

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on June 20, 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 -

G [REDACTED] R [REDACTED]

REASONS FOR DECISION

Date of Hearing: September 12, 2024, via Zoom

Members of the Panel:

Karen Symes, Chair

Professor Mary Pugh, Faculty Panel Member

Zoë Reichert, Student Panel Member

Appearances:

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

Ryan Shah, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Ivan Yau, Representative for the Student

Hearing Secretary:

Karen Bellinger, Associate Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

G [REDACTED] R [REDACTED]

Charges and Hearing

1. This Panel of the University Tribunal held a hearing, by Zoom, on September 12, 2024, to consider the charges brought by the University of Toronto (the “University”) against G■■■■ R■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).
2. The charges against the Student are as follows:
 - i. On or about December 21, 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 December 16, 2023 which you submitted in support of your request for a deferral of the final exam in CITC09H3 in Fall 2023 (“CITC09”), contrary to Section B.I.1(a) of the *Code*.
 - ii. On or about December 31, 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 December 19, 2023 which you submitted in support of your request for a deferral of the final exam in CITC14H3 in Fall 2023 (“CITC14”), contrary to Section B.I.1(a) of the *Code*.
 - iii. In the alternative to the above charges, respectively, on or about the following dates, 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, contrary to Section B.I.3(b) of the *Code*:
 - a) On or about December 21, 2023, a Verification of Student Illness or Injury form dated December 16, 2023, which you submitted in support of your request for a deferral of the final exam in CITC09 in Fall 2023; and
 - b) On or about December 31, 2023, a Verification of Student Illness or Injury form dated December 19, 2023, which you submitted in support of your request for deferral of the final exam in CITC14 in Fall 2023.

3. The particulars are as follows:

- i. At all material times you were a student registered at the University of Toronto Scarborough.
- ii. In Fall 2023, you enrolled in CITC09 and CITC14.
- iii. Students in the CITC09 were required to write a final exam worth 35% of the final grade in the course on or about December 16, 2023.
- iv. Students in CITC14 were required to write a final exam worth 30% of the final grade in the course on or about December 19, 2023.
- v. On or about December 21, 2023, you submitted a request to defer the final exam in CITC09 (PT41870). In support of your request, you submitted a Verification of Student Illness or Injury form, purportedly completed and signed by Dr. Andrew Kwan at Mount Sinai Hospital on December 16, 2023 (“VOI 1”).
- vi. On or about January 15, 2024, you were granted the requested deferral of the final exam in CITC09.
- vii. On or about December 31, 2023, you submitted a request to defer the final exam in the CITC14 (PT41952). In support of your request, you submitted a Verification of Student Illness or Injury form, purportedly completed and signed by Dr. Andrew Kwan at Mount Sinai Hospital on December 19, 2023 (“VOI 2” and, together with VOI 1, the “Impugned VOIs”).
- viii. On or about January 25, 2024, you were denied the requested deferral of the final exam in CITC14.
- ix. On or about February 1, 2024, the decision to grant you a deferral of the final exam in CITC09 was reversed.
- x. The Impugned VOIs were forged, altered or falsified. The Impugned VOIs were not prepared or signed by Dr. Andrew Kwan on December 16 and 19, 2023, respectively.

- xi. You were never a patient of Dr. Andrew Kwan and you were not seen or treated by him on any of the dates cited in the Impugned VOIs.
 - xii. You knowingly submitted the forged, altered or falsified Impugned VOIs:
 - 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 them 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.
 - xiii. 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.
4. The Student and Assistant Discipline Counsel, on behalf of the University, were able to reach an agreement and the hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”) and Joint Submission on Penalty (“JSP”).
5. The Panel reviewed the ASF and the joint book of documents (“JBD”) filed confirming the facts set out in the ASF before and during the course of the hearing. A summary of the agreed facts follows.

Evidence and Findings

6. The Student was a student at the University of Toronto Scarborough (“UTSC”) at all material times.

The Falsified VOIs

CITC09

7. In the Fall 2023 academic term, the Student enrolled in CITC09H3: Introduction to Planning History: Toronto and its Region (“CITC09”). Students in CITC09 were required

to write a final exam worth 35% of the final mark in the course. The final exam was scheduled for December 16, 2023. A copy of the CITC09 syllabus was included in the JBD.

CITC14

8. In the Fall 2023 academic term, the Student was also enrolled in CITC14H3: Environmental Planning (“CITC14”). Students in CITC14 were required to write a final exam worth 30% of the final mark in the course. The final exam was scheduled for December 19, 2023. A copy of the CITC14 syllabus was included in the JBD.
9. In or around mid-December 2023, the Student determined that he wanted to request that he be permitted to defer the final exams in CITC09 and CITC14. The Student was aware of a friend (the “Collaborator”) who had assisted other UTSC students in obtaining falsified verification of student illness or injury forms (a “VOI”) to submit in support of petitions for deferred final exams.
10. In or around mid-December 2023, the Student asked the Collaborator to provide the Student with two falsified VOIs representing that the Student had been seen by a physician on two occasions and had been diagnosed with illnesses that prevented them from writing the final exam in CITC09 and CITC14. In response, the Collaborator provided the Student with a VOI dated December 16, 2023 (“VOI 1”) and a VOI dated December 19, 2023 (“VOI 2”).

VOI 1

11. A copy of “VOI 1” was included in the JBD. VOI 1 represented that:
 - i. The Student was suffering from “serious” incapacitation of academic functioning from December 16 to 18, 2023;
 - ii. The Student met with Dr. Andrew Kwan (CPSO #179042) on December 16, 2023;
 - iii. It was signed and certified by Dr. Kwan on December 16, 2023; and

- iv. It was issued at Mount Sinai Hospital.
12. The Student submitted a petition on December 21, 2023, together with VOI 1, to the University's Petitions Office to request to defer his final exam in CITC09 ("Petition PT41870"). The Student gave the following as the reason for his inability to write the final exam in CITC09 on the scheduled exam date:
- Dear office,*
- Sorry to bother you. During exam week, I unfortunately came down with the flu, and on the 16th, I found myself with a fever that interfered with my ability to take my scheduled exams.*
13. The Student did not write the regularly scheduled final exam in CITC09 on December 16, 2023.
14. On January 15, 2024, the Petitions Office granted the Student a deferral of the final exam in CITC09.
15. The Petition PT41870 and VOI 1 contained the following false statements and information:
- i. The Student was suffering from "serious" incapacitation of academic functioning on December 16, 2023;
 - ii. The Student met with Dr. Kwan on December 16, 2023, at Mount Sinai Hospital;
 - iii. VOI 1 was issued by Mount Sinai Hospital; and
 - iv. Dr. Kwan signed VOI 1 on December 16, 2023.
16. The Student was aware that these representations were untrue when he submitted the VOI 1 to the University's Petitions Office and intended that the Petitions Office rely on them in determining whether or not to grant the Student's requested exam deferral.

17. On December 16, 2023, the Student did not in fact experience a “serious” incapacitation of academic functioning, he did not meet with Dr. Kwan on that day, he did not visit Mount Sinai Hospital, and he was never a patient of Dr. Kwan. All the relevant medical information provided in support of the Student’s Petition PT41870 was false.

VOI 2

18. A copy of “VOI 2” was included in the JBD. VOI 2 represented that:
- i. The Student was suffering from “serious” incapacitation of academic functioning from December 19 to 20, 2023;
 - ii. The Student met with Dr. Andrew Kwan (CPSO #179042) on December 19, 2023;
 - iii. It was signed and certified by Dr. Kwan on December 19, 2023; and
 - iv. It was issued at Mount Sinai Hospital.

19. The Student submitted a petition on December 31, 2023, together with VOI 2, to the University’s Petitions Office to request to defer his final exam in CITC014 (“Petition PT41952”). The Student gave the following as the reason for his inability to write the final exam in CITC09 on the scheduled exam date:

Dear office,

I had flu and feeling unwell for 2 weeks, I had fever on the day of the exam. Sorry for that.

20. The Student did not write the regularly scheduled final exam in CITC09 on December 19, 2023.
21. On January 25, 2024, the Petitions Office sent the Student an email advising that it had denied the Student’s request for a deferral of the final exam in CITC14. This email noted that this matter had been referred to UTSC’s Academic Integrity Office.

22. The Petition PT41952 and VOI 2 contained the following false statements and information:
- i. The Student was suffering from “serious” incapacitation of academic functioning on December 19, 2023;.
 - ii. The Student met with Dr. Kwan on December 19, 2023, at Mount Sinai Hospital;
 - iii. VOI 2 was issued by Mount Sinai Hospital; and
 - iv. Dr. Kwan signed VOI 2 on December 19, 2023.
23. The Student was aware that these representations were untrue when he submitted the VOI 2 to the University’s Petitions Office and intended that the Petitions Office rely on them in determining whether or not to grant the Student’s requested exam deferral.
24. On December 19, 2023, the Student did not in fact experience a “serious” incapacitation of academic functioning, he did not meet with Dr. Kwan on that day and was never a patient of Dr. Kwan, and he did not visit Mount Sinai Hospital. All the relevant medical information provided in support of the Student’s Petition PT41952 was false.

Reversal of Deferral in CITC09

25. On February 1, 2024, the Petitions Office sent the Student an email advising that the Petitions Office had further reviewed Petition PT41870 and had decided to reverse the Petitions Office’s earlier decision to grant the Student a deferral of the final exam in CITC09. This email noted that this matter had been referred to UTSC’s Academic Integrity Office.

Dean’s Designate Meeting

26. On February 5, 2024, Dean’s Designate Nick Cheng sent the Student a letter advising that Dean’s Designate Cheng was in receipt of allegations of academic misconduct in connection with the Falsified VOIs and requested that the Student attend a meeting on February 13, 2024, to discuss these allegations.

27. On February 13, 2024, the Student met with Dean's Designate Cheng to discuss the allegation that he falsified the Falsified VOIs. In this meeting, the Student stated the following:
- i. During the final exam period, the Student became ill with the flu, suffered from depression and, accordingly, could not focus on his studies;
 - ii. A friend provided the Student with the Falsified VOIs;
 - iii. The Student did not pay for the Falsified VOIs;
 - iv. The Student admitted to submitting "forged petitions" in support of his request for deferrals of the final exams in CITC09 and CITC14; and
 - v. The Student admitted to committing academic offences by submitting falsified documents in connection with petitions to defer exams in CITC09 and CITC14.
28. On February 23, 2024, Dean's Designate Cheng sent a letter to the Student advising that the allegations that the Student falsified the Falsified VOIs would be forwarded to the Office of the Vice-Provost.

Admissions and Acknowledgements

29. The Student admitted as a fact that:
- i. He obtained the Falsified VOIs from the Collaborator;
 - ii. At all material times, he knew that the information contained in the Falsified VOIs was false;
 - iii. He was never a patient of Dr. Andrew Kwan and was not seen or treated by him on any of the dates cited in the Falsified VOIs;
 - iv. He submitted each of the Falsified VOIs to the Petitions Office:
 - a) knowing that they contained information that was untrue;

- b) understanding that the University of Toronto required legitimate medical documentation and evidence to be presented in order to obtain the academic accommodation he requested;
- c) with the intention that the University of Toronto rely on the Falsified VOIs in considering whether or not to provide him with the academic accommodation he requested; and
- d) in an attempt to obtain an academic advantage through the deferral of final exams in CITC09 and CITC14.

30. In summary, the Student admitted that:

- i. On December 21, 2023, he knowingly circulated and made use of a falsified document required by the University of Toronto, namely VOI 1, contrary to Section B.I.1(a) of the *Code*; and
- ii. On December 31, 2023, he knowingly circulated and made use of a falsified document required by the University of Toronto, namely VOI 2, contrary to Section B.I.1(a) of the *Code*.

31. Following deliberations and based on the admissions made by the Student, the ASF and the supporting materials, the Panel concluded that Charges #1 and #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 charges. The Panel was advised that if the Tribunal convicted the Student on those charges, the University would withdraw Charges #3(a) and #3(b) and those charges were so withdrawn.

Penalty

32. The Student and University submitted a JSP in support of the following penalty:

- a. a final grade of zero in in the course CITC09H3 in Fall 2023;
- b. a final grade of zero in the course CITC14H3 in Fall 2023;

- c. a suspension from the University for a period of two years commencing on September 1, 2024 and ending on August 31, 2026; and
 - d. a notation of the offence on his academic record and transcript for a period of three years beginning on September 1, 2024 and ending on August 31, 2027.
- 33. The parties also submitted that this case should be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.
- 34. A Joint Book of Documents (“JBD”) was filed in relation to the penalty. Included in the JBD was a letter of apology the Student sent to the Provost and Assistant Discipline Counsel on July 10, 2024. The Student explained that, at the time of the offences, he was struggling with his mental and physical health. The Student was experiencing anxiety, confusion and severe depression that impacted his ability to focus on school. He apologized for his actions. The Student conveyed his understanding of the seriousness of his conduct and the impact of it on the University. The Student expressed his commitment to continuing his education in the future and promised that, if he got a second chance, he would never break the rules again. The Student also submitted a letter of support that outlined the volunteer work that he has done in the Chinese-Canadian Community.
- 35. The Student also made an allocution to the Panel during the penalty phase of the hearing. The Student expressed remorse for his actions and his understanding that what he did was wrong. The Student told the Panel that he wants a chance to finish his studies after his suspension and that he loves the University of Toronto. The Student stated that he would never engage in this type of behaviour again. The Panel accepted the Student’s expression of remorse and his desire to continue his education in the future as genuine.
- 36. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint submissions on penalty. As set out in the Discipline Appeals Board decision in *University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty “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” (para 25).

37. The Parties submitted authorities that demonstrate the JSP proposed in this case is comparable to the penalties imposed in similar cases. Penalties imposed in cases where students submitted forged documentation for academic advantage range from a two-year suspension to expulsion. It is important to acknowledge the seriousness of this type of offence. The University has limited resources to investigate and prosecute false requests for accommodation and depends on the honesty of members of the University community to ensure that the system is fair. When students take advantage of the system by submitting fraudulent claims, this breeds cynicism and distrust and is detrimental to the entire system of medical accommodations.
38. While it is an aggravating factor in this case that there were two offences, they were both committed in a short time span during a period of particular difficulty for the Student. The Student admitted to his conduct, pleaded guilty and is remorseful. The Student demonstrated respect for the University in his letter of remorse and statement to the Panel and a commitment to continuing his education with honesty and integrity. Despite the Student committing multiple offences, the risk of re-offending is on the low side.
39. In the Panel’s view, the joint submission in this case is neither contrary to the public interest, nor would it bring the administration of justice into disrepute. In arriving at this decision, the Panel took into consideration the nature of the offence, the detriment to the University occasioned by the offence, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence (*University of Toronto and Mr. C.*, Case No. 1976/77-3, November 5, 1976 at p. 15). The penalty proposed falls within the range of penalties imposed in other similar cases.
40. In all of the circumstances, and having reviewed the cases provided by the parties in support of the JSP, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:

- i. The Student is guilty of two counts of circulating a forged, altered or falsified document required by the University contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters*;

The following sanctions shall be imposed:

- a) a final grade of zero in in the course CITC09H3 in Fall 2023;
 - b) a final grade of zero in the course CITC14H3 in Fall 2023;
 - c) a suspension from the University for a period of two years commencing on September 1, 2024 and ending on August 31, 2026; and
 - d) a notation of the offence on his academic record and transcript for a period of three years beginning on September 1, 2024 and ending on August 31, 2027.
- ii. 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.

Dated at Toronto this 14th day of February, 2025.

Original signed by:

Karen Symes, Chair

On behalf of the Panel