

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on September 11, 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 -

X [REDACTED] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: February 10, 2025, via Zoom

Members of the Panel:

Joelle Ruskin, Chair

Dr. Lynda Mainwaring, Faculty Panel Member

Iva Zivaljevic, Student Panel Member

Appearances:

Chloe Hendrie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Chew Chang, Representative for the Student, Chang Legal & Notary Public

Hearing Secretary:

Christina Amodio, Special Projects Officer, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

X [REDACTED] Z [REDACTED]

Charges and Hearing

1. The Panel of the University Tribunal held a hearing, by Zoom, on February 10, 2025, to consider the charges brought by the University of Toronto (the “University”) against X [REDACTED] Z [REDACTED] (the “Student”) under the *Code of Behaviour of Academic Matters, 2019* (the “Code”). The Student attended the hearing, represented by Chew Chang, Paralegal.

2. The charges against the Student are as follows (the “Charges”):

- (a) On or about January 4, 2024, 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 medical note dated December 18, 2023, purportedly completed by Dr. David Mendelson at Michael Garron Hospital, which you submitted in support of your request for academic accommodation or relief in the form of regrading of your final exam in CSCA08: Introduction to Computer Science in Fall 2023, contrary to Section B.I.1(a) of the *Code*.
- (b) In the alternative to Charge 1, on or about January 4, 2024, 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 forged, altered or falsified documents which you submitted in support of your request for academic accommodation or relief in the form of regrading of your final exam in CSCA08: Introduction to Computer Science in Fall 2023, namely a medical note dated December 18, 2023, purportedly completed by Dr. David Mendelson at Michael Garron Hospital, contrary to Section B.I.3(b) of the *Code*.
- (c) On or about January 30, 2024, 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 medical note dated December 19, 2023, purportedly completed by Dr. Ahmed Ewaida at the Scarborough Health Network – General Hospital, which you submitted in support of your request for academic accommodation or relief in the form of late withdrawal from CSCA08: Introduction to Computer Science in Fall 2023, contrary to Section B.I.1(a) of the *Code*.
- (d) In the alternative to Charge 3, on or about January 30, 2024, 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 forged, altered or falsified documents which you submitted in support of your request for academic accommodation or relief in the form of late withdrawal from CSCA08: Introduction to Computer Science in Fall 2023, namely a medical note dated December 19, 2023, purportedly completed by Dr. Ahmed Ewaida at

the Scarborough Health Network – General Hospital, contrary to Section B.I.3(b) of the Code.

The Particulars

3. The particulars of the Charges are as follows:

- (a) At all material times you were a student registered at the University of Toronto Scarborough (“UTSC”).
- (b) In Fall 2023, you were enrolled in CSCA08: Introduction to Computer Science (the “Course”). Professor Anya Tafilovich was the coordinator for the Course. You were required to write a final exam worth 33% of your grade. In order to pass the Course, you needed to score 40% or higher on the final exam.
- (c) The Course syllabus included a section that addressed late assignments, illness, emergencies, special consideration, and accommodations.
- (d) The last date to drop the Course was November 20, 2023.
- (e) You did not drop the Course by the course drop deadline and were enrolled in the Course for the entirety of the Fall 2023 term.
- (f) You wrote the final exam in the Course on December 19, 2023. You scored 19% on the final exam. As a result, you failed the Course.
- (g) On January 4, 2024, you contacted the UTSC Registrar’s Office requesting a reassessment of your final grade in the Course.
- (h) In support of your request, you attached a medical note purportedly completed and signed by Dr. David Mendelson at Michael Garron Hospital, dated December 18, 2023 (the “Mendelson Medical Note”) to your correspondence.
- (i) On January 4, 2024, the UTSC Registrar’s Office advised you that they do not oversee grade appeals. You subsequently advised that you were requesting a reassessment of your final exam in the Course. Professor Tafilovich advised you on January 6, 2024 that your final exam would be regraded if your petition was accepted by the UTSC Registrar’s Office.
- (j) You did not submit a formal petition to the UTSC Registrar’s Office in respect of your request to have your final exam in the Course regraded.
- (k) Instead, on January 30, 2024, you requested that you be permitted to withdraw from the Course due to illness on the day before and during the final exam.
- (l) In support of your request, you stated that you consulted a doctor at Scarborough Health Network – General Hospital who diagnosed you with acute gastroenteritis, and you submitted a medical note dated December 19, 2023 purportedly completed and signed

by Dr. Ahmed Ewaida in the Gastroenterology department at that hospital (the “Ewaida Medical Note”).

- (m) The Ewaida Medical Note was forged, altered, or falsified. The Ewaida Medical Note was not prepared by Dr. Ewaida on December 19, 2023. You were not seen by a physician named Dr. Ewaida or by anyone else at Scarborough Health Network – General Hospital on December 19, 2023, or at any other time. Nor did you attend at the Scarborough Health Network – General Hospital on December 19, 2023.
- (n) You purchased the Ewaida Medical Note from an unknown third party. You paid approximately \$100 CAD for the Ewaida Medical Note.
- (o) The Mendelson Medical Note was forged, altered, or falsified. The Mendelson Medical Note was not prepared by Dr. Mendelson on December 18, 2023. You were not seen by Dr. Mendelson or by anyone else at Michael Garron Hospital on December 19, 2023, or at any other time. Nor did you attend at Michael Garron Hospital on that day.
- (p) You purchased the Mendelson Medical Note online from an unknown third party. You paid approximately \$100 for the Mendelson Medical Note.
- (q) You knew or ought to have known that the Mendelson Medical Note and the Ewaida Medical Note (collectively, the “Medical Notes”) were forged, altered or falsified.
- (r) You knowingly submitted the falsified information in the forged, altered or falsified Medical Notes:
 - (i) 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;
 - (ii) with the intention that the University of Toronto rely on the information in the Medical Notes in considering whether or not to provide you with the academic accommodation or relief you requested; and
 - (iii) in an attempt to obtain academic credit and/or other academic advantage.
- (s) In connection with the above, 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.

Agreed Statement of Facts

- 4. The hearing proceeded on the basis of an Agreed Statement of Facts (the “ASF”), which was included in the Book of Documents of the University (re: Finding of Offence) (the “Book of Documents”).

5. The Student acknowledged she had received a copy of the Charges, waived the reading of them, plead guilty to all charges, and had reasonable notice of the hearing.
6. Pursuant to the ASF, with respect to her Regrade Request submitted on January 4, 2024, and the supporting Mendelson Medical Note, the Student admitted that:
 - (a) she was not examined by Dr. Mendelson or any other doctor, nor did she meet with a doctor in person or virtually on December 18, 2023;
 - (b) she did not attend at a hospital or any other medical facility in person or virtually on December 18, 2023;
 - (c) she did not receive any diagnosis or medical advice on December 18, 2023;
 - (d) she has never been a patient of Dr. Mendelson;
 - (e) she purchased the Mendelson Medical Note for \$100 from a third-party provider of forged documents she found online;
 - (f) she submitted the Mendelson Medical Note intending that the University rely on it to grant her an academic accommodation in the form of a request for her Exam in the Course to be regraded.
7. The Student admits that by submitting the Mendelson Medical Note on January 4, 2024, purporting to have met with Dr. Mendelson in person on December 18, 2023, to seek an academic accommodation, she knowingly:
 - (a) forged or falsified a document or evidence required by the University in respect of the Mendelson Medical Note, and knowingly uttered, circulated or made use of the Mendelson Medical Note, contrary to section B.I.1(a) of the *Code*; and

- (b) engaged in a form of cheating, academic dishonesty or misconduct, or made a misrepresentation in respect of the Mendelson Medical Note in order to obtain an academic advantage, contrary to section B.I.3(b) of the *Code*.

8. With respect to her Withdrawal Request submitted on January 30, 2024 and the supporting Ewaida Medical Note, the Student admits that:

- (a) she was not examined by Dr. Ewaida or any other doctor, nor did she meet with a doctor in person or virtually on December 19, 2023;
- (b) she did not attend at a hospital or any other medical facility in person or virtually on December 19, 2023;
- (c) she did not receive any diagnosis or medical advice on December 19, 2023;
- (d) she has never been a patient of Dr. Ewaida;
- (e) she purchased the Ewaida Medical Note for \$100;
- (f) she knew that she had missed the deadline to withdraw from the Course; and
- (g) she submitted the Ewaida Medical Note intending that the University rely on it to grant her an academic accommodation in the form of a request for late withdrawal from the Course.

9. The Student admits that by submitting the Ewaida Medical Note on January 30, 2024, purporting to have met with Dr. Ewaida in person on December 19, 2023 to seek an academic accommodation, she knowingly:

- (a) forged or falsified a document or evidence required by the University in respect of the Ewaida Medical Note, and knowingly uttered, circulated or made use of the Ewaida Medical Note, contrary to section B.I.1(a) of the *Code*; and

- (b) engaged in a form of cheating, academic dishonesty or misconduct, or made a misrepresentation in respect of the Ewaida Medical Note in order to obtain an academic advantage, contrary to section B.I.3(b) of the *Code*.

Findings on Charges

- 10. Following deliberations and based on the ASF, which was included in the Book of Documents , the Panel concluded that the Student was guilty of two counts of knowingly forging or in any other way altering or falsifying a document or evidence required by the University, or uttering, circulating or making use of such forged, altered or falsified document, contrary to Section B.I.1(a) of the *Code*.
- 11. Given the Panel’s finding of guilt with respect to Charges 1 and 3, the University withdraws Charges 2 and 4.

Sanction

- 12. The University and the Student submitted a Joint Submission on Penalty (the “JSP”).
- 13. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:
 - (a) A final grade of zero in CSCA08: Introduction to Computer Science in Fall 2023;
 - (b) A suspension from the University for 3 years, to begin on May 1, 2025; and
 - (c) A notation of the offence on the Student’s academic record and transcript from the date of the University Tribunal’s order until April 30, 2029.
- 14. The parties agree that this case shall be reported to the Provost for publication of a notice of the Tribunal’s decision and the sanction imposed, with the Student’s name withheld.

15. Counsel for the University provided submissions on the legal test for accepting a joint submission and referenced the Provost's Guidance on Sanctions in Appendix "C" of the Code, the factors outlined in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976) (the "Mr. C factors") and similar cases to the one under consideration.
16. In *University of Toronto and M. A.* (Case No. 837, December 22, 2016) ("M.A."), a decision of the Discipline Appeals Board, the Board held that 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).
17. The offences in the instant case are serious. Among other things, the fabrication of medical documents undermines the University's process of medical accommodation, which many students appropriately rely upon. While a first offence by the Student, the admitted-to Charges disclose an establishing pattern of dishonesty by the *purchasing* of more-than-one falsified medical note. The herein sanction must ensure this pattern does not continue.
18. To the Student's credit, though, she accepted responsibility for her conduct, fully cooperated with the University and attended the hearing. The Student demonstrated through her entering into the ASF and JSP insight and remorse, which sentiments were reinforced by the Student's direct apology to the University, and the Panel, during the course of this hearing.
19. In the Panel's view, the JSP is reasonable, not unconscionable and within the accepted range of similar cases. There is no evidence to suggest that the sanction would be unreasonable or unconscionable. The authorities cited by counsel for the University suggests that the JSP on penalty is within the range of reasonableness based on analogous cases.

20. The Panel gives effect to the joint submission on sanction. Accordingly, the following sanctions shall be imposed on the Student:

- (a) a final grade of zero in CSCA08: Introduction to Computer Science in Fall 2023;
- (b) a suspension from the University of Toronto for 3 years, to begin on May 1, 2025; and
- (c) a notation of the sanction on the Student's academic record and transcript from the date of the University Tribunal's Order until April 30, 2029.

21. The case shall also 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 1st day of May 2025

Original signed by:

Joelle Ruskin, Chair

On Behalf of the Panel