

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct filed on April 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: March 18, 2025, via Zoom

Panel Members:

Michelle S. Henry, Chair

Professor Ken Derry, Faculty Panel Member

Brinda Batra, Student Panel Member

Appearances:

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

Hearing Secretary:

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

In Attendance:

Y [REDACTED] L [REDACTED]

1. A hearing of the Trial Division of the University Tribunal convened on March 18, 2025, to consider academic charges brought by the University of Toronto (the “University”) against Y [REDACTED] L [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters*, 2019 (the “Code”). At all material times, the Student was registered at the University of Toronto Scarborough (“UTSC”).
2. This hearing arises out of charges of academic misconduct filed by the Provost on April 25, 2024 (the “Charges”).

THE CHARGES

3. The University brought the following charges against the Student:
 - a. On or about December 7, 2023, the Student 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 petition which the Student submitted in support of his request for academic accommodation or relief in the form of a deferred exam in MGFD70H3: Advanced Financial Management (the “Course”), contrary to Section B.I.1(a) of the *Code*.
 - b. On or about December 7, 2023, the Student 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 7, 2023, which he submitted in support of his request for academic accommodation or relief in the form of a deferred exam in MGFD70H3: Advanced Financial Management (the “Course”), contrary to Section B.I.1(a) of the *Code*.
 - c. In the alternative to charges 1 and/or 2, on or about December 7, 2023, the Student 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, namely a petition and a supporting medical note dated December 7, 2023 which he submitted in support of his request for academic accommodation or relief in the form of a deferred exam in the Course, contrary to Section B.I.3(b) of the *Code*.

AGREED STATEMENT OF FACTS

4. The hearing proceeded by way of an Agreed Statement of Facts (“ASF”). The following is an abridged version of the ASF.
5. The Student first registered in Fall 2020. He has accumulated 19.5 credits, with a cumulative GPA of 2.42. The Student enrolled in MGFD70H3F: Advanced Financial Management (“MGFD70”) in Fall 2023.
6. Students in MGFD70 were required to write a final exam worth 40% of the final mark in the course. The final exam was scheduled for December 7, 2023. However, the Student did not write the regularly scheduled final exam in MGFD70 on December 7, 2023.
7. Students who miss an exam may petition to write a deferred exam. Petitions must be submitted within 5 days of the missed examination. At UTSC, students submit petitions online through a portal called eService, where they can upload and submit any supporting documentation and provide details about their petition. In the petition request form, there is a Statement section where students can write and submit a personal statement related to their petition.
8. If illness is cited as the reason for missing a final exam, students are required to file supporting documentation in the form of a standard Verification of Student Illness or Injury form (“VOI”). The VOI must show that an eligible medical practitioner registered with their regulating body was consulted. The information in the VOI must be based on examination by the medical practitioner and documented history (where applicable) at the time of illness or injury. The VOI must be signed by the medical practitioner. The VOI includes a warning that if information provided for a petition is altered or falsified, it may constitute an academic offence under the *Code* and students may be subject to prosecution.
9. Instead, on December 7, 2023, the Student submitted a petition to request to defer his final exam in MGFD70 (the “Petition”). The Student stated he could not attend the exam “due to a fever and cough” and claimed that he went to seek medical attention by consulting a doctor rather than writing the exam.

10. In support of the Petition, the Student submitted a medical note dated December 7, 2023, written on a page from a North York General Hospital (the “Hospital” or “NYGH”)) prescription pad, with a NYGH business stamp and what appeared to be two sets of initials at the bottom, one of which appears to be C.H. (the other was illegible) (the “Medical Note”). The Medical Note indicated that the Student was not to attend school for three days.
11. On January 15, 2024, the Petitions Office contacted the Hospital to verify the authenticity of the Medical Note. On the same day, a staff member at the Hospital advised the Petitions Office via email that the Medical Note was fraudulent. The Hospital also advised that it did not have a record of anyone by the Student’s name attending the emergency department on or about December 7, 2023, and the possible physician whose initials appear on the Medical Note did not write or sign the note.
12. On January 16, 2024, the Student’s petition for deferral was denied and the Medical Note was sent to the Academic Integrity Office.
13. On January 30, 2024, the Student attended a meeting with the Dean’s Designate for Academic Integrity, to discuss the Student’s Petition and the Medical Note. During the meeting, the Student admitted that the Medical Note was a forgery. The Student reported difficulties balancing his part-time job with six courses and stated that he wanted more time for review. The Student confirmed that he did not attend the hospital but purchased the Medical Note from a “Chinese application” for approximately \$100. The Student expressed regret for what he had done.
14. As part of the ASF, the Student admitted that he knowingly:
 - (a) purchased the Medical Note from a third party;
 - (b) was never a patient at North York General Hospital, on December 7, 2023, or at any other time;
 - (c) submitted the forged, altered or falsified Medical Note:
 - (i) when he knew or ought to have known, that it contained information that was untrue;

- (ii) understanding that the University of Toronto required legitimate medical documentation and evidence to be presented in order to obtain the academic accommodation he requested;
- (iii) with the intention that the University of Toronto rely on the Medical Note in considering whether or not to provide him with the academic accommodation he requested; and
- (iv) in an attempt to obtain an academic advantage through the deferral of the final exam in MGFD70.

15. In summary, the Student admitted that on or about December 7, 2023, he knowingly:

- (a) 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, the Medical Note, contrary to Section B.I.1(a) of the *Code*; and,
- (b) engaged in in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind, contrary to section B.1. 3(b) of the *Code*.

FINDINGS ON CHARGES

16. Following deliberations and based on the ASF, the Panel concluded that the first and second charges were proven on a balance of probabilities. The Panel accepted the guilty plea of the Student in respect of the charges.

17. The Panel was advised that if it returned a conviction on charges #1 and #2, the University would withdraw the third charge. Accordingly, the Panel made no findings with respect to the third charge and treated it as withdrawn.

PENALTY

18. The University and the Student submitted a Joint Submission on Penalty (“JSP”) recommending the following sanction:

- a. A final grade of zero in MGFD70H3F: Advanced Financial Management in Fall 2023;

- b. A suspension from the University for a period of two years from January 1, 2025 to December 31, 2026; 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 December 31, 2027.
19. The parties also agreed that it is appropriate for this case to 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.
20. Assistant Discipline Counsel made submissions on the high threshold required for a Tribunal to deviate from a JSP. As set out in the Discipline Appeals Board decision in *University of Toronto and S.F.* (Case No. 690, October 20, 2014), "only truly unreasonable or 'unconscionable' joint submissions should be rejected".
21. The Panel heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the relevant factors in sanctioning, namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and, 6) the need to deter others from committing a similar offence.
22. With respect to character of the person charged, the Student readily admitted at the meeting with the Dean's Designate that the Medical Note was forged and he had purchased it. He also expressed regret very early in the process, and cooperated with the academic discipline process, including by entering into the ASF and the JSP.
23. Regarding the likelihood of a repetition of the offence, the Student had no prior offences. The University noted that the likelihood of repetition was low as the Student was very close to completing his degree with 19.5 credits.
24. With respect to the nature of the offence, the detriment to the University, and the need to deter others, as the University noted, that the accommodation process is very important to

the University. The purchase of the Medical Note also brings a commercial element to the matter, which causes serious detriment to the University. Each time a student violates that trust inherent in the accommodation process, it makes it very difficult for the University. Further, it creates more work on the part of the University to try to maintain the integrity of the process.

25. The Panel agrees that given the seriousness of the offence, it is important to drive home the message that this type of offence cannot be tolerated. The University's procedure for granting accommodations is undermined every time someone violates the process.
26. Regarding any extenuating circumstances related to the misconduct at issue, the Student did not advise of any extenuating circumstances.
27. Having regard to the above, and based on the review of the cases provided by Assistant Discipline Counsel, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

DECISION OF THE PANEL

28. At the conclusion of the hearing, the Panel made the following order:
 - a. THAT the Student is guilty of one count of having forged or in any other way altered or falsified or made use of a forged Medical Note, contrary to Section B.I.1(a) of the Code.
 - b. THAT the following sanctions shall be imposed on the Student:
 - i. A final grade of zero in MGFD70H3F: Advanced Financial Management in Fall 2023;
 - ii. A suspension from the University for a period of two years from January 1, 2025 to December 31, 2026; and
 - iii. A notation of the offence on the Student's academic record and transcript from the date of the University Tribunal's order until December 31, 2027; and

- c. THAT this case shall be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the Student's name withheld.

29. An Order was signed after the hearing on March 18, 2025, by the Panel to this effect.

DATED at Toronto, June 3, 2025.

Original signed by:

Michelle S. Henry, Chair
On behalf of the Panel