

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on January 11, 2024,

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:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] T [REDACTED]

REASONS FOR DECISION

Hearing Date: May 22, 2024, via Zoom

Members of the Panel:

Omo Akintan, Chair
Dr. Pascal van Lieshout, Faculty Panel Member
Giselle Sami Dalili, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Janet Song, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Samanthe Huang, Quasi-Judicial Coordinator & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

Y [REDACTED] T [REDACTED]

Charges and Appearances

1. The Trial Division of the University Tribunal convened on May 22, 2024, to consider the charges brought by the University of Toronto (the "University") against Y [REDACTED] T [REDACTED] (the "Student").
2. The Student was charged on January 11, 2024 as follows:

Charge 1. On or about January 10, 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 purporting to be a Letter from Radiant Pharmacy, dated December 12, 2022, which you submitted in support of a petition to submit work after the course deadline in MDSC41H3 and MDSB25H3 (collectively, the "Courses"), contrary to section B.I.1(a) of the Code.

Charge 2. On or about January 10, 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 Verification of Illness Form purportedly from "Cheng Tao Wang", Registration No. 65486, St. Michael's Hospital, which you submitted in support of your petition to submit work after the course deadline in the Courses, contrary to section B.I.1(a) of the Code.

Charge 3. In the alternative to each of Charges #1 and #2 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 in connection with your petition to

submit work after the course deadline in the Courses and/or your appeal of the denial of that petition, contrary to section B.I.3(b) of the Code.

3. At the hearing, Assistant Discipline Counsel advised that if a finding is made on the first two charges the third charge would be withdrawn.

Facts

4. The evidence in this case was tendered by way of an Agreed Statement of Facts accompanied by a Joint Book of Documents which were introduced by the University at the hearing.
5. The Agreed Statement of Facts included the following:
 - (a) At all material times, the Student was enrolled at the University of Toronto Scarborough;
 - (b) In Fall 2022, she enrolled in MDSB25H3 (Political Economy of Media) ("MDSB25");
 - (c) Students in MDSB25 were evaluated on the basis of, among other things, a major research paper worth 35% of their final grades. The Student did not submit the research paper which was due during the week of December 1, 2022;
 - (d) In Fall 2022, the Student was also enrolled in MDSC41H3 (Media and Popular Culture in East Asia) ("MDSC41");

- (e) Students in MDSC41 were evaluated on the basis of, among other things, a final paper worth 30% of their final grades. The Student did not submit the final paper which was due on December 15, 2022;

6. The Agreed Statement of Facts also included the following information:

[...]

16. On January 10, 2023, the Student submitted a petition to submit work after the course deadline in each of MDSB25H3 and MDSC41H3 (the “**Petitions**”). The Student indicated the reason for their inability to submit the papers was:

“I was sick before the deadline and did not have enough time to finish the work. The paper worth so much and I do not want to miss it, and I have already finished it few days later than the deadline.”

[...]

18. In support of the Petitions the Student submitted:

(a) a Verification of Student Illness or Injury Form, purportedly completed and signed by doctor “Cheng Tao Wang” at St. Michael’s Hospital on November 30, 2022 (the “**VOI Form**”). The VOI Form stated that the Student had a diagnosis of gastroenteritis from November 30, 2022 until January 1, 2023;

(b) a letter purportedly from Radiant Pharmacy dated December 12, 2022 listing the uses, instructions and side effects of a drug called Ran-Esomeprazole, which is used to treat certain stomach and esophagus problems (the “**Pharmacy Letter**”). The Student’s name appeared on the Pharmacy Letter in different font from the rest of the contents of the letter. It did not identify the name of a prescribing physician.

6. The University contacted both the office of Dr. Cheng Tao Wang and Radiant Pharmacy to verify the documents submitted. They were informed that the Student was neither a patient of Dr. Wang's nor had she been seen by Dr. Wang. Similarly, Radiant Pharmacy advised that they had not dispensed any medication to the Student.
7. The Student denied the allegations at the Dean's Designate Meeting on July 4, 2023. However, in an email dated July 10, 2023, the Student sent to the Academic Integrity Office, she admitted that the documents she submitted were forged. She expressed deep regret and maintained her admission in the Agreed Statement of Facts, in which she also admitted to purchasing the VOI form from a third party. The Student appears to have been fully cooperative with the process subsequent to her email of July 10, 2023.
8. Based on the evidence, including the Student's admission, the Panel concluded that Charge 1 and Charge 2 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 2 charges.
9. The University has withdrawn the alternative Charge 3.

Penalty

10. The parties also made joint submissions requesting the following penalty:
 - (a) a final grade of zero in the course MDSB25H3 in Fall 2022;

- (b) a final grade of zero in the course MDSC41H3 in Fall 2022;
 - (c) the Student will be suspended from the University of Toronto for a period of three years; and
 - (d) this sanction will be recorded on the Student's academic record and transcript for a period of four years.
11. 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 and S.F.*(Case No. 690, October 20, 2014), only truly unreasonable or "unconscionable" joint submissions should be rejected (para 22).
 12. In the Panel's view, the joint submission in this case is reasonable and consistent with the jurisprudence in similar cases.
 13. In determining penalty, the Panel is directed to consider the factors outlined in the seminal *University of Toronto and Mr. C* decision (Case No. 1976/77-3, November 5, 1976): reformation, deterrence and protection of the public. None of these three goals has priority over the other but the Panel may consider how the facts of each case may demand that one has more relevance over the other.
 14. Forgery is widely recognised as a most serious academic offence. In this case, the Student paid for a forged document with the intention of deceiving the University. This was both serious and deliberate. The Panel agrees with the

reasoning in the *University of Toronto and K.Y.* decision (Case No. 873, December 13, 2016) decision in which it is noted, at paragraph 18, that “the Student’s conduct in forging medical notes implicated medical professions, and undermined the integrity of those charged with providing those medical notes, as well as the University’s procedure for assessing and granting accommodations to students.”

15. While the Student’s admission of guilt and her cooperation with the proceeding is a mitigating factor, it is an aggravating factor that this is a second offence for the Student. Less than two years before the incident which gave rise to this hearing, the Student had admitted to plagiarism. The notation from the prior incident was still on her transcript when the forgeries that gave rise to this hearing occurred. Furthermore, on these facts, she purchased and submitted two fraudulent medical documents to gain an unearned advantage (the ability to submit her essays late) in two separate courses.
16. Having regard to the balance of mitigating and aggravating factors in this case, the Panel is satisfied that the recommended sanctions are appropriate.

Decision of the Panel

17. At the conclusion of the hearing the Panel made the following order:
 - (a) THAT the Student is guilty of two counts of knowingly forging or in any other way altering or falsifying an academic record, or uttering, circulating or making use of such forged, altered or falsified record, contrary to B.I.1(a) of the *Code of Behaviour on Academic Matters*;

- (b) THAT the following sanctions shall be imposed on the Student:
- (i) a final grade of zero in the course MDSB25H3 in Fall 2022;
 - (ii) a final grade of zero in the course MDSC41H3 in Fall 2022;
 - (iii) a suspension from the University for three years commencing on May 22, 2024; and
 - (iv) a notation of the sanction on the student's academic record and transcript for four years from the date of the order.

18. The Panel also ordered that this case 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 on this 5 day of July 2024.

Original signed by:

Omo Akintan, Chair
On behalf of the Panel