

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on August 22, 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 –

Z [REDACTED] W [REDACTED]

REASONS FOR DECISION

Hearing Date: June 27, 2025, via Zoom

Members of the Panel:

Dean Embry, Chair

Professor Kevin Wang, Faculty Panel Member

Zoë Reichert, Student Panel Member

Appearances:

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

Jesse Wright, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

Z [REDACTED] W [REDACTED]

CHARGES

1. The Trial Division of the Tribunal held a hearing on June 27, 2025, to address the following charges brought by the University of Toronto (the “University”) against Z_____ W_____ (“the Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”):
 1. On or about December 13, 2023, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely, a Verification of Student Illness or Injury form dated December 6, 2023, purportedly completed and signed by Dr. Lih from North York General Hospital, which you submitted in support of a petition to further defer the final exam in EESA10H3 (the “Course”), contrary to section B.I.1(a) of the Code.
 2. In the alternative, 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 to further defer the final exam in the Course, contrary to section B.I.3(b) of the Code.

PRELIMINARY ISSUE: Proceeding in the Absence of the Student

2. The Student was neither present nor represented at the hearing. The University filed evidence that the Student was served with the charges by email at the email address provided by the Student to the University of Toronto in ROSI on August 22, 2024.
3. Further, on April 15, 2025, Ms. Lie sent the Student a scheduling email with possible dates for the hearing. On April 22, 2025, the Student replied and chose “June 27”. On April 25, 2025, Ms. Lie replied and indicated that she would schedule the hearing for June 27, 2025 at 9:45 am. On April 25, 2025, the Office of Appeals, Discipline and Faculty Grievances (“ADFG Office”) sent the Student a Notice of Virtual Hearing by email. The University also filed evidence that tended to show that the Student has last accessed his ROSI email on May 28, 2025 – after the Notice of Hearing was sent. Despite the above, the Student did not attend the hearing. After providing a reasonable grace period for the Student to attend, the University requested that the hearing proceed in the Student’s absence.
4. Given the above, the Panel found that the Student was provided with reasonable notice and proper service as contemplated by rules 13 and 17 of the Tribunal’s *Rules of Practice and Procedure* (the “Rules”). As such, the hearing proceeded in the Student’s absence.

The Allegations

5. The charges relate to the Student’s repeated deferral requests for the final exam in EESA10H3 (Human Health and the Environment), which was worth 40% of the final grade.
6. The Student initially missed the final exam on April 19, 2023, and was granted a deferral to August 2023.

7. The Student again missed the August 10, 2023 deferred exam and was granted a second deferral to December 6, 2023.
8. The Student missed the exam again on December 6, 2023, and submitted a petition on December 10, 2023, stating they had a "doctor['s] note for it."
9. On December 13, 2023, the Student submitted a VOI form, which claimed they had visited North York General Hospital on December 6, 2023, due to "influenza," resulting in a "serious" degree of incapacitation until December 11, 2023.
10. There is no issue that the submitted VOI form contained false and fraudulent information. After the form was submitted, the Assistant Registrar contacted Dr. Ann Lih-Ing Li, who is listed along with her registration number on the form. Dr. Li confirmed that "[she] did not write that note and that is not [her] signature".
11. What is at issue is whether or not the Student submitted the VOI Form, knowing that it was fraudulent. As will be discussed below, "knowing" in this context includes having "ought to have known" as well as a positive obligation to take steps when the authenticity of a document is in doubt.

The Student's Account

12. The Student did not attend the hearing. However, his account of how the VOI form was obtained and came to be submitted is captured in Exhibit B of the Affidavit of Sheryl Nauth; a document titled "Note from DD Meeting with Student, June 4, 2024".
13. At the outset of that meeting the following exchange took place:

DD: Okay, I'm going to ask you a yes or no question, for now I just want a yes or no answer, but rest assured that if you want to explain or expand more later, you will have the chance to do so. Alright?

Student: Yes Professor.

DD: So yes or no, do you admit that for the further deferral of the EESA10 exam that you submitted a false document?

Student: Yes.

DD: Alright, second question, do you understand your actions constitute an academic offence?

Student: Yes.

14. The Dean's Designate then asked the Student to explain how the Student came to submit the false document.
15. The Student's response was:

"Student: Sure Professor. The story is, at the time I was sick, and I tried to go to the walk in clinic near me but none of them are accepting me as a patient, or schedule me a week later. This would not let me make a VOI form in time for petition. Therefore I turn to my friend who said there is a guy he used

to see. He gave me the name and address, so I went to the medical building in Fairview Mall. A person met me in the lobby, he told me he is a personal assistant of the doctor who signed my form. The doctor is too busy to see me so he will treat me instead. So he examine me and asked me if I needed a note. I said yeah, and he said okay, you can pay 70\$ for form or 50\$ for the note. The price I understand is necessary because I did some research. The process seems authentic at the time. I also searched the CPSO number and I found the doctor name and address is correct. Therefore I submit the forms to the school. But when the school contacted me in April, I did more research on the note. I want to make sure what is happening. I tried to contact the friend, but he did not reply. I tried calling him multiple times. I asked another friend who knew him that said that guy went back to China. The whole situation, it now seems I have been tricked or played. I also went back to the building and asked about the guy who gave me the name, but the people who work there said they don't know the guy and he may not be the assistant. That's when I know something fishy might be going on. At the time I didn't know it was falsified information to the school, but in hindsight I can now say I did submit falsified information to the school. That's my story."

16. The Dean's Designate asked some follow up question in the following exchange:

DD: Thank you very much. So your friend who recommended, they were acting as an assistant, that friend has disappeared?

Student: yes he has ghosted me about a month.

DD: Yeah. We see this happen a lot. The story varies but it happens a lot. The lesson here is if you are having trouble finding a doctor, you should trust reliable sources instead of friends. You could ask the RO frontline, and Health and Wellness Center.

Student: Yup.

DD: Go to the reliable sources instead of the friend.

Student: Yup, I have learned that, I was having a panic attack and I looked it up and found a reddit section that was helpful at UofT. But at the time I was desperate so I did what was easiest, but now I pay the consequences.

17. Despite the Student's initial "admission" when he was given an opportunity to explain what happened, it is clear that his position was that he did not know, at the time the VOI was submitted, that it contained false information. According to him, he only came to appreciate this after the fact once he was alerted to the University's investigation.
18. At the hearing, the University took the position that the Student was telling the truth during the Dean's Designate meeting. As such, they implicitly accept that he did not come to realize the VOI contained false information until after it was submitted and he was alerted to the University's investigation. That, however, does not end the matter as the University relies on two alternate routes of liability.
19. First, the University submits that the VOI and the circumstances surrounding how it was obtained so plainly indicate that the VOI was fraudulent that this Panel should find that the Student ought to have known it was so.

20. Alternatively, the University relies on the Student's alleged "unreasonable ignorance or reckless indifference" in relation to the document.
21. This Panel does not find that either route of liability has been established on a balance of probabilities for the reasons set out below.

Whether the Student Ought to Have Known that the VOI was Fabricated

22. The knowledge requirement applicable to the charges faced by the Student is an objective one. To meet this requirement, the University must establish that the Student knew or ought to have known that the VOI was fabricated. Insofar as the University has conceded that the Student did not know at the critical time that the document was fabricated, they rely instead on an argument that, taking all the circumstances into account, he ought to have known. Put another way, in all the circumstances, a reasonable person in the Student's place would have known the document wasn't authentic.
23. In support of their argument, the University relies on all of the circumstances present in this case but emphasizes the following key factors.
24. When examined in detail, the VOI contains details that are "false" insofar as they contradict the Student's account. As above, the Student indicated that he attended a medical building at Fairview mall. There he met with an assistant who examined him in a hallway before leaving and returning with the VOI signed by a doctor.
25. A careful review of the VOI reveals details that are at odds with this account.
 - At the top of the form is a preamble that indicates that the form is "To be completed only by a Dentist, Nurse/Nurse Practitioner, Physician/Surgeon, Psychologist, Psychotherapist or Social Worker registered and licensed in the Province of Ontario". This is arguably inconsistent with the Student's account that he was examined by and received the document from a physician's assistant instead of an enumerated professional.
 - The handwritten note in the Additional Comments section notes that the Student had a fever and cough "when present @ ER". Presumably "ER" stands for Emergency Room. According to the Student he did not attend an Emergency Room *per se* but rather a walk-in clinic at a medical building.
 - The stamp contained on the form refers to North York General Hospital and contains that hospital's address – not the address of the clinic attended by the Student.
26. In addition to information contained in the document, the University argues that the circumstances of obtaining the document clearly point to its fraudulent nature. The fact that the Student was required to pay for completion of the VOI, was examined by a doctor's assistant and was examined in a hallway, the University argues, are all indicators the document's fraudulent nature.

27. The Panel is not persuaded by these submissions. The above factors, taken either separately or all together, do not lead us to conclude that, on a balance of probabilities, a reasonable person in the Student's position would have known the document was fraudulent.
28. Starting first with the apparently contradictory information found on the document, whereas it is true that under careful scrutiny these contradictions present themselves, it is our view that the University attributes an unrealistic level of vigilance to the reasonable person.
29. It is not reasonable to expect that a person, when receiving a form of this nature, would carefully examine the details to ensure that each detail is correct.
30. This is particularly so given the details that the University asks us to consider.
31. Take, for example, the preamble at the top of the form. Whereas it does state that the form is to be completed only by a person who falls within a category listed therein, this instruction is immediately contradicted by a section with the heading "TO BE COMPLETED BY THE STUDENT". Further, although the next two sections refer to a "Licensed Practitioner", it is not immediately clear that this refers to the categories listed in the preamble. Although this connection could certainly be deduced given enough consideration of the matter, a reasonable person, having attended a medical facility and interacted with staff there would have no reason to apply that level of scrutiny.
32. The same applies to the handwritten note and stamp. First, it is entirely reasonable that someone wouldn't look so carefully at the note and stamp as to notice the potential discrepancies. Second, even if one did, it is not clear that the discrepancies identified by the University are, in fact, discrepancies or would obviously present themselves as such to a reasonable person. "@ ER" is already shorthand and even if it was assumed to refer to an Emergency Room, what constitutes an Emergency Room is not such a narrow concept as to exclude a walk-in clinic where people regularly present themselves with urgent medical needs. Similarly, given the nature of walk-in clinics and the manner in which physicians maintain hospital privileges, the stamp cannot be said to be a determinate indication that the VOI was fraudulent.
33. With regard to the circumstances surrounding the acquisition of the VOI, we again find that they were not so peculiar that they would lead a reasonable person to conclude the VOI was fraudulent. Paying for a note of this nature is not so out of the ordinary to raise suspicion. Moreover, while meeting a healthcare professional or their assistant in a hallway may have been strange a short time ago, the fact that this interaction occurred during the COVID-19 global pandemic is significant. Receiving health care outside the normal settings was commonplace during the pandemic. Measures that reduced the amount of time people and especially sick people spent in close proximity to others were even more so. In December of 2023, receiving non-invasive treatment in the hallway of a medical facility would not seem out of the ordinary.

34. Given all the circumstances in this matter, we cannot find on a balance of probabilities that a reasonable person would have known that the VOI was fraudulent. As such, we cannot conclude that the Student ought to have known it was fraudulent.

Was the Student Unreasonably Ignorant or Recklessly Indifferent as to the Nature of the VOI

35. The second route of liability the University advances is based on the principles set out in *University of Toronto and C.A.* (Case No. 512, July 27, 2006) and more recently summarized in the case of *University of Toronto and M.S.* (Case No. 1301, October 23, 2023).
36. At paragraph 30 of *University of Toronto and M.S.*, the panel sets out the salient principle:

“Where there are circumstances present for a student to reasonably believe that a document required by the University may be forged, altered or falsified, before submitting that document to the University, a student should take steps to assess the authenticity of the document. Holding otherwise would gut the ‘knowing’ element of the forgery offences, because students could blindly submit documents to the University without considering their authenticity and face no consequences under the Code. Such a result would undermine a purpose of the forgery offences which is to foster and support the integrity of the University community.”
37. For this principle to be engaged, all that need be present are circumstances that cause a student to reasonably believe that the document may be forged, altered or falsified. If such circumstances are present, then it is incumbent on the Student to take steps to assess the authenticity of the document. What those steps are will vary from case to case.
38. In the present case, it is unnecessary to determine whether objective circumstances that called out for steps to be taken were present because we know from his account that the Student, prior to submitting the document, subjectively felt such circumstances were present. Although it is not clear what exactly the circumstances that caused some doubt were, we know that after receiving the document but prior to submitting it, the Student “searched the CPSO number and... found [that] the doctor[‘s] name and address [were] correct”. We also know that at some point prior to the investigation starting, he did research that satisfied him that the fee was necessary and that, ultimately, the process seemed authentic.
39. As above, the steps that are required once there exists reason to question the authenticity of a document vary from case to case. In the present case, we find that the steps taken by the Student were reasonable and adequately discharged his burden in the circumstances. This conclusion is strengthened by the fact that during the hearing of this matter, although counsel for the University maintained that the Student should have taken further steps, when given the opportunity to enumerate what those required further steps were, the University was unable to provide an answer. It cannot be the case that the Student can be faulted for failing to take steps that cannot be discerned or enumerated even *ex post facto* at the time of the hearing.
40. It is also important to note that in circumstances in which a Student is required to take steps to confirm the authenticity of a document, what is important is that they make a genuine effort to confront the issue, not that they do so to a standard of perfection.

41. It is noteworthy that once informed of the investigation, the Student took steps to discern what had happened – repeatedly calling the person who had advised him to attend the medical building and even attending the medical building in an effort to identify who he had seen. The fact that he took these steps once he was informed the VOI was fraudulent is strong evidence that at the time he submitted the document he had genuinely satisfied himself that it was authentic.
42. For these reasons we find that, in the circumstances, it cannot be said that, on a balance of probabilities, the Student ought to have known the document was not authentic. Further, it cannot be said, on a balance of probabilities, that having reason to doubt the authenticity of the document, the Student failed to take the necessary steps to authenticate the document.
43. Therefore, the charges are dismissed.

DATED at Toronto, January 6, 2026.

Original signed by:

Dean Embry, Chair
On behalf of the Panel