Case No.: 1592

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL

IN THE MATTER OF charges of academic dishonesty filed on January 25, 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 amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

and

E[redacted] U[redacted] A[redacted]

REASONS FOR DECISION ON SANCTION

Hearing Date: March 25, 2025, via Zoom

Members of the Panel:
Andrew Bernstein, Chair
Professor Zoraida Beekhoo, Faculty Panel Member
Alwin Xie, Student Panel Member

Appearances:
Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Chloe Hendrie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Sharon Yeboah, Counsel for the Student, GAB Law Firm
Gary Bennett, Co-Counsel for the Student, GAB Law Firm

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

In Attendance:
E[redacted] U[redacted] A[redacted]

Introduction

1. These are the reasons associated with the sanction phase of this proceeding. The finding of offence phase was addressed in previously released reasons the *University of Toronto and E.U.A.* (Case No. 1592, March 7, 2025 (Finding))(the "First Decision"). These reasons should be read together with the First Decision for full context.

The Charges and the Finding in the First Decision

2. The Student was charged with the following offences:

> 1. On or about March 9, 2023, you knowingly forged or in any other way altered or falsified an academic record, or uttered, circulated or made use of such forged, altered or falsified record, namely, a letter on University of Toronto Ontario Institute for Studies in Education ("OISE") letterhead dated March 9, 2023, purportedly authored and signed by Heather Haslett, Registration Specialist, Office of the Registrar of OISE, which you submitted in support of a rental application, contrary to Section B.I.3(a) of the Code.
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> 2. In the alternative, on or about March 9, 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 letter on University of Toronto OISE letterhead dated March 9, 2023, purportedly authored and signed by Heather Haslett, Registration Specialist, Office of the Registrar of OISE, contrary to Section B.I.3(b) of the Code.

3. Assistant Discipline Counsel advised that if the Student was found to have committed the offence in Charge #1, the Provost would not proceed with Charge #2. The Panel concluded that the Student had committed Charge #1, for the reasons explained in the First Decision. It therefore did not consider Charge #2.

The Extenuating Circumstances Described in the First Decision

4. The Panel also noted the extenuating circumstances (she is a single mother to a child with Sickle Cell disease, and was facing imminent homelessness in her first Canadian winter). We indicated that, in our view, the matter ought to have been dealt with at the Divisional level. We were concerned that these proceedings had delayed the Student's graduation so significantly (she completed her courses in the winter of 2024, and would have been eligible to graduate in the spring of 2024, but for the unresolved charges). We remarked:

> 34. This strikes us as an obvious case of extenuating circumstances, and we are unclear why that was not taken into account at the Divisional level, so the Student could graduate in a timely way. The offence occurred a year before the Student finished her studies. The meeting with the Dean's Designate occurred in August of 2023. The Student has lived with this offence over her head since that time, first during her studies and, since April 2024, [has] delayed her graduation.
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> 35. We reserve on the question of penalty but, subject to hearing further evidence or submissions, reiterate our strong impression that we consider the circumstances on the far end of extenuating. We therefore encourage the Provost's office to reflect carefully on why and how this has dragged out so long, with such an adverse effect for the Student. Since the penalty stage still needs to be heard, we encourage the Provost's office to consider a joint submission on penalty that enables the Student to graduate immediately, and move on with her life without further consequence. The delay on her graduation imposed by these proceedings alone appears (as a matter of first impression, and subject to hearing further submissions and evidence) to be vastly disproportionate to the offence. Every day this situation continues exacerbates this apparent disproportionality. If a penalty stage occurs, we may be disabused of our impression of disproportionality with further evidence and submissions. Certainly, we are keeping an open mind. But we sincerely hope that is not necessary, and some resolution can be reached expeditiously.

Reaching a Joint Submission

5. The parties arrived at the penalty hearing without a joint submission as to penalty. The Panel takes some responsibility for this state of affairs. We said in the First Decision that the parties should find a solution that allows the Student to "get on with her life without further consequence." The Student took from that remark that any sanction should involve all records of her offence being deleted, even to the point of suggesting that there should be no internal record of her offence at the University. This is not what we intended, but we understand why she might have read it that way. We apologize to the parties if that remark created a situation in which it was difficult to reach a joint submission on penalty.

6. We clarified our comments at the hearing of the penalty phase, and invited the parties to have a discussion to see if they could agree on a joint submission as to penalty. Whether it was our clarification or otherwise, the parties had a further discussion, and the result was a joint submission on penalty of a **suspension from May 1, 2024 (the first day after the last term in which the Student was enrolled) until March 24, 2025 (the day before the hearing on penalty)**. Among other things, this will allow the Student to provide her transcript, without notation, to Oxford, to confirm a placement in the Ph.D. program to which she has been admitted with (we understand) a significant scholarship.

7. We approved the Joint Submission, with reasons to follow. Those reasons are below.

The Panel Accepts the Joint Submission

8. It is trite that the appropriate sanction is decided by reference to factors set out in the case *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976). But we need not

consider those factors in detail in this case. When there has been a joint submission as to penalty, it "may be rejected only in circumstances where to give effect to it would be contrary to the public interest or bring the administration of justice into disrepute." (*University of Toronto and S.F*. (Case No. 690, October 20, 2014), para. 18). In other words, only a truly unreasonable or unconscionable joint submission should be rejected (*University of Toronto and S.F*., supra, para. 22).

9. The penalty agreed to by the parties is neither unreasonable nor unconscionable. The Panel accepts it.

10. We note that forgeries (even without an attempt to obtain an academic advantage) usually result in much longer and non-retroactive suspensions, as well as transcript notations. That may well be appropriate in most cases, as forgeries are serious offences. But the extenuating circumstances described in the First Decision make the penalty proposed by the joint submission reasonable in the unusual circumstances of this case.

Post-Hearing Concern About Notation

11. After the draft order was circulated, the Student asked that we specify in the order that the penalty does not include any notation on her transcript. The Panel advised that a notation will only occur if it is ordered, and the Panel has not ordered it. In our view, the absence of a notation order is the same as ordering no notation. There will be no notation.

Closing Remarks

12. This was an unusual case in a number of respects. The parties filed some of the history between them and it appears that, the relationship between counsel was at times strained. Some of the Student's materials directed some frustration towards Assistant Discipline Counsel. From the Panel's perspective, this was unwarranted. It is true that the Panel did not necessarily agree with all the submissions made by Assistant Discipline Counsel, and the Student and her counsel at times seemed frustrated by the positions being taken. But Assistant Discipline Counsel's role is to advocate on behalf of the Provost, in accordance with their instructions, having regard to the special professional obligations that are imposed on a lawyer acting as a prosecutor (Law Society of Ontario, *Rules of Professional Conduct*, Rule 5.1-3). We reject any suggestion that she acted improperly or was unreasonable. On the contrary, in our view, Assistant Discipline Counsel fulfilled her obligations, both to her client and to the public, with a very high level of professionalism and, often, a significant degree of patience. We questioned some of the choices made in this case by the administration, not their lawyer.

13. Some of the submissions made by Assistant Discipline Counsel at the hearing were less relevant to the joint submission on penalty and more of a response to some remarks in our First Decision. This was slightly unusual, but the First Decision did invite further evidence and submissions in the penalty phase about some of the topics the Panel discussed. The submissions were useful. Certainly, after looking at that evidence, it is clear that some (although not all) of the delays between the meeting with the Dean's Representative (in

August 2023) and the hearing (in February and then March 2025) were attributable to requests and changes of counsel by the Student.

14. However, our main point in the First Decision is that this case should have been resolved at the Divisional level, which would have avoided all these delays, regardless of who caused them. Assistant Discipline Counsel suggested this was advanced to the Tribunal for the purposes of consistency of application. It is not entirely clear what that means, and we did not pursue it further because it was not strictly speaking relevant to the decision we had to make. However, in our view, consistency is only one element of a coherent system of academic discipline, and does not override the need to ensure that process and outcomes in each case are fair in the circumstances. The Code provides for discretion in extenuating circumstances and we continue to be of the view that this discretion should have been exercised in this case to resolve the matter back in 2023. The delay – regardless of its cause – resulted in the Student practically suffering a *de facto* sanction than was more serious than might have been warranted in these unusual circumstances.

15. The Panel wishes the Student well at her studies at Oxford. She made an error in judgment, committed an academic offence, and has received a sanction. But she also clearly has much to contribute to in her chosen field (education), and we are confident that, this process being completed, she will do so.

Sanction

16. In accordance with the parties' Joint Submission on Penalty, the Panel ordered at the March 25, 2025 hearing that a suspension from the University of Toronto be imposed on the Student from May 1, 2024, until March 24, 2025. As indicated above, there will be no notation.

17. It was also ordered that this case be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto on this 16th day of April 2025

Original signed by:

Andrew Bernstein, Chair
On behalf of the Panel