b) a death certificate for “L. V [REDACTED]”.

3. The Student has recently completed the coursework for her undergraduate degree at the University of Toronto. She participated in the hearing and was represented by a legal representative provided by Downtown Legal Services.

B. Evidence Tendered

4. The Provost tendered an Agreed Statement of Facts executed by the Student and by Assistant Discipline Counsel on November 22, 2023 (the “ASF”) and an attached Joint Book of Documents (the “Book of Documents”). The Student agreed that these documents should be accepted and reviewed by the panel. The summary of events set out below is drawn from the ASF and the Book of Documents.

5. The Student has been enrolled at the University of Toronto since the Fall 2019 term. She has completed 20.0 credits and has a cumulative grade point average of 2.14.

6. In the Winter 2023 academic term, the Student was enrolled in PHL377H1S which carried the title “Ethical Issues in Big Data” (the “Course”). The Course was taught by Professor Boris Babic.

7. Students in the Course were required to submit a paper on March 7, 2023, worth 30% of the Course mark (the “Paper”). On Monday, March 6, 2023, the Student requested an extension for her Paper. The Student gave as the reason for her request the fact that she had three papers due at one time. She did not mention the death of her grandmother or any other family circumstance at that time.

8. Professor Babic granted an extension to Friday, March 10. The Student did not submit a Paper on March 10 as required, nor did she submit one after that date. She therefore received a

mark of zero for the Paper. This resulted in the Student receiving a failing grade for the Course. The failing grade in the Course meant that the Student was not eligible to graduate in June 2023 as she had expected to do.

9. The Student learned that she had received a failing grade in the Course on May 10, 2023. She spoke with Professor Babic that day. He told her that if she successfully petitioned for the late submission of her Paper then he would mark it and adjust her final Course mark.

10. The deadline to file petitions for course work in the Winter 2023 term was May 5, 2023.

11. The Student approached her Registrar's office. She sent an email to Irene Krispis, Assistant Registrar: Academic Integrity, International at University of St. Michael's College on May 10, 2023, as follows:

Dear Irene,

I am emailing you regarding petitioning a grade. I have talked to my professor, and he has agreed to allow me to re-write the paper in order to allow for re-grade so that I can ensure graduation. I was wondering what steps I'd have to take to ensure that this would be possible.

12. Ms. Krispis invited the Student to meet with her. The Student was out of the country and was unable to meet with Ms. Krispis in person. On May 11, 2023, the Student sent Professor Babic an email to tell him that she had reached out to the Registrar's office, who she said told her that her case was eligible for a petition. She asked Professor Babic to therefore re-grade her Paper which she said she would submit on May 15.

13. Professor Babic agreed to re-grade the Student's Paper subject to her first sending him the results of her petition. On May 12, 2023, the Student filed a petition in which she requested

an extension to file her petition and to submit her Paper. She included a written statement in which she said:

- (a) She had requested graduation in June for which she required a passing grade in the Course;
- (b) She was unable to submit the assignment due to the passing of her grandmother in late February, following which she prioritized helping her family;
- (c) As a result of her grandmother's death and her family obligations she was unable to submit her Paper despite the extension granted by Professor Babic;
- (d) She did not mention her loss to Professor Babic because she believed it was a personal matter;
- (e) She did not know until May 10 that she had not passed the Course and it was only then that she learned that she would need to file a petition to seek permission to submit her Paper after the due date; and
- (f) She undertook to complete her Paper by the evening of May 14, 2023.

14. On May 15, 2023, the Registrar's office requested that the Student provide supporting documentation for her petition to explain why she could not complete the Paper between March 10 and May 6.

15. On May 16, 2023, the Student submitted the following documents in response to this request for supporting documentation:

- (a) An invitation to celebrate the life of L [REDACTED] V [REDACTED] on February 22, 2023, in "Kingston Jamaica" [sp] (the "Invitation"); and
- (b) A WestJet plane ticket for the Student, issued on January 16, 2023, showing a departure to Montego Bay, Jamaica on February 18, 2023, and a return flight to Toronto on February 25-26, 2023.

16. Winter reading week was held from Saturday February 18 to Friday February 24, 2023.
17. The Petitions team reviewed the document properties of the Invitation which indicated that it had been created on May 16, 2023, at 2:54 a.m. This and the apparent spelling error in “Jamica” prompted the Petitions Office to request that the Student provide a valid death certificate for her grandmother.
18. In response, on May 29, 2023, the Student provided a death certificate for L [REDACTED] V [REDACTED] indicating a date of death of 19 February 2023, bearing a stamp from the “Jamaica Council Department of Kingston City Country of Jamaica,” indicating a place of death of University Hospital of the West Indies, and a cause of death of myocardial infarction (the “Death Certificate”).
19. The Petitions Office became concerned about the validity of the Death Certificate provided by the Student. In particular, they noted a spelling error in that India was spelled “Inda”, that the signature for the District/Assistant Registrar read “J. Citizen”, and that the seal on the document appeared to have been digitally produced. As a result of these anomalies the Petitions Office forwarded the matter to the Office of Student Academic Integrity (“SAI”) for further investigation.
20. Upon investigation, SAI determined the following:
 - (a) An online search for the address used for the deceased and for the location of the celebration of life in the Invitation, namely 2C Bamboo Avenue, did not result in any hits and so could not be verified;
 - (b) The Death Certificate is a replica of a sample document that can be purchased online at gotempl.cc for \$28.00;

- (c) The place of burial was listed on the Death Certificate as the University Hospital of the West Indies, which does not offer burials according to a Google search;
- (d) The Student's airplane ticket had been issued in January for the precise period surrounding the date of death from a heart attack which occurred over a month later; and
- (e) A review of the document properties for the Invitation showed that the Student was the author, and that the document was created on May 16, 2:54 a.m., the same day that she submitted the Invitation to the Petitions Office.

21. The Student attended a meeting with the Dean's Designate on May 31, 2023, at which she denied any wrongdoing. She said the documents in issue had been provided to her by her cousin, and that she did not know that they were not authentic. She further explained that she did not tell Professor Babic about the death of her grandmother when she asked him for the extension on March 5 because she did not wish to share such personal information.

22. Following her meeting with the Dean's Designate, the Student met again with Ms. Krispis, at which time she asked if she could retract her petition and ask Professor Babic to give her a participation grade in the Course to allow her to pass it. Ms. Krispis told her that this was not possible.

23. The Student met again with Ms. Krispis, together with her parents, on June 8, 2023. At that meeting the Student admitted that she had falsified her petition documents and apologized for her actions. The Student also sent emails to the Vice Provost's office on June 8 and June 16, 2023, in which she admitted what she had done and apologized for her conduct.

24. Assistant Discipline Counsel indicated that if this panel made a finding of guilt on Counts 1 and 2 set out above, the Provost would withdraw Count 3. Based on the facts set out in the

ASF, we made a finding of guilt on Counts 1 and 2 and Count 3 was withdrawn. We then moved on to consider the issue of the appropriate sanction for these two offences.

C. Sanction

25. The Provost sought an order imposing the following sanctions on the Student:

- (a) a final grade of zero in the Course;
- (b) a suspension from the University of Toronto for a period of four years from the date of the Tribunal's order; and
- (c) a notation of the sanction on her academic record and transcript for a period of five years from the date of the Tribunal's order.

26. Assistant Discipline Counsel submitted a Book of Documents Regarding Sanctions (the "Sanction Brief") on behalf of the Provost, which included an Agreed Statement of Facts for Sanction (the "Sanction ASF") and a chart summarizing the sanctions imposed in the cases submitted by the Provost (the "Sanction Chart") together with copies of those cases. The Sanction ASF contained an acknowledgement that "[i]n May 2020, the Student admitted to obtaining unauthorized assistance in MAT136H1S in an assessment submitted for academic credit on April 9, 2020. She received a grade reduction which resulted in a failing grade in the course."

27. The Student testified on her own behalf on the issue of the sanction to be imposed. She was cross-examined by Assistant Discipline Counsel and tendered two further authorities in support of her position.

28. In her testimony, the Student reviewed her background and family circumstances prior to coming to the University to study in 2019. At that time, she had no other family in Toronto. In

the Winter Term of 2023, she was taking 7 courses (rather than the usual 6) in order to try complete her undergraduate degree on time in June of 2023. As an international student, she was conscious that any delay in completing her studies would require her parents to continue to pay significant tuition fees, which she said would be a hardship for her family, particularly as her younger brother was about to begin his studies at the University in September of 2023.

29. Given her heavy course load, the fact that she was also volunteering as a Commuter Don for her College, and the fact that she had begun to apply for jobs that would allow her to stay in Canada after her degree was finished, the Student testified that she was under a great deal of stress at the time of committing these offences. She expressed remorse for her actions, explained that they were a product of “fear and desperation”, and stated that her choice to submit the two fraudulent documents to the University was not a true reflection of who she is as a person.

30. She also explained that she took an additional course in the Summer Term of 2023 and has now completed sufficient credits to receive her degree. In cross-examination, she fairly conceded that rather than attempting to re-open and complete her credit in the Course, she could have merely accepted the failing grade and taken an additional course in the Summer Term. There was therefore a solution to her problem that did not involve academic dishonesty.

31. We are conscious that the Tribunal, in determining the appropriate sanction in a given case, should generally consider the factors set out in the decision of *University of Toronto v. Mr. C.* (Case No. 1976/77-3, November 5, 1976), namely (a) the character of the person charged; (b) the likelihood of a repetition of the offence; (c) the nature of the offence committed; (d) any extenuating circumstances surrounding the commission of the offence; (e) the detriment to the

University occasioned by the offence; and (f) the need to deter others from committing a similar offence.

32. Cases provided by the Provost such as *University of Toronto and S.F.* (Case No. 836, September 21, 2016), *University of Toronto and S.L.* (Case No. 843, August 16, 2016), and *University of Toronto and Y.Z.* (Case No. 628, May 23, 2012), show that for Students with no prior offences, a conviction for tendering a forged document invariably results in a mark of 0 in the affected courses. The cases submitted by Assistant Discipline Counsel likewise show that a suspension of 4 years and a 5-year notation are generally imposed in addition to the mark of 0. The Provost also presented examples of cases such as *University of Toronto and J.G.* (Case No. 1022, December 17, 2019), *University of Toronto and Y.D.* (Case No. 903, April 26, 2017), and *University of Toronto and S.M.* (Case No. 696, September 12, 2013), where students had tendered one or more forged documents and received a mark of 0 in the affected courses, a 5-year suspension and a 5-year or 6-year notation. We were therefore satisfied that the sanctions proposed by the Provost were proportional to those that have been awarded in similar cases.

33. On behalf of the Student, Ms. Chen submitted that a mark of 0, a suspension for 3 years and a notation for 4 years would be more appropriate in this case. She pointed to factors such as the remorse expressed by the Student and the fact that she had been under unusual strain due to her higher course load of 7 courses.

34. The panel retired to consider the appropriate sanctions in this case. We decided to impose a suspension of 4 years rather than the 3 years requested by the Student. In our view, the nature of the offence here, with forged documents tendered on two separate occasions, coupled

with the fact that the Student had committed a prior academic offence involving obtaining unauthorized assistance with an assessment, merited the more severe penalty.

35. In terms of the duration of the notation, given that the Student had completed her coursework and would not be returning to her program, we saw no need to prolong the period of the notation beyond 4 years. Given the gravity of the offence that she had admitted to, which is one of the most serious contemplated by the Code, we felt that the combination of a 4-year suspension and a 4-year notation was necessary to meet the goals of both specific and general deterrence in this case.

36. At the conclusion of the hearing, and for the reasons outlined above, we signed an order imposing the following sanctions on the Student:

- (b) a final grade of zero in the Course;
- (d) a suspension from the University of Toronto for a period of four years from the date of the Tribunal's order; and
- (e) a notation of the sanction on her academic record and transcript for a period of four years from the date of the Tribunal's order.

Dated at Toronto, this 31st day of January 2024.

Original signed by:

Alexandra Clark, Chair
On behalf of the Panel