

**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 -

J [REDACTED] F [REDACTED]

REASONS FOR DECISION

Hearing Dates: October 2 and 28, 2024, via Zoom

Members of the Panel:

Douglas F. Harrison, Chair

Professor Mary Silcox, Faculty Panel Member

Cameron Miranda-Radbord, Student Panel Member

Appearances:

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

Jesse Wright, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

In Attendance:

J [REDACTED] F [REDACTED]

Charges and Hearing

1. The Trial Division of the Tribunal held a hearing by videoconference on October 2, 2024, and on October 28, 2024, to address the charges brought by the University of Toronto (the “University”) against J■■■■ F■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student attended the hearing and represented herself. She pleaded not guilty to the charges against her. The charges against the Student were set out in a letter to the Student dated February 29, 2024, as follows:

1. On or about November 1, 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 August 11, 2023 that you submitted in support of your petition for academic accommodation in connection with the final exam in PSYB51H3, contrary to section B.I.1(a) of the *Code*.
2. On or about November 1, 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 August 23, 2023 that you submitted in support of your petition for academic accommodation in connection with the final exam in PSYC62H3, contrary to section B.I.1(a) of the *Code*.
3. On or about November 1, 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 August 16, 2023 that you submitted in support of your petition for academic accommodation in connection with the final exam in NROB61H3, contrary to section B.I.1(a) of the *Code*.
4. In the alternative to each of Charges #1, #2 and #3, 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 for academic accommodation in PSYB51H3, PSYC62H3 and NROB61H3, 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 registered student at the University of Toronto Scarborough (“UTSC”).
2. In Winter 2023, you enrolled in PSYB51H3 (Introduction to Perception) (“PSYB51”) and PSYC62H3 (Drugs and the Brain) (“PSYC62H3”).
3. The final exams in PSYB51 and PSYC62 were held on April 14 and 15, 2023, respectively. They were worth 50% and 35%, respectively.
4. You did not write either of the final exams. You successfully petitioned to defer the final exams in PSYB51 and PSYC62 to August 2023.
5. In Summer 2023, you enrolled in NROB61H3 (Neurophysiology) (“NROB61”).
6. The final exam in NROB61 was worth 35%.
7. In August 2023, you were scheduled to write:
 - a. the PSYB51 final exam (which was previously deferred) on August 11, 2023;
 - b. the NROB61 final exam on August 16, 2023; and
 - c. the PSYC62 final exam (which was previously deferred) on August 23, 2023.
8. You did not write any of these exams.
9. On August 16, 2023, you submitted a petition (PT40092) to further defer the final exam in PSYB51 and to defer the final exam in NROB61. The petition included the following statement: “Covid like symptoms, with severe side effects of taking medicine nausea, and headache.”

10. On August 23, 2023, you submitted a petition (PT40293) to further defer the final exam in PSYC62. The petition included the following statement: “COVID-like symptoms, headache with fever.”
11. On October 27, 2023, the UTSC Office of the Registrar denied both petitions because you had not submitted any supporting documentation.
12. On November 1, 2023, you submitted a further petition (PT40608) to defer the final exams in each of the three courses. The petition included the following statement: “I was not able to take the make up exam during the summer session because after I attended the summer hockey showcase, I was sick in a long time and wasn’t fully recovered during the exam period. I was experiencing a bad fever with coughing. And I forget to include the supporting document during my first submission. Sorry for the inconvenience I have made.”
13. In support of the petition, you submitted:
 - a. a Verification of Student Illness or Injury form, dated August 11, 2023;
 - b. a Verification of Student Illness or Injury form, dated August 16, 2023; and
 - c. a Verification of Student Illness or Injury form, dated August 23, 2023(collectively, the “VOI Forms”).
14. The VOI Forms were purportedly completed by “Chengcao Wang”, Registration # 65486. They each included a stamp for “ST Michael’s” at 30 Bond Street, Toronto, Ontario.
15. There is no physician by the name of “Chengcao Wang”. The VOI Forms were forged, altered or falsified. You submitted the VOI Forms to the UTSC Office of the Registrar knowing that they were forged, altered or falsified.
16. You purchased the VOI Forms.
17. You knowingly submitted the VOI Forms:
 - a. understanding that UTSC required evidence to be presented in order to obtain the academic accommodation or relief you sought;
 - b. with the intention that UTSC 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 an academic advantage.

Summary of Evidence

2. At the outset of the hearing, the University filed affidavits (all affirmed on September 23, 2024) from the following three individuals:

- a. Shehna Jabbar-Javeed, the Assistant Registrar, Petitions, in the Office of the Registrar at the University of Toronto Scarborough (“UTSC”);
- b. Sheryl Nauth, an Academic Integrity Specialist in the Office of the Vic-Principal Academic and Dean at UTSC; and
- c. Jesse Wright, a lawyer at the law firm Paliare Roland Rosenberg Rothstein LLP, counsel to the University.

3. The Student had been provided copies of the three affidavits in advance of the commencement of the hearing. All three affiants attended the hearing on October 2, 2024, when their evidence was presented.

4. Ms. Jabbar-Javeed’s evidence was as follows.

5. The Student first enrolled at UTSC in the Fall of 2019, in the Honours Bachelor of Science (Life Sciences – Co-op) program. By the end of the Fall 2022 term, the Student was in the Honours Bachelor of Science program, majoring in neuroscience and psychology, with a cumulative GPA of 1.82 and had earned 8.50 credits.¹ In Winter 2023, the Student enrolled in PSYB51H3 (Introduction of Perception) (“PSYB51”) and PSYC62H3 (Drugs and the Brain) (“PSYC62”).

¹ Academic Record of the Student, Affidavit of Shehna Jabbar-Javeed, affirmed September 23, 2024, Ex. “A”.

6. The final exam in PSYB51, which according to the course syllabus was worth 50% of students' final grade, was scheduled for April 14, 2023.
7. The final exam in PSYC62H3, which according to the course syllabus was worth 35% of students' final grade, was scheduled for April 15, 2023.
8. The Student did not write either of those exams. Instead, on April 14, 2023, she submitted a petition to write a deferred exam in both courses. In the petition, she wrote: "I experienced Covid like symptoms, sour throat [sic] and fever". The Student did not provide any documents in support of her petition. At the time, because of the COVID-19 pandemic, the UTSC Office of the Registrar did not require students to provide any supporting documentation along with a petition seeking a deferral of an exam due to illness.
9. On June 22, 2023, the Student was advised that her petition had been granted, and she was permitted to write the two exams during the August 2023 deferred exam period - the PSYB51 exam on August 11, 2023, and the PSYC62 exam on August 23, 2023.
10. In the Summer 2023 term, the Student enrolled in NROB61H3 (Neurophysiology) ("NROB61").
11. The final exam in NROB61, which according to the course syllabus was worth 35% of students' final grade, was scheduled for August 16, 2023.
12. The Student did not write either the deferred PSYB51 exam on August 11, 2023, or the NROB61 exam on August 16, 2023. Instead, on August 16, 2023, she submitted a petition, to defer writing the final exam in both of these courses (in the case of PSYB51, this would be a second deferral). In her petition, she wrote: "Covid like symptoms, with severe side effects of taking medicine nausea, and headache". The Student did not provide any documents in support of her petition.
13. The Student also did not write the deferred PSYC62 exam on August 23, 2023. Instead, on that same day, she submitted a petition to seek a second deferral of that exam. In her petition,

she wrote: “COVID-like symptoms, headache with fever”. The Student did not provide any documents in support of her petition.

14. On October 27, 2023, the Office of the Registrar notified the Student that her two petitions submitted in August were denied because she had not provided any supporting documents.

15. Prior to the COVID-19 pandemic, the University had required students to submit supporting documentation with petitions seeking the deferral of exams. This policy was relaxed during the pandemic such that supporting documentation was not required. However, in August 2023, the prior policy was re-instated, and the University’s website was updated such that the webpage for the on-line submission of petitions now included a list of required supporting documents, from which students would select the ones they were providing in support of their petition. In the case of a petition for a deferral of an exam for medical reasons, the requirement for a Verification of Student Illness and Injury (“VOI”) form was set out on that webpage.²

16. A VOI form is a standard University form that is to be completed by either a physician, surgeon, nurse practitioner, registered psychologist or a dentist (a “Licensed Practitioner”). By completing the form, the Licensed Practitioner indicates, among other things, the frequency and/or timeline of their contact with the student, the degree of the student’s incapacitation on academic functioning, and the start and anticipated end dates of that incapacitation.

17. On November 1, 2023, the Student submitted another petition to defer the final exams in the three courses (PSYB51, PSYC62 and NROB61). In this petition, she wrote: “I was not able to take the make up exam during the summer session because after I attended the summer hockey showcase, I was sick in a [sic] long time and wasn’t fully recovered during the exam period. I was experiencing a bad fever with coughing. And I forget [sic] to include the supporting document during my first submission. Sorry for the inconvenience I have made.”

18. The Student included three VOI forms with her November 1, 2023, petition. The forms were dated August 11, 2023, August 16, 2023, and August 23, 2023. All of them indicated that

² Ms. Jabbar-Javeed provided her evidence regarding the changes in the University’s policy to require a VOI (or not) in support of a petition during questioning by the panel at the hearing.

they were completed and signed by a Licensed Practitioner named “Chengcao Wang” with the registration no. 65486. They also bore a stamp for “ST. Michael’s” [sic] at “30 Bond Street Toronto, Ontario M5B 1W8”.

19. The website of the College of Physicians and Surgeons of Ontario (“CPSO”) indicates that there is a Dr. Cheng Tao Wang, with CPSO registration no. 65486, who practices family medicine at St. Michael’s Hospital at 30 Bond Street in Toronto. There is no physician named “Chengcao Wang” or “Cheng Cao Wang” listed on the CPSO website.

20. The VOI dated August 11, 2023, indicates that the Student visited the Licensed Practitioner on “23/08/11”. The Student was said to be under a “Severe” degree of incapacitation, with a start date of “23/08/11” and an anticipated end date of “23/08/11”. “Fever” is written in the “Additional Comments” section of the form.

21. The second VOI, dated August 16, 2023, indicates that the Student visited the Licensed Practitioner on “23/08/16”. The Student was said to be under a “Severe” degree of incapacitation, with a start date of “23/08/16” and an anticipated end date of “23/08/16”. “Cough” is written in the “Additional Comments” section of the form.

22. The third VOI, dated August 23, 2023, indicates that the Student visited the Licensed Practitioner on “23/08/23”. The Student was said to be under a “Severe” degree of incapacitation, with a start date of “23/08/23” and an anticipated end date of “23/08/23”. “Migraine” is written in the “Additional Comments” section of the form

23. On November 15, 2023, Liana Williams, a Petitions & Appeals Specialist in the UTSC Office of the Registrar emailed a PDF package containing the three VOIs to Maria Georges, a staff member in the office of Dr. Cheng Tao Wang to confirm their authenticity.

24. On November 20, 2023, Ms. Williams sent a follow-up email to Ms. Georges. That same day, Ms. Georges emailed Ms. Williams, writing, “The note that you forwarded is not from Dr. Wang.”

25. The matter was referred to the Academic Integrity Office at the UTSC Office of the Dean on November 27, 2023.

26. Ms. Nauth's evidence was as follows.

27. On January 3, 2024, Ms. Nauth emailed the Student a letter from Professor Nick Cheng, Dean's Designate for Academic Integrity, to inform her that the Office of the Vice-Principal Academic & Dean at UTSC had received a report from the Registrar's Office about an allegation of possible academic offence relating to documents the Student submitted in support of her request to defer the exams in PSYB51, PSYC62 and NROB61. The Student was asked to attend a Zoom meeting with Professor Cheng on January 9, 2024, at 1:00 p.m., to discuss the allegations.

28. On January 8, 2024, Ms. Nauth sent the Student a reminder of the meeting with Professor Cheng scheduled for the next day. The Student did not attend the meeting. Accordingly, Ms. Nauth sent the Student an email on January 9, 2024, rescheduling the meeting for January 16, 2023, at 2:30 p.m.

29. The Student attended the meeting with Professor Cheng on January 16, 2023. Ms. Nauth also attended and made notes.³

30. At the outset of the meeting, Professor Cheng gave the Student the Dean's warning that is required to be provided under the Code.⁴

³ Affidavit of Sheryl Nauth, affirmed September 23, 2024 ("Nauth Affidavit"), Ex. "C".

⁴ Section C.I.(A), para. 6, of the Code states: "Before proceeding with the meeting, the dean shall inform the student that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the student in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the student, without further comment or discussion, of the sanctions that may be imposed under section C.i.(b) [Divisional Sanctions], and that the dean is not obliged to impose a sanction but may instead request that the Provost lay a charge against the student. Where such advice and warning have been given, the statements and admissions, if any, made in such a meeting may be used or received in evidence against the student in any such hearing."

31. During the meeting, the Student said she was confused by the allegations. She said that she had gone to see a doctor but did not initially get a note. She said that after her August 2023 petitions were denied, she went back to the doctor and the doctor sent her the VOI forms.

32. The Student said the doctor was named Dr. Wang, and that one of her friends, who was also a student, had directed her to the doctor. She said her friend drove her downtown to the doctor on three different days, but she could not remember exactly where. She said she could not get the notes in person and got them from her friend via WeChat. The friend was sometimes referred to as “he” and other times as “she” or “her”.

33. Professor Cheng asked for details of the location of the doctor’s office that the Student had attended, but the Student was vague. She said she could not recall there being any construction in the vicinity. Professor Cheng noted that he had been to St. Michael’s Hospital twice in the past year and there was construction all over the place. The Student said she had not been driving and was not paying attention. She said it was a small clinic that had a waiting area with a few chairs, but when asked if there was any equipment there, she simply said there was a chair.

34. The Student said she saw the doctor all three times she went to the clinic. The doctor checked her and said that what she had was a “mild thing related to hockey training and maybe the flight and travel”. After being checked, her friend led her to the receptionist, who “kind of talked to” her. She was asked for, and provided, her health card and her friend also helped her to pay. She said she sat in a chair while her friend went to the receptionist and paid.

35. She said she had no idea that the VOI forms she submitted were fake. When Professor Cheng asked the Student for her friend’s name, the Student said she was not sure she was able to say.

36. The Student denied that she had committed an academic offence. At the end of the meeting, Professor Cheng told the Student that he would give her a week to say something if there was anything else she wished to add. Ms. Nauth observed that the Student looked off screen at various points during the meeting, but it was unclear to Ms. Nauth what the Student was looking at.

37. The following day, on January 17, 2024, Ms. Nauth emailed the Student and reiterated that the University was providing her with an extra week to provide any additional information, after which the University would move forward with making a decision on next steps for her case.

38. On January 23, 2024, the Student sent an email to Ms. Nauth, attaching an 8-page statement that she hoped the University would consider.⁵ The Student's statement said:

- a. that her health has not always been good and that she tends to catch colds easily;
- b. around August 1, 2023, she had just returned to Canada from Europe;
- c. around August 10, 2023, she started to feel very sick and was taking some medication (she included a photo of someone holding a bottle of Advil), but was not getting any better;
- d. she began to have symptoms of fever – she did not want to infect others and thought her illness might affect her ability to perform well in the exam scheduled for August 11 – she planned to visit a doctor first and then defer her exam;
- e. as she was feeling very exhausted, she could not go to the hospital on her own, so she sought help from a friend to take her to see a doctor, and she “also needed a medical certificate to support ... [her] deferral as soon as possible”;
- f. her friend agreed to help and said “that he knew a hospital where we could go without an appointment”;
- g. as she trusted “him”, she let “him” drive her to the hospital and she did not pay much attention to the surroundings, “due to being unwell” and due to being consumed with thoughts about her dying grandfather, with whom she was very close and who was then hospitalized (and subsequently died on August 13, 2023);

⁵ Nauth Affidavit, Ex. “D”.

- h. her friend, seeing her poor condition, took care of various matters when they arrived at the hospital, including requesting the “medical record”;
- i. she did not receive the “medical record” right after she saw the doctor, but received it a few days later from her friend;
- j. when her friend gave her the “medical record”, “he” said that she needed to pay some fees because they had not made an appointment for the doctor’s visit, and this was a doctor the friend knew who had helped;
- k. the friend said the doctor preferred not to receive payments directly and asked the Student to transfer the money to an education agency with which the doctor collaborated – the friend provided her with a WeChat account to whom the payment should be made (she included a screenshot from WeChat of the logo of an entity called “OCEAAN EDUCATION”);
- l. she was not suspicious of this because “such things also happen in China regularly” – “I have heard before that some doctors would ask for extra fees through third parties for providing extra services” – and, in any event, her cognition was impacted by her grandfather’s death;
- m. she guessed that this doctor was providing extra services for international students and that could be why he was partnered with an international student agency;
- n. she made the payment to the WeChat contact and shortly after, her friend sent the “medical case”;
- o. in the following days, as her condition did not improve, she asked her friend to take her to the hospital again on August 16 and August 23, 2023, and the “medical record[s]” were obtained after making payments to the WeChat contact;

- p. when later applying for the exam deferral, she submitted the “medical records” because she believed they were real;
- q. after receiving the allegations from the University, she contacted her friend and the person on WeChat to confirm if the VOIs were real – they both insisted that they were and could be verified, and that the University might just be suspicious of her illness and might “be just bluffing” about the forms being fake (she included a screenshot of a WeChat conversation with “OCEAAN EDUCATION” that was in Chinese);
- r. she confirmed that she had paid for the VOIs but was now not sure if they were real or not.

39. Ms. Nauth searched online for “OCEAAN EDUCATION” but had no hits for that name.

40. On January 31, 2024, Ms. Nauth emailed the Student a letter from Professor Cheng, in which he said he had considered the information the Student had provided in their meeting on January 16 and in her explanation document sent on January 23. He said similar VOIs purportedly from the same doctor had been submitted to the University by other students who subsequently admitted the VOIs were falsified. He said that he remained skeptical of her claims and advised that he would be sending her file to the Vice-Provost for resolution.

41. The Assistant Discipline Counsel’s office obtained certified translations of the screenshots of the WeChat messages that were in Chinese, that the Student had included in her explanation document.⁶ The translation reveals messages received by the Student from Yueyang Education (with the “OCEAAN EDUCATION” logo), after she contacted them following her receipt of the University’s allegations. The messages from Yueyang Education said, “They don’t have evidence” and “You just say you don’t remember it clearly”. Later that day, the Student wrote to Yueyang Education, “Do you have any precedents?”, to which Yueyang Education replied, “There were meetings. It was over after the questions were answered. One out of 50 people may be questioned.”

⁶ Nauth Affidavit, Ex. “J”.

42. Ms. Wright's evidence is as follows.

43. On September 20, 2024, she telephoned Dr. Cheng Tao Wang to discuss the Student's three VOIs.⁷ Dr. Wang asked Ms. Wright to send him copies of the VOIs, which Ms. Wright did, via email that same day. Later that day, Dr. Wang responded to Ms. Wright by email, confirming that he (a) had never seen a patient with the Student's name and date of birth; (b) had neither completed nor signed the three VOIs; (c) could not recall ever signing a University of Toronto VOI; and (d) could not remember having any reason to complete a University of Toronto VOI that year.

44. At the hearing, the Student was given the opportunity to ask questions of Ms. Jabbar-Javeed, Ms. Nauth and Ms. Wright, but in the case of each witness, the Student declined to do so. Accordingly, their evidence was uncontested.

45. The Student was affirmed and gave evidence at the hearing, as follows.

46. She did not submit a medical note with her first petition in April 2023.

47. At the time she submitted her second petition in August 2023, she did not check to see that she needed to submit a medical note. Therefore, she didn't ask for a note from the doctor initially.

48. She said that in August she was worn out from hockey and travel, and the death of her grandfather, which was why she didn't just go to the hospital by herself, but instead asked her friend to help, and "she referred me to the doctor".

49. When she submitted the VOIs, she didn't check them because she didn't think there was a problem. Only after the University asked her to attend the meeting with Professor Cheng, did she check about the VOIs. She said that at that point, she thought maybe she had not attended a hospital. So she thought there was a problem and therefore made inquiries with her friend and the entity that had sent her the VOIs via WeChat.

⁷ At paragraph 4 of his affidavit, Ms. Wright says she called Dr. Wang on September 20, 2023. However, it is clear from their email exchange, attached as Ex. "B" to Ms. Wright's affidavit, that Ms. Wright called Dr. Wang on September 20, 2024.

50. She said that during the Zoom meeting with Professor Cheng, she did look off screen as Ms. Nauth observed.

51. Under cross-examination by the University's lawyer, the Student testified that:

- a. She saw Dr. Wang three times; he examined her on all three occasions for about 15 minutes each time, in an examination room, and her friend accompanied her in the examination room; there was a waiting room with a "bunch of chairs" and a receptionist at a desk;
- b. In August 2023, she did not know that she needed a doctor's note to support her petition; she didn't know that until her August petitions were denied on October 27, 2023, which is when she then asked for the VOIs;
- c. The doctor's advice on all three occasions was that she should take Advil and rest;
- d. She thought she had seen the doctor at a hospital but later thought it was at a clinic;
- e. Her friend was Michelle Lee, who she had met at a UTSC Clubs Day; she does not know why she referred to Ms. Lee as "him" in her explanation statement that she sent to Ms. Nauth;
- f. Ms. Lee provided her with the VOIs after she paid money to Yueyang Education via WeChat, but she does not recall how much she paid; her friend had given her the coordinates for the Yueyang Education WeChat account;
- g. She is not sure now if her friend paid anything during the doctor's visits, but at the time she thought the friend had paid;
- h. She said she had texts regarding payment to Yueyang Education, but she has not submitted them to the University;

- i. Her WeChat text messages with Yueyang Education occurred after her meeting with Professor Cheng; “They” (as in “They don’t have evidence”) referred to the University; she was asking if there was a problem with the VOIs; the person she was texting with was suggesting to her what to say to the University;
- j. She was looking off screen during the Zoom call because she was texting her friend Ms. Lee about the VOIs, but Ms. Lee did not respond at that time. Later, Ms. Lee texted her to say the Student should contact Yueyang Education, and in response to the Student asking for the address of the hospital, Ms. Lee told her it was on the VOI (i.e., St. Michael’s Hospital);
- k. She had other exchanges of text messages with Yueyang Education and Ms. Lee, but she did not submit them in this proceeding; and
- l. She knows now that there are problems with the VOIs.

52. In response to questions from the Panel, the Student testified that:

- a. The use of “him” in reference to her friend in her explanation statement was a mistake caused by having used Google Translate to prepare it and then failing to check it;
- b. She had never previously sought to obtain a VOI, so didn’t know what it was supposed to look like;
- c. Dr. Wang introduced himself to her when he first entered the examination room, but his name didn’t register with her at the time because she wasn’t paying attention;
- d. Ms. Lee had told her she had to pay for the VOIs, and that payment should go to Yueyang Education;
- e. Ms. Lee, who she trusted but with whom she wasn’t “super close”, was the only person she asked for help in August 2023;

- f. Ms. Lee has subsequently deleted her on WeChat;
- g. She didn't think there was anything wrong about paying for the VOIs at the time; only when she thinks back on things does she wonder about it.

Finding on Charges

53. To obtain a conviction of a student on charges under the Code, the University bears the onus of demonstrating to the panel, on clear and convincing evidence, that the student has committed the alleged offence.⁸

54. It is settled that the University's case needs to be proved on a balance of probabilities: is it more likely than not that something occurred?⁹ It is not necessary to eliminate the many different possibilities of what might have occurred.¹⁰

55. In this case, the Student has been charged with three counts of having 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.

56. There are thus two elements to the offence: the fact of the conduct and the state of mind of the Student.

57. The conduct that must be proven here can be reduced to whether the Student uttered, circulated or made use of a falsified VOI. It is not necessary for the University to prove how the offence was committed, only that it is more likely than not that it was committed.¹¹

⁸ Per s. C.II(A), para. 9 of the Code.

⁹ *University of Toronto v. A.S.*, (Case No. 858, April 18, 2019), (DAB) [Second Appeal] para. 62.

¹⁰ *University of Toronto v. O.M.*, (Case No. 497, March 25, 2009), (DAB) paras. 17 and 22.

¹¹ *University of Toronto v. A.L.* (Case No. 1471, October 4, 2023), para. 55, and *University of Toronto v. J.Z.* (Case No. 1406, May 24, 2023), para. 46.

58. With respect to the mental element of the offence, s. B.i.1 of the Code, under which the Student has been charged, says that it “shall be an offence for a student knowingly: (a) to ... circulate or make use of any ... falsified document [required by the University] ...” [emphasis added].

59. The opening paragraph of section B of the Code (entitled “Offences of the Code”) states, “Wherever in this Code is described as depending on ‘knowing’, the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.”

60. In the *University of Toronto v. M.S.*, (Case No. 1301, October 23, 2023), the student submitted test answers by email five days late. The student told his instructor that the delay was due to him having technical problems with his laptop and having it repaired during that time. The instructor did not believe the student and submitted an academic integrity report to the University. The student subsequently met with a Dean’s Designate to discuss the matter. A day after that meeting, the student provided the Dean’s Designate with a copy of an invoice from a computer repair store to demonstrate that the laptop had been under repair at the relevant time. The Provost investigated and determined the invoice was false and the student was charged with having knowingly uttered, circulated or made use of a forged, altered or falsified document required by the University. The student later admitted that the invoice was forged, altered or falsified but he denied that he knew or reasonably ought to have known it was forged, altered or falsified at the time he first submitted it to the University. The majority of the Tribunal found that the student reasonably ought to have known that the invoice was forged, altered or falsified at the time he submitted it. The Tribunal held (at para. 30) that before submitting a document to the University, a student had a responsibility to assess the authenticity of the document, otherwise a student “could blindly submit documents to the University without considering their authenticity and face no consequences under the Code.” The Tribunal stated (at para. 34):

The Student did not need to be certain of the authenticity of the Invoice when he chose to submit it to the University, but he also could not be recklessly indifferent to its authenticity, which the Majority finds that he was. He took no steps to confirm any aspect of the Invoice’s authenticity, other than the fact that the Invoice listed his name and the amount he had paid. These steps were insufficient in the circumstances of where, when, and how the Student received the Invoice.

61. Turning first to the conduct in the present case, the Student did in fact submit the three VOIs to the University in support of her petition. And there is no dispute that all three of them were falsified documents. The Panel accepts the University's evidence that there is no physician in Ontario by the name of Chengcao Wang with the CPSO registration no. 65486.

62. There is a Dr. Cheng Tao Wang with CPSO registration no. 65486, but that is not who prepared the three VOIs the Student submitted. The unchallenged evidence is that not only did Dr. Wang not fill out and sign the three VOIs but also, he never saw a patient with the Student's name at any time.

63. Accordingly, the Panel is satisfied that the first element of the offence has been proven – the Student did make use of a falsified document, namely a VOI, that was required by the University.

64. But what of the mental element of the offence? Did the Student submit three VOIs to the University knowing that they were false? Or should she have ought reasonably to know they were false?

65. At a high level, the Student's account of how she came to be in possession of the three false VOIs is that she visited a doctor three times over two weeks in August 2023 and obtained the VOIs after those visits in order to provide them to the University. Under scrutiny, however, her story is vague and has not remained consistent.

66. In her initial petition in August 2023, she said she had COVID-like symptoms with severe side effects of taking medicine, nausea and headache. She made no mention of having visited a doctor. However, when she submitted her November 1, 2023, petition with the three VOIs, she said that she had had "bad fever with coughing" during the August 2023 exam period. The VOIs themselves say three different things about the Student's condition and symptoms: fever (August 11), cough (August 16) and migraine (August 23).

67. The Student recounted her visits to the doctor during the Dean's Designate meeting in January 2024 with Professor Cheng. She told him that a friend, who she would not identify (but

whom she referred to sometimes as “he” and other times as “she” and “her”), had driven her downtown, three times, to visit a small clinic where she was seen each time by the same doctor, whose name she did not know. Her friend knew of the doctor. The Student did not know the address of this clinic, but the VOIs show the doctor’s address as St. Michael’s Hospital on Bond Street, in Toronto. She said she did not notice any construction nearby (even though Professor Cheng said that he had seen a lot of construction activity around St. Michael’s over the past year). She said she was not paying attention because she was not the one driving. She also said that she did not obtain the VOIs at these visits, as she did not know then that she needed them. She gave a vague description of the doctor’s office – when asked if there was equipment, she said there was a chair, but also said there was a waiting area with a few chairs and a receptionist. She said the doctor wore a mask the whole time and she was not asked to wear a mask provided by the doctor’s office (she had a mask of her own). She said her friend “went to the receptionist and paid” for the visits. She said she went back to the doctor after her petition was denied and she was sent the VOIs from her friend through WeChat.

68. One week after her meeting with Professor Cheng, the Student sent the University a PDF labelled “Explanation Statement”. In this document, the Student said a friend, now identified as “he” and “him”, had driven her to a hospital (as opposed to a clinic). She now said that her inability to remember details was partly attributable to being distracted by the fact her grandfather was dying (and did in fact die on August 13, 2023). She had made no mention about her grandfather at the meeting with Professor Cheng. She said that at the first visit on August 11, her friend requested a VOI, which she received “a few days later” from her friend. She now said that the friend told her when he gave her the VOI, she needed to pay some fees, not to the doctor, but via WeChat to an education agency with whom the doctor collaborated. This did not seem suspicious to her because she said it was something that happened in China, where she is from. But within this same statement, she said both that the friend gave her the VOI before payment and that the friend sent the VOI to her after she paid. She said that “[i]n the following days” after the first visit and paying for and obtaining that VOI, she asked her friend to take her to the “hospital” on August 16 and again on August 23, and obtained the VOIs for those doctor’s visits after making payment via WeChat.

69. At the hearing, the Student now said that she first thought the place where she had seen the doctor was a hospital, but then later she thought it was a clinic. She said it “didn’t feel like a hospital” and was “just a small clinic”. She said she did not ask for the VOIs at the time of the visits as she said she did not know then that she needed them. She said she did not know she needed them until October 27, 2023, when her August petitions were denied, and only then did she request them. She now said that she was not sure if her friend – who she now identified as Michelle Lee - had paid anyone at the time of the visits. She initially said she did not know why she referred to her as “him” in her Explanation Statement and then later suggested that this was because she had written the statement in Mandarin, used Google Translate to put it into English, and then did not check it over. She said that when she asked Ms. Lee where she had been seen by the doctor, Ms. Lee told her it was shown on the VOIs, i.e., St. Michael’s Hospital. She said that at the time she submitted the VOIs to the University, she took no steps to verify whether they were real or whether the doctor identified on them was registered with the CPSO.

70. Apart from the vagueness of her account of the visits, there are a number of significant inconsistencies in her various accounts of what took place, including whether:

- a. She visited a hospital or a small clinic;
- b. Her friend paid for the VOIs at the doctor’s office or she later paid an entity over WeChat;
- c. She obtained the first of the VOIs a few days after the first visit, before the second visit or she obtained the VOIs after the University denied her petition in October;
- d. Her poor recollection of the visits was because she wasn’t feeling well or because she was upset by the condition of her late grandfather;
- e. The friend was male or female; and
- f. Her condition was a “fever” (per the August 11 VOI), a “cough” (August 16 VOI), “Covid like symptoms, with severe side effects of taking medicine nausea, and

headache” (August 16 petition), “migraine” (August 23 VOI), “COVID-like symptoms, headache with fever” (August 23 petition); or “bad fever with coughing” (November 1, 2023, petition).

71. The Student provided no independent evidence to support her evidence. She provided no statement from her friend, no texts or WeChat threads with her friend, and no texts or WeChat threads concerning the payment and receipt of the VOIs (despite saying she had copies of them). Other than the Student herself, no one testified on her behalf at the hearing.

72. Taking into account the vagueness of her account, the numerous inconsistencies and the lack of independent evidence, the Panel concluded that the Student had not in fact visited a doctor in August 2023. Instead, the Panel concluded that it was more likely than not that she had purchased the false VOIs only after the University denied her August 2023 petition in October 2023, and then submitted them with her November 1, 2023, petition.

73. But leaving aside whether or not she had visited a doctor, the Panel also considered whether the Student knowingly submitted false VOIs. In this regard, the evidence indicates that the Student ought reasonably to have known the VOIs were false. She failed to take reasonable steps to determine that they were legitimate. The Student obtained the VOIs from a third party via WeChat. She did not know the name of the doctor she had seen, yet she took no steps to confirm the doctor’s identity once she received the VOIs, nor did she take any steps to confirm if the address that was stamped on the VOIs was the address she had attended (apart from relying on her friend who told her to look at the VOIs). In addition, as discussed above, the descriptions of her ailments in the VOIs did not align with what she had described in her August petitions.

74. Therefore, on the basis of the facts as found by the Panel, the submissions of counsel and of the Student, the Panel is satisfied on a balance of probabilities that the University has proven that the elements of charge 1 and finds the Student 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, on three occasions.

75. Upon these findings, counsel for the University advised that the Provost was withdrawing charge 4 as set out in paragraph 1, above.

Sanction

76. 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.

77. 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).

78. *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.

79. In this case, with respect to the Student's character, the Panel concluded that she did not visit a doctor in August 2023 and that she was prepared to pay for forged VOIs. Once the University told her that it believed the VOIs were not legitimate, she reached out on WeChat to the party from whom she had obtained the VOIs, and they told her that the University did not have any evidence that the VOIs were fake and that she should just say to the University that she does not remember things clearly. She followed this advice. When she met with Professor Cheng, he gave her a full opportunity to reconsider the situation and explain herself. Instead, she gave a vague account. She maintained that position in her written explanation statement a week later, which contained not only inconsistencies with what she had told Professor Cheng (and also internally), but also new, seemingly important details that one would think she would have wanted to impart to Professor Cheng. At the hearing, she stuck to her story, which again was vague and inconsistent in the details. She did say that when she looks back on what happened, she thinks something was wrong about the VOIs, yet she did not alter her plea in response to the charges.

80. As to whether there is any likelihood of a repetition of the offence, the Panel acknowledges that the Student has no prior academic offences. However, given her seeming lack of insight into what has occurred gives the Panel some pause, such that we cannot conclude that there is no likelihood of repetition.

81. With respect to the nature of the offence, the detriment to the University and the need for deterrence, this matter involved the use of false medical records – behaviour considered to be very serious by this Tribunal. The University has put in place a process to accommodate students who are ill or injured to defer exams, using petitions. As was noted in an earlier case, because the University cannot verify every single medical note that students submit to instructors, given the size of the school and its student population, the University “must be able to trust that Students are submitting legitimate [VOIs] ... and that requests for accommodat[ion] are legitimate.”¹² The

¹² *University of Toronto v. Y.W.* (Case No. 1155, July 26, 2021), at para. 37, citing *University of Toronto v. X.T.* (Case No. 1080, September 29, 2020) at para. 36 with respect to factor (c) of the so-called Mr. C Factors.

Student here took advantage of this process, one she had no legitimate reason to use. The Student abused the trust that the University puts in its students.

82. Because of the need for the University to trust that Students who submit petitions seeking deferrals are acting honestly and in good faith, the need for deterrence is extremely important. Procuring and submitting false VOIs required planning and deliberation by the Student, along with the intention to provide false and misleading information to the University. In addition, she purchased the VOIs, which this Tribunal considers to be an aggravating factor. This Tribunal has noted in other cases the importance of deterring students from resorting to purchasing false documents from predatory actors and this panel shares that view (see *University of Toronto v. Y.Z.*, (Case No. 628, May 23, 2012)).

83. Furthermore, the Student implicated a third party in this situation, namely Dr. Wang, who did not sign the VOIs. Both he and his staff have had to deal with and respond to inquiries from the University regarding these false VOIs, no doubt to their annoyance, because of the Student's actions in obtaining and submitting these VOIs.

84. Lastly, the Panel found no evidence of extenuating circumstances surrounding the commission of the offence.

85. Counsel for the University directed the Panel to a number of prior Tribunal decisions involving forged or false medical documents. In four cases in which the student had not committed any prior offences, including two in which the student had admitted to the offence, the student was expelled from the University. Notably, however, all of these cases involved multiple instances of submitting forged or false documents, on more than one occasion.¹³

86. Counsel for the University also directed the panel to a number of other prior Tribunal decisions involving forged or false medical evidence in which the student was suspended, for as little as two years and as much as five years. In one case, in particular, the *University of Toronto*

¹³ *University of Toronto v. X.D.* (Case No. 636, January 24, 2012), *University of Toronto v. M.S.* (Case No. 498, February 3, 2010), *University of Toronto v. A.K.* (Case No. 713, March 28, 2014), and *University of Toronto v. A.B.* (Case No. 516, April 22, 2009)

v. S.A. (Case No. 674, January 25, 2013), the student had submitted a false medical certificate in support of a request for a late withdrawal from two courses without academic penalty. After being charged under the Code, the student acknowledged that the certificate was “inappropriate”. The Student did not attend the hearing. The Tribunal sanctioned the student with a final grade of zero in the two courses and a five-year suspension.

87. In the present circumstances, the Panel concluded that a strong sanction was warranted but it was not prepared to recommend expulsion. Here, there was dishonesty, but only on one occasion – the submission of the November 1, 2023, petition. Certainly, this was a bad decision by the Student but one made at least partly in response to a change in the University’s policy in requiring supporting documentation. Her April petition had not required supporting documentation and that petition was granted. The Student testified that she did not check in August whether there had been a change in the University’s policy regarding the need for VOIs to support petitions. Had she been aware of this change in policy in mid-August, when she was facing the approach of her exams, she may well have acted differently. In the Panel’s view, the University’s change to its website in August 2023 but without broadly publicizing the policy change is a mitigating factor with respect to the sanction for this Student.

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

- a. a final grade of zero in PSYB51H3 in Winter 2023;
- b. a final grade of zero in PSYC62H3 in Winter 2023;
- c. a final grade of zero in NROB61H3 in Summer 2023;
- d. a suspension from the University for a period of four years from October 28, 2024, to October 28, 2028; and
- e. a notation of this sanction on the Student’s academic record and transcript for a period of five years from October 28, 2024, to October 28, 2029.

89. 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 18th day of March, 2025.

Original signed by:

Douglas F. Harrison, Chair
On behalf of the Panel