

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on May 4, 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:

**UNIVERSITY OF TORONTO**

- and -

E [REDACTED] B [REDACTED]

**REASONS FOR DECISION**

**Hearing Dates:** May 8, 2024, and June 24, 2024, via Zoom

**Panel Members:**

Michelle S. Henry, Chair

Professor George Cree, Faculty Panel Member

Laiba Butt, Student Panel Member

**Appearances:**

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Chloe Hendrie, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

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

**In Attendance:**

E [REDACTED] B [REDACTED]

1. A hearing of the Trial Division of the University Tribunal convened on May 8, 2024, to consider charges of academic dishonesty brought by the University against E [REDACTED] B [REDACTED] (the “Student”), under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was informed of the charges by letter dated May 4, 2023, from Professor Randy Boyagoda, former Acting Vice-Provost, Faculty & Academic Life.

2. On May 8, 2024, the Student requested an adjournment, as she was unable to participate in the hearing due to work commitments. The request for the adjournment was granted and the hearing was continued on June 24, 2024.

### **THE CHARGES**

3. At all material times, the Student was a registered student at the University of Toronto Scarborough (“UTSC”). The University brought the following charges against the Student:

4. On or about May 3, 2022, the Student knowingly forged or in any other way altered or falsified an academic record, or uttered, circulated or made use of such forged, altered or falsified record, namely, a document that purported to be a screenshot of the Payments page from the Student’s online ACORN account, which the Student submitted to the Office of the Registrar at UTSC, contrary to Section B.I.3(a) of the Code.

5. In the alternative, on or about May 3, 2022, the Student 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 that purported to be a screenshot of the Payments page from the Student’s online ACORN account, which the Student submitted to the Office of the Registrar at UTSC, contrary to Section B.I.1(a) of the Code.

6. In the further alternative, on or about May 3, 2022, the Student 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 a forged, altered or falsified document, namely, a document that purported to be a screenshot of the Payments page from the Student’s online ACORN account, which the Student submitted to the Office of the Registrar at UTSC, contrary to Section B.I.3(b) of the Code.

## **AGREED STATEMENT OF FACTS AND EVIDENCE**

7. The hearing proceeded based on an Agreed Statement of Facts (“ASF”). The Panel also received a Book of Documents from the University containing the affidavit of Dallas Boyer, Associate Registrar and Director of Student Services in the Office of the Registrar at UTSC, affirmed April 26, 2024, and the affidavit of Nisha Panchal, Student Conduct & Academic Integrity Officer in the Dean’s Office at UTSC, affirmed April 25, 2024. As part of the ASF, the Student confirmed her acceptance of the evidence of Mr. Boyer and Ms. Panchal, as outlined in their affidavits, and agreed with the facts as set out therein.

### **Summary of Evidence**

8. The Student was registered with UTSC since Winter 2019. She had accumulated 6.0 credits and had a cumulative GPA of 0.82. In May 2022, the Student was placed on a 3-year academic probation due to low GPA. Her probationary period ends on April 30, 2025.

9. The Accessible Campus Only Resource Network (“ACORN”) is the University’s student information system. Students use ACORN to enrol in courses, check fees and finances, and update their address and contact information, among other things. Fee payments made by or on behalf of a student are tracked through ACORN. All fee payments that are made are logged on a student’s ACORN profile. The ACORN payment history logs show when a payment was processed, a description of the transaction (i.e., the payment source), and the invoice session (i.e., the term) that the payment was applied to. Typically, students make fee payments through their financial institution. These payments are then recorded on the student’s payment history log once they have been processed. In some instances, such as if a student pays their fees using a credit card, fee payments will be made directly through ACORN and are automatically recorded on the student’s payment history log.

10. The Summer 2022 term started on May 9, 2022. Students received their fee invoice for the Summer 2022 term on April 11, 2022, and were required to pay or defer their fees by April 20, 2022. Students who did not pay their fees before the end of the business day (at or around 4:30 p.m.) on May 3, 2022, would be subject to financial cancellation and would be removed from any courses they had enrolled in for the Summer 2022 term.

11. Between April 20, 2022, and the financial cancellation deadline on May 3, 2022, students who missed the payment deadline could submit a “proof of payment” — either of a fee payment or a fee deferral — to the Registrar’s Office to maintain their registration and enrollment status for the Summer 2022 term.

12. On May 3, 2022, the Student sent an email to the Registrar’s Office at UTSC, with the subject line, “PROOF OF SUMMER TUITION PAYMENT”, attaching a screenshot of what was purported to be the Payments page on her online ACORN account (the “ACORN Screenshot”). The ACORN Screenshot indicated that, on April 25, 2022, the Student had made a “bank payment” towards her Summer 2022 tuition in the amount of \$647.55.

13. The Payment History Screenshot was reviewed by the staff at the Registrar's Office on May 3, 2022. The Registrar’s Office identified discrepancies in the Payment History Screenshot as compared to the University's records, including:

- a. that the payment received by the University on April 25, 2022, was in the amount of \$311, not \$647.55;
- b. that the April 25, 2022, payment was directed to the Winter 2022 session, not the Summer 2022 session, because the Student still had outstanding fees from the Winter 2022 session; and
- c. the alignment of the text that said "Summer 2022" in the Payment History Screenshot did not match the alignment of the text elsewhere in the payment history table.

14. The Student was advised about these discrepancies on May 3, 2022, via email.

15. In reviewing the Student's Repository of Student Information (“ROSI”) payment history log, it showed that the Student made a bank payment on April 25, 2022 in the amount of \$311, which was directed to the Winter 2022 term. The Student's ROSI payment history log also showed that prior to this, on November 29, 2021, the Student made a bank payment of \$610, which was also directed to the Winter 2022 term.

16. The Student had submitted the ACORN Screenshot to show that she had paid tuition for Summer 2022. However, the ACORN Screenshot was forged, altered or falsified, as the Student

had not made a payment towards her Summer 2022 tuition; but, in fact, the payment that was made on April 25, 2022, was in the amount of \$311 and was made toward the Student's Winter 2022 tuition.

17. The Student was asked to explain the discrepancies found in the document via email on May 3, 2022, and again on May 10, 2022; however, the Student provided an explanation on May 3, 2022, but did not respond to subsequent emails from the Registrar's Office.

18. Following the submission of an academic integrity report to the Student Conduct and Academic Integrity Officer, from August 9, 2022, to January 11, 2023, the Dean's Office made various attempts to meet with the Student; however, various meetings were rescheduled by the Student. The Dean's Office did not reschedule the Student's meeting after the Student cancelled on January 11, 2023.

### **Admissions and Acknowledgements**

19. As part of the ASF, the Student admitted that:

- a. on May 3, 2022, she submitted a screenshot of what purported to be the Payments page of her online ACORN account (the "ACORN Screenshot") to the Office of the Registrar at UTSC;
- b. the ACORN Screenshot, which is an academic record, was forged, altered or falsified; and,
- c. she knowingly forged or in any other way altered or falsified an academic record or uttered circulated or made use of such forged, altered or falsified record, namely the ACORN Screenshot, contrary to section B.I.3(a) of the Code.

### **FINDINGS ON CHARGES**

20. Following deliberations and based on the ASF and the University's Book of Documents, the Panel concluded that charge 1 was proven on a balance of probabilities, and that, on or about May 3, 2022, the Student knowingly forged or in any other way altered or falsified an academic record, or uttered, circulated or made use of such forged, altered or falsified record, namely, a

document that purported to be a screenshot of the Payments page from the Student's online ACORN account, which the Student submitted to the Office of the Registrar at UTSC, contrary to section B.1.3(a) of the Code. The Panel accepted the guilty plea of the Student in respect of this charge.

21. The Panel was advised that if the Tribunal convicts the Student on the above charge, the University would withdraw the two alternative charges. Accordingly, the Panel makes no findings with respect to the alternative charges.

### **PENALTY**

22. The University and the Student submitted a Joint Submission on Penalty ("JSP") recommending the following penalty:

- a. A suspension from the University for a period of 5 years from the date of the University Tribunal's order; and
- b. A permanent notation of the offence on the Student's academic record and transcript.

23. Further, the Student and the University agreed that this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the Student's name withheld.

24. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from the JSP. As set out in the Discipline Appeals Board decision in *S.F. and The University of Toronto* (Case No. 690, October 20, 2014), only truly unreasonable or "unconscionable" joint submissions should be rejected (para. 22).

25. The Panel also heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the factors set out in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976), namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and 6) the need to deter others from committing a similar offence.

26. With respect to her character, the Student did not admit to the offence and was not forthcoming at the beginning. Further, she failed to meet with the Dean's Office regarding the incident despite several attempts by the University to do so. However, the Student did attend the hearing and had the opportunity to make submissions at the hearing. During the hearing, the Student demonstrated insight and remorse into her conduct. The Student stated that she recognizes that she made a mistake and was looking to make amends. She also stated that she participates in the UTSC arrive program, which is available to students while on suspension.

27. With respect to the second factor, the likelihood of repetition of the offence, the Student did not have any prior offences. Further, her participation in the UTSC arrive program should help her to succeed at the University.

28. There were no extenuating circumstances raised by the Student regarding what was happening at the time of the offence.

29. Regarding the remaining factors—the nature of the offence, the detriment to the University, and the need to deter other students—the University stressed that forgery is a very serious offence. Further, the Code provides guidance on the sanctions that the Provost may ask the Tribunal to impose, including recommending that the student be expelled in cases of forgery. The University also stressed the need to send a strong message to the University community on the seriousness of these offences.

30. Having regard to the above, and the caselaw presented by the University, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

## **DECISION OF THE PANEL**

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

- a. **ORDERS THAT** the Student is guilty of one count 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, namely, a document that purported to be a screenshot of the Payments page from the Student's online ACORN account, which the Student

submitted to the Office of the Registrar at the University of Toronto Scarborough, contrary to section B.I.3(a) of the Code;

- b. **ORDERS THAT** the Student shall be suspended from the University of Toronto for a period of 5 years from the date of the Tribunal's order;
- c. **ORDERS THAT** a permanent notation of the offence be placed on the Student's academic record and transcript; and
- d. **ORDERS 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.

32. An Order was signed at the hearing on June 24, 2024, by the Panel to this effect.

DATED at Toronto on this 20th day of September, 2024.

Original signed by:

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Michelle S. Henry, Chair

On behalf of the Panel