

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 29, 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 -

D [REDACTED] W [REDACTED]

REASONS FOR DECISION

Hearing Date: July 29, 2024, via Zoom

Members of the Panel:

Douglas F. Harrison, Chair

Professor Dionne Aleman, Faculty Panel Member

Samantha Chang, Student Panel Member

Appearances:

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

Raashil Jain-Sarker, Representative for the Student, Downtown Legal Services

Hearing Secretary:

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

In Attendance:

D [REDACTED] W [REDACTED]

Charges and Hearing

1. The Trial Division of the Tribunal held a hearing by videoconference on July 29, 2024, to address the charges brought by the University of Toronto (the “University”) against D■■■■ W■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student attended the hearing, represented by, Raashil Jain-Sarker, from Downtown Legal Services. The charges against the Student were set out in a letter to the Student dated February 29, 2024, as follows:

1. On or about April 22, 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 Student Illness or Injury form dated April 22, 2023, which you submitted in support of your request for academic accommodation or relief in the form of deferred exams in SOCC26H3: Sociology of Urban Cultural Policies (the “Course”), contrary to Section B.I.1(a) of the Code.
2. In the alternative, on or about April 22, 2023, 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 a forged, altered or falsified document, namely a Verification of Student Illness or Injury form (“VOI”) dated April 22, 2023, which you submitted in support of your request for academic accommodation or relief in the form of deferred exams in the Course, contrary to Section B.I.3(b) of the *Code*.

Particulars of the offences charged are as follows:

1. At all material times you were a student registered at the University of Toronto Scarborough.
2. In Winter 2023, you enrolled in the Course.

3. You were required to write a final exam in the Course on April 22, 2023. The final exam was worth 35% of your grade in the Course. The final exam was administered in person.
4. You did not write your final exam in the Course. Instead, on April 22, you submitted a petition request to write a deferred exam in the Course. In support of that petition, you submitted a Verification of Illness form purportedly completed and signed by “Cheng Tao Wang”, registration #65486 at St. Michael’s located at 30 Bond Street in Toronto, Ontario on April 22, 2023 (the “Medical Note”).
5. Your deferral request was denied on July 20, 2023.
6. The Medical Note was forged, altered, or falsified. The Medical Note was not prepared or signed by Dr. Cheng Tao Wang on April 22, 2023. You were not seen by Dr. Cheng Tao Wang or anyone else at St. Michael’s Hospital on April 22, 2023, or at any other time.
7. 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.
8. 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.

Facts

2. The parties filed an Agreed Statement of Facts (“ASF”) with the Panel. The Student acknowledged that he had received a copy of the charges, waived the reading of them, pled guilty to all charges, and had reasonable notice of the hearing. The facts agreed to are as follows.
3. The Student was a student at the University of Toronto Scarborough at all material times.
4. In Winter 2023, the Student enrolled in SOCC26H3: Sociology of Urban Cultural Policies (the “Course”).
5. Students in the Course were required to write a final exam worth 35% of the final mark in the Course. The final exam was scheduled to be written in-person on April 22, 2023.
6. The Student did not attend to write the final exam in the Course.
7. On April 22, 2023, the Student submitted a petition for a deferred final exam for the Course (the “Petition”). In his Petition, the Student claimed to have become ill on April 22, 2023.
8. In support of the Petition, the Student submitted a Verification of Illness form (the “VOI”). The VOI contained the following details:
 - a. The Student visited the doctor on April 22, 2023;
 - b. The Student was experiencing serious impairment from April 22 to April 23, 2023;
 - c. A signature for Cheng Tao Wang, CPSO #65486; and
 - d. A stamp which read “ST. Michael’s Inspired Care. Inspiring Science. 30 Bond Street, Toronto, Ontario M5 B 1 W8 tel: (416) 369-4000”.

9. The Student's Petition was initially granted, and he was given permission to write a deferred exam in the Course in August 2023.
10. Dr. Cheng Tao Wang is listed on the CPSO website with registration #65486. He is listed as a family physician with a primary place of practice identified as St. Michael's Hospital, Family Practice Unit, at 61 Queen Street East in Toronto, M5C 2T2, phone number (416) 867-7428.
11. The Petitions Office received another Verification of Student Illness form bearing the name Dr. Cheng Tao Wang from at least one other student during the April 2023 exam period that was very similar in content to the VOI submitted by the Student. This caused the Petitions Office to investigate further.
12. A staff member in the Registrar's office contacted the office of Dr. Cheng Tao Wang to confirm that he had met with the Student on April 22, 2023, as described in the VOI, and that he had signed and issued the VOI to the Student. Upon being shown the VOI from the Student and the other similar form from the other student, Dr. Cheng confirmed that "they were definitely not his signature."
13. The Student's Petition was therefore denied on July 20, 2023.
14. The Student was aware that the representations made in his Petition and in the VOI were untrue when he submitted them to the University intending that the Petitions Office rely on them in determining whether or not to grant his request for an exam deferral.
15. The Student was invited to attend a meeting on August 1, 2023, with the dean's designate, Professor Nick Cheng. When the Student did not attend that meeting, it was rescheduled. Before meeting with Professor Cheng, the Student sent an email on August 13, 2023, to Professor Cheng in which he admitted to having purchased the VOI from a source on WeChat for \$130. He indicated that he commenced the process of purchasing the document on April 19, 2023.
16. The Student attended a meeting with the Dean's Designate on August 15, 2023, at which time he:

- (a) confirmed that he had purchased the VOI;
- (b) said he had deleted the WeChat contact information of the person from whom he purchased the VOI;
- (c) sent that individual his name, gender, and date of birth, following which he received the VOI in a pdf;
- (d) admitted that he had submitted it as a false document with his petition to defer his exam in the Course; and
- (e) admitted that in doing so, he had committed an academic offence.

17. The Student admits that he knowingly purchased the VOI and submitted it in support of the Petition for a deferred exam in the Course, knowing that:

- (a) if he was unable to attend the exam in the Course on the scheduled date due to illness, he was required to submit supporting medical documentation in order to support a petition request for a deferred exam;
- (b) the VOI that he submitted to support his Petition was a forged document that contained false information;
- (c) he did not visit a doctor on April 22, 2023;
- (d) in particular he did not visit or obtain the VOI from Dr. Cheng Tao Wang on that date; and
- (e) he submitted the VOI in order to obtain an academic advantage by obtaining permission to write a deferred exam in the Course when he was not entitled to do so.

18. The Student admits that on April 22, 2023, he knowingly circulated and made use of a falsified document required by the University of Toronto, namely the VOI, contrary to section B.I.1(a) of the Code.

19. The Student acknowledged that he signed the ASF freely and voluntarily, knowing of the potential consequences he faced, and did so with the advice of counsel or having waived the right to obtain counsel.

20. The Student acknowledged that the Provost made no representations to him regarding what penalty the Provost would seek in this proceeding.

Finding on Charges

21. On the basis of the ASF, the submissions of counsel and of the Student's representative, the Panel is satisfied on a balance of probabilities that the University has proven that the elements of charge 1. The Panel therefore accepted the Student's guilty plea with respect to this charge and found him guilty of knowingly circulating and making use of a falsified document required by the University of Toronto, contrary to section B.I.1(a) of the Code.

22. Upon these findings, counsel for the University advised that the Provost was withdrawing charge 2 as set out in paragraph 1, above.

Sanction

23. For the purpose of the sanction phase of the hearing, the Provost and the Student prepared and presented a joint submission on penalty ("JSP").

24. The Provost and the Student submitted 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 SOCC26H3 in Winter 2023;
- b. A suspension from the University for two years from August 30, 2024, to August 29, 2026; and

c. A notation of the offence on the Student's academic record and transcript for three years from the date of the Tribunal's order.

25. The parties also agreed that this case should 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.

26. This request in the JSP was in part based on factors laid out, sanctions handed down by the Tribunal in previous cases, and the Provost's Guidance on Sanctions (but which are not binding on this Tribunal).

27. The Student acknowledged that the Provost had advised him of his right to obtain legal counsel and that he had obtained that advice.

28. The Student acknowledged that he signed the JSP freely and voluntarily, knowing of the potential consequences he faced and knowing that the Tribunal was not bound by the JSP and has the discretion to impose and/or recommend a different sanction, including one that is more severe than the JSP recommends.

29. Section C.II.(B) of the Code sets out that the Tribunal may impose a range of sanctions on a student who has been convicted under the Code, ranging from an oral reprimand to a five-year suspension or, more severely, a recommendation to the President to recommend to Governing Council of expulsion, or a recommendation to Governing Council of cancellation of a degree. The Tribunal may also order that any sanction it imposes be recorded on the student's academic record and transcript for a period of time and may also report any case to the Provost, who may publish a notice of the decision and sanction in the University newspapers, with the name of the student withheld.

30. The Code also contains, in Appendix "C", the Provost's Guidance on Sanctions. Section B.8 provides, "absent exceptional circumstances, the Provost will request that the Tribunal: ... (b) suspend a student for two years for any offence involving academic dishonesty, where a student has not committed any prior offences;"

31. The sanction in a particular case is to be determined based on the circumstances of that case. However, previous decisions of the Discipline Appeals Board and this Tribunal have found that students must be treated fairly and equitably when being sanctioned, and that there must be a general consistency in the approach of the Tribunal generally (see *University of Toronto v. B.S.* (Case No. 697, January 17, 2014 (Sanction)), at paragraphs 8-11).

32. As noted by the University's counsel, *University of Toronto v. Mr. C* (Case No. 1976/77-3, November 5, 1976) ("*Mr. C*") is a foundational decision for this Tribunal insofar as its reasons for decision set out factors that a tribunal should consider when imposing a sanction:

- 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.

33. With respect to his character, the Student admitted the offence and demonstrated remorse. Once he was confronted by the University with the fact that the VOI was falsified, he took responsibility for his actions. In his August 13, 2023, email to Professor Cheng, the Student admitted to the allegations, and said he deeply regretted his actions and the choices he made "regarding the forged doctor's note", which he acknowledged having paid \$130 to obtain. He said he understood there was "no acceptable justification" for what he did, which he described as a "misguided decision". He said he was "truly sorry" for the harm he had caused "and any disappointment I've brought to the university" and that he was "prepared to accept any consequences deemed suitable by the university".

34. As noted by the Student's representative, the Student acted far more cooperatively with the University than other students in some other cases before the Tribunal involving similar

circumstances, in which the sanction imposed did not differ from what was recommended in the JSP in this matter. For example, in *University of Toronto v. X.T.* (Case No. 1080, September 29, 2020), the student had submitted a false VOI in support of a petition to lift a suspension and seek permission for late withdrawal. When confronted by the University, the student maintained the VOI was legitimate and thereafter did not respond to the charges. The student did not file any materials in response to the University's case against him, did not attend the hearing, and was sanctioned by way of a final grade of zero in the course in question, a two-year suspension and a three-year notation. And in *University of Toronto v. Y.M.* (Case No. 1068, June 23, 2020), there had been a similar outcome in similar circumstances in which the student took no part in the University's prosecution against her.

35. This is a first offence for the Student. Given his response to the University's confronting him about the false VOI, including his high degree of cooperation, the Tribunal concluded that the Student has demonstrated insight into his actions and that there is little to no likelihood of a repetition of the offence.

36. The offence is a serious one. It requires deliberation and causes detriment to the University. The University has to be able to accommodate students who cannot write an exam for a legitimate reason. It receives numerous VOIs for this purpose. However, the University is unable to verify all of them. It has to rely on students' self-reporting, and falsification can be difficult to detect. The University must therefore be able to trust students not to submit false VOIs. Where that trust is breached by a student knowingly submitted a false VOI, a sanction must follow even when there is cooperation.

37. It is notable that this offence is not one that simply involves providing a false statement to the University – it also implicates the medical professional. Submitting a false VOI purportedly signed and stamped by a doctor, is an abuse of that doctor's name and credentials. As was noted in *University of Toronto v. X.T.*, at para. 39(e), such behaviour not only undermines the credibility of the accused, but also undermines "the University's procedure for assessing and granting accommodations to its students."

38. In *University of Toronto v. M.C.* (Case No. 733, September 11, 2014), a student submitted a false medical certificate that featured a stamp purportedly from the Scarborough Hospital General campus. The stamp was false. The Tribunal in that case noted that adding the false stamp to the form “to add authenticity” was a strong indication of planning and deliberation. Likewise, in the present case, the Student did not act rashly without forethought. There was planning and deliberation involved in obtaining and submitting the false VOI. The Student spent time on this scheme, having reached out to the provider of the false VOI some three days before the scheduled exam date. It is also noted that the false VOI was purchased. Injecting a commercial aspect to the commission of the offence makes it more serious in the eyes of the Tribunal.

39. Finally, with respect to the *Mr. C* factors, on the issue of deterrence, the Student’s representative noted that the Student understands the seriousness of the offence and the need of the University to send a message to deter others committing similar academic offences. In any event, because of the difficulty of detecting a false VOI, and the need for the University to trust students not to falsely self-report illness to gain an academic advantage, it is important that the sanction in these circumstances be severe enough to ward off others from similar, unacceptable behaviour.

40. The parties have submitted a JSP that tracks the minimum sanction suggested by the Guidelines. While the Tribunal is not bound to accept the JSP, there is a high threshold to clear for a Tribunal to deviate from it. The agreed, recommended sanction must be truly unreasonable or unconscionable before a Tribunal should reject it, as per the Discipline Appeals Board’s decision in *University of Toronto v. S.F.* (Case No. 690, October 20, 2014). This decision was noted recently in *University of Toronto v. Y.T.* (Case No. 1586, July 5, 2024), a case involving similar charges in which the false VOI was purportedly signed by the same doctor implicated in the present case.

41. In this instance, the Student has accepted responsibility, admitted guilt and cooperated with the University. The Tribunal finds that the JSP is reasonable, not unconscionable and within the accepted range for similar cases. While the normal practice of commencing the suspension on the date of the Tribunal’s order is modified here to begin following the summer session, the Tribunal accepts that that is a reasonable request in the circumstances of this Student’s level of remorse, acceptance and cooperation, and which will allow him to complete the current term. To his credit,

the Student has shown steady academic progress over the course of his program of study, as shown from his Academic History filed in this proceeding. His having had no prior record of academic misconduct and his demonstrated insight into what has occurred are also factors of mitigation that the Tribunal has taken into account.

42. The Tribunal therefore orders that the following sanctions be imposed on the Student:

- a. a final grade of zero in SOCC26H3 in Winter 2023;
- b. a suspension from the University for two years from August 30, 2024, to August 29, 2026; and
- c. a notation of this sanction on the Student's academic record and transcript for three years from the date of the Tribunal's order.

43. In addition, the Tribunal orders 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, this 1st day of November, 2024.

Original signed by:

Douglas Harrison, Chair
On behalf of the Panel