

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 11, 2011.

AND IN THE MATTER OF the *University of Toronto Code of Behavior on Academic Matters, 1995,*

AND IN THE MATTER OF the *University of Toronto Act, 1971, S.O. 1971, c. 45* as amended S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

-and -

Y [REDACTED] L [REDACTED]

Date of Hearing: February 14, 2012

Tribunal Members:

Ms. Wendy Matheson, Barrister and Solicitor, Chair

Dr. Joel Kirsh, Faculty of Medicine, Faculty Panel Member

Ms. Susan Mazzatto, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Martine Garland, Legal Case Worker, Downtown Legal Services

In Attendance:

Ms. Y [REDACTED], the Student

Professor John Britton, Dean's Designate, Faculty of Arts and Science

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

Charges and Hearing:

1. The Trial Division of the Tribunal held a hearing on February 14, 2012 to consider the following charges brought by the University of Toronto against Y [REDACTED] (the Student) under the *Code of Behaviour on Academic Matters, 1995* (the Code):
 - 1) On or about April 27, 2010, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such falsified document or evidence, namely, a petition form seeking a deferral of five unwritten University of Toronto course examinations in the courses ECO100Y1Y, MAT135Y1Y, HIS103Y1Y, POL108Y1Y, and ST201H1S, contrary to section B.I.1(a) of the Code.
 - 2) In April 2010, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such falsified document or evidence, or uttered, circulated or made use of any such falsified document namely, a "Personal Statement to the Committee on Standing", which the Student submitted to the Faculty of Arts and Science Committee on Standing ("Committee") in support of the Student's request for academic accommodations or relief, contrary to section B.I.1(a) of the Code.
 - 3) In April 2010, the Student knowingly forged, altered or falsified documents or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, six medical documents and letters submitted in support of the Student's petition seeking a deferral of five unwritten University of Toronto course examinations in the courses ECO100Y1Y, MAT135Y1Y, HIS103Y1Y, POL108Y1Y, and ST201H1S, contrary to section B.I.1(a) of the Code.
 - 4) Between December 21, 2010, and February 4, 2011, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such falsified document, namely, a petition form seeking a deferral of two University of Toronto course examinations in the courses BIO120H1F and MUS110H1F, contrary to section B.I.1(a) of the Code.
 - 5) In December 2010, the Student knowingly forged, altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document or evidence, namely, a University of Toronto Student Medical Certificate, dated December 20, 2010, which the Student submitted to the Committee in support of the Student's request for academic accommodations or relief, contrary to section B.I.1(a) of the Code.
 - 6) In December 2010, the Student knowingly forged, altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document or evidence, namely, a letter submitted in support of the Student's petition seeking a deferral of two unwritten

University of Toronto course examinations in the courses BIO120H1F and MUS110H1F, contrary to section B.I.1(a) of the Code.

- 7) On January 14, 2011, the Student knowingly falsified a document or evidence sent to the University of Toronto, or uttered, circulated or made use of any such falsified document, namely, an email that the Student sent to Lee Jeffrey at Woodsworth College in which the Student claimed that she had a serious illness during the December 2010 exam period, contrary to section B.I.1(a) of the Code.
 - 8) On May 4, 2011, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such falsified document or evidence, namely, a petition form seeking late withdrawal without academic penalty from two University of Toronto courses BIO120H1F and MUS110H1F, contrary to section B.I.1(a) of the Code.
 - 9) In May 2011, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such falsified document or evidence, namely, a "Personal Statement to the Committee on Standing", which the Student submitted to the Committee in support of the Student's request for academic accommodations or relief, contrary to section B.I.1(a) of the Code.
 - 10) In May 2011, the Student knowingly forged, altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, eight medical documents and letters that the Student submitted in support of her petition seeking late withdrawal without academic penalty from two University of Toronto courses BIO120H1F and MUS110H1F, contrary to section B.I.1(a) of the Code.
 - 11) In the alternative to each of the charges above, the Student 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 by submitting falsified or forged documents to the University of Toronto in support of various forms of academic accommodation or relief, contrary to section B.I.3(b) of the Code.
2. The Student attended the hearing, was represented by counsel, and pled guilty to the above charges. The University indicated that if the plea of guilty to charges 1-10 was accepted, the final charge would be withdrawn in that it was in the alternative.

Agreed Statement of Facts & Finding on Charges

3. At the outset of the hearing, the Tribunal was advised that the University had entered into an Agreed Statement of Facts with the Student. That Agreed Statement is attached as Appendix A to this decision. The Tribunal also received into evidence, on consent, a Joint Book of Documents that are referred to in the Agreed Statement of Facts.

4. As set out in more detail in the Agreed Statement of Facts, the circumstances giving rise to the charges involved multiple occasions where the Student applied to be exempted from deadlines for family or health-related reasons. On two occasions, the Student submitted petitions to defer unwritten examinations. A further petition was submitted seeking late withdrawal without academic penalty.
5. The Student admits that she knew each of the three petitions contained false information. In the first petition the Student falsely stated that her father was critically ill in China. In support of that petition the Student submitted a personal statement that she knew contained false information regarding her father's purported illness. She also submitted forged or falsified documents that she knowingly purchased. These forged and falsified documents were elaborate, including documents purporting to be from a hospital, a notary public and others in China. The second petition also contained information the Student knew was false, including a letter that purported to be from an Ontario hospital that the Student knew was forged and false and a forged student medical certificate containing false information. The third petition also contained information the Student knew was false, including the false statement that her father had died. Again, the Student included a personal statement including false information as well as forged or falsified documents that she had knowingly purchased. Again, the forged or falsified documents were elaborate, including for example documents purporting to be a "critical condition notice" and a "death notice" from a hospital and others in China.
6. These three petitions were submitted in the period from April 2010 to May 2011. In this same period, the Student also knowingly provided false information to the University by claiming in an email that she had a serious illness during the 2010 examination period.
7. The Student admits that she provided the false information and forged or falsified documents to the University to obtain an academic advantage, to mislead the instructors, and expecting that it would be relied upon by the instructors to their detriment and would provide her with an academic advantage.
8. After reviewing the facts contained in the Agreed Statement of Facts and Joint Book of Documents, the Tribunal deliberated and concluded that the facts demonstrate that the charges 1-10 above were proved, and agreed to accept the guilty pleas in respect of those charges. Given that finding, the University withdrew charge 11, and that charge is therefore not the subject of a finding of this Tribunal.

Penalty

9. The parties submitted a Joint Submission on Penalty, including further agreed facts, attached as Appendix B. The Joint Submission proposed that the Student be given a final grade of zero in the seven courses that were the subject of charges 1-10, be suspended from the University for five years, and have a notation of her academic record and transcript for six years. It was also proposed 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.

10. The Tribunal considered the factors that are to govern its decision, as set out in *The University of Toronto and Mr. C.* dated November 5, 1976, at p. 12 (File No. 1976/77-3).
11. The proved charges are very serious, given the nature and extent of the Student's knowing falsification of documents and the purchase and use of elaborate forged or falsified documents on multiple occasions. The Student knowingly submitted false information in relation to a total of seven courses. The false information included statements that her father was seriously ill, and later that he died, and included numerous purportedly official documents that were in fact forged and falsified. The Student admitted to purchasing the forged and falsified documents that she submitted with her petitions seeking to defer her examinations. The Student provided the false information and forged or falsified documents to the University to obtain an academic advantage, to mislead the instructors, and expecting that it would relied upon to provide her with an academic advantage.
12. In support of the joint submission, the parties asked the Tribunal to take into account the fact that the Student admitted the charges at an early stage in the process and cooperated with the University, including by the agreement on the facts in the Agreement Statement of Facts, by pleading guilty and by the Joint Submission on Penalty. As well, the Student had no prior discipline history, has shown remorse and testified to the Tribunal about her intention not to repeat this conduct.
13. While the Tribunal has taken these mitigating factors into account, absent the joint submission the Tribunal would have given serious consideration to a more severe penalty. This pattern of elaborate falsehood, done deliberately to obtain an academic advantage, is antithetical to the core values expected of students as set out in the Code. However, the Tribunal recognizes that there is a high threshold that must be met for the Tribunal to reject a joint submission. To meet that threshold, the Tribunal would have to be of the view that accepting the joint submission would bring the administration of justice into disrepute (*University of Toronto and P.P.* dated April 5, 2011, para. 8 (Case No. 642)). The Tribunal concluded that this is not such a case.
14. The Tribunal therefore accepted the joint submission on penalty with reluctance.

Decision of the Tribunal

15. The Tribunal has ordered as follows:
 1. THAT Ms. █ is guilty of 10 counts of knowingly falsifying evidence required by the University of Toronto, or circulating such evidence, contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters*;
 2. THAT Ms. █ receive a final grade of zero in each of the following courses:
 - a. ECO 100 Y1Y;
 - b. MAT 135 Y1Y;
 - c. HIS 103 Y1Y;
 - d. POL Y1Y;
 - e. BIO 120;

- f. MUS 110; and
 - g. AST 201 H1J.
3. THAT Ms. █ be suspended from the University from February 14, 2012 until February 13, 2017;
 4. THAT the sanction imposed by the Tribunal shall be recorded on the student's academic record and transcript until February 13, 2018;
 5. THAT this case shall 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.

All of which is ordered as of February 14, 2012.



Wendy Matheson, Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

MS.

IN THE MATTER OF charges of academic dishonesty made on September 19, 2011,

This Exhibit is produced by
the University of Toronto

AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995,

this 19th day of Feb^{ruary}, 2012

AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 56 as amended
S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purposes of this hearing, the Provost and Y [REDACTED] ("Ms. [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Notice of hearing

2. Ms. █ admits that she received a notice of hearing for February 14, 2012, and that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

B. Charges and guilty plea

3. Ms. █ admits that she received a copy of the charges filed by the Provost on September 19, 2011, which are found at JBD at Tab 2.

4. The parties agree that the course described as ST201H1S refers to AST201H1S.

5. Ms. █ has been advised to obtain independent legal advice and has done so.

6. Ms. █ waives the reading of the charges filed against her and pleads guilty to all 11 charges filed by the Provost.

7. If the Tribunal convicts Ms. █ on charges 1 to 10, the Provost will withdraw charge 11.

8. A copy of Ms. █'s academic record, dated May 30, 2011, is found in the JBD at Tab 3. At all material times, Ms. █ was a student member of the University of Toronto, within the meaning of the *Code of Behaviour on Academic Matters*. Ms. █ acknowledges that the University Tribunal has jurisdiction over her and that the *Code of Behaviour on Academic Matters* applies to her conduct.

C. Offenses committed in Winter Term 2010 (First Petition)

9. In the winter term of 2010, Ms. █ was enrolled in:

- (i) ECO 100 Y – Introduction to Economics taught by Professor Wolfson ("Economics");
- (ii) MAT 135 Y – Calculus I taught by Professor Lam ("Calculus");

- (iii) HIS 103 Y – Statecraft & Strategy: An Introduction to the History of International Relations taught by Professor Dimitriadis ("Statecraft and Strategy"); [NTD: 2011 professor – verify same as 2010]
- (iv) POL 108 Y – Global Networks taught by Professors Deibert and Stein ("Global Networks");
- (v) AST 201 H – Stars and Galaxies taught by Professors Mochnacki and Reid ("Stars and Galaxies").

Copies of the course syllabi in Economics, Calculus, Statecraft and Strategy, Global Networks, and Stars and Galaxies (together, "Winter 2010 Courses") are included in the JBD at Tab 4.

10. On April 27, 2010, Ms. █ submitted a petition to defer unwritten examinations in her Winter 2010 Courses ("First Petition"). Ms. █ admits that she knew this petition contained false information, including, but not limited to the statement that her father was critically ill in China. A copy of this petition is included in the JBD at Tab 5.

11. In support of her petition, Ms. █ submitted a Personal Statement which contained statements that she was forced to return to China due to her father's illness, hospitalization, and recent surgeries. Ms. █ admits that she knew that this statement contained false information. A copy of this Personal Statement is included in the JBD at Tab 6.

12. In support of her petition, Ms. █ submitted medical documents and letters that purported to be from doctors, hospital administrators, and others in China. Ms. █ admits that she knowingly purchased the following documents which were forged or otherwise falsified and were not prepared or signed by their purported authors.

- A letter dated January 14, 2010, which was purportedly signed by Zhang Fengy, head of the department, on letterhead from Tianjin Gongan Hospital accompanied by an English translation, a copy of which has been included in the JBD at Tab 7;
- An undated letter that was purportedly signed by Tian Fengshi, Director of Gongan Hospital of Tianjin, China, on letterhead from Tianjin Gongan Hospital

accompanied by an English translation, a copy of which has been included in the JBD at Tab 8;

- A letter dated April 15, 2010, which was purportedly signed by Zhiuong Chai, President of the Tianjin Symphony Orchestra, on letterhead from Tianjin Symphony Orchestra accompanied by an English translation, a copy of which has been included in the JBD at Tab 9;
- A Notification of Critical Illness letter dated April 1, 2010, which was purportedly from Tianjin Gongan Hospital accompanied by an English translation, a copy of which has been included in the JBD at Tab 10;
- A Notarial Certificate dated April 14, 2010, purportedly certifying that the seal affixed to the Notification of Critical Illness letter was authentic, a copy of which has been included in the JBD at Tab 11;
- An undated document and English Notarial Certificate dated April 10, 2010, purportedly stating that Tianjin Gongan Hospital has requested that L Y [REDACTED] and Y [REDACTED] Z [REDACTED] care for L H [REDACTED] who suffered cerebral thrombosis and myocardial infarction, a copy of which has been included in the JBD at Tab 12; and
- An outpatient handbook of Tianjin Gongan Hospital and attached receipts for dental care without translation, a copy of which has been included in the JBD at Tab 13.

D. Offenses committed in the Academic Year 2010-2011 (Second and Third Petitions)

13. In the fall term of 2010, Ms. [REDACTED] was enrolled in BIO 120 H – Adaptation & Biodiversity taught by Professors Barrett and Thomson ("Adaptation & Biodiversity") and MUS 110 H – Introduction to Music History & Culture taught by Professor Johnston ("Music History & Culture"). Copies of the course syllabi in Adaptation & Biodiversity and Music History & Culture are included in the JBD at Tab 14.

14. On January 6, 2011, Ms. █ submitted a petition to defer unwritten examinations in Adaptation & Biodiversity and Music History & Culture ("Second Petition"). Ms. █ admits that she knew this petition contained false information. A copy of this petition is included in the JBD at Tab 15.

15. In support of her petition, Ms. █ submitted a letter that purported to be a letter from Dr. Yeang-Sheng Tsai dated December 10, 2010. She also submitted a document that purported to be a University of Toronto Student Medical Certificate signed by Dr. Yeang-Sheng Tsai dated December 20, 2010. Ms. █ admits that she knowingly forged or otherwise falsified this letter and medical certificate. Copies of the letter and medical certificate are included in the JBD at Tab 16.

16. On January 14, 2011, Ms. █ emailed Lee Jeffrey at Woodsworth College. She admits that she provided false information by claiming that she had a serious illness during the 2010 examination period. A copy of this email is included in the JBD at Tab 17.

17. In the winter term of 2011, Ms. █ remained enrolled in Adaptation & Biodiversity and Music History & Culture.

18. On May 1, 2011, Ms. █ submitted a petition seeking late withdrawal without academic penalty from Adaptation & Biodiversity and Music History & Culture ("Third Petition"). Ms. █ admits that she knew this petition contained false information, including, but not limited to the statement that her father had died. A copy of this petition is included in the JBD at Tab 18.

19. In support of her petition, Ms. █ submitted a Personal Statement. Ms. █ admits that she knew this statement contained false information, including, but not limited to the statement that her father died on April 25, 2011. A copy of this statement is included in the JBD at Tab 19.

20. In support of her petition, Ms. █ submitted medical documents and letters that purported to be from doctors, hospital administrators, and others in China. Ms. █ admits that she knowingly purchased the following documents which were forged or otherwise falsified documents and were not prepared or signed by their purported authors.

- a letter entitled "Critical Condition Notice", dated March 11, 2011 and purportedly signed by Chaozhong Liu, on letterhead from People Republic of China Air Force General Hospital, with an English translation, a copy of which has been included in the JBD at Tab 20;
- a Notarial Certificate dated April 20, 2011, certifying the authenticity of the seal affixed to the Critical Condition Notice, with an English translation, a copy of which has been included in the JBD at Tab 21;
- a letter entitled "Death Notice" dated April 27, 2011 and purportedly signed by Zhongli Ma, on letterhead from People Republic of China Air Force General Hospital, with an English translation, a copy of which has been included in the JBD at Tab 22;
- a Notarial Certificate dated May 2, 2011, certifying the authenticity of the translation of the death certificate, a copy of which has been included in the JBD at Tab 23;
- a second letter entitled "Death Notice" dated April 27, 2011 and purportedly signed by Zhongli Ma, a copy of which has been included in the JBD at Tab 24;
- an untranslated letter dated April 27, 2011 entitled "Official Hospital Notice", a copy of which has been included in the JBD at Tab 25;
- a letter dated May 1, 2011 to the Tianjin Evening News Paper, a copy of which has been included in the JBD at Tab 26; and
- a Notarial Certificate with English translation dated May 2, 2011, certifying the authenticity of the translation of the letter to the Tianjin Evening News Paper, a copy of which has been included in the JBD at Tab 27.

E. General Admissions

21. With respect to all of the false information and purchased, forged or falsified documents that Ms. █ provided to the University, Ms. █ admits that she knowingly provided them to the University:

- (a) in order to obtain an academic advantage;
- (b) to mislead the instructors; and
- (c) expecting that the instructors would rely on this information to their detriment and would provide her with an academic advantage.

22. On August 26, 2011, Ms. █ met with Professor John Britton, Dean's Designate for Academic Integrity, to discuss the allegation that Ms. █ had violated the *Code of Behaviour on Academic Matters*. During this meeting, Ms. █ acknowledged that she submitted forged or otherwise falsified medical documents in support of the Second Petition. Ms. █ ultimately acknowledged that she was guilty of purchasing forged or otherwise falsified documents in relation to the First Petition and Third Petition.

23. Ms. █ acknowledges that she has signed this ASF freely and voluntarily, knowing of the potential consequences she faces. Ms. █ acknowledges that the University of Toronto has advised her to obtain independent legal advice before signing this ASF and that she has done so.

Signed on February 6, 2012.

A large rectangular area of the document has been completely redacted with black ink, obscuring a signature.

Y
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Signed on February 12, 2012.

A handwritten signature in black ink, appearing to read "Robert A. Centa".

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

Ms. [REDACTED]

IN THE MATTER OF charges of academic dishonesty made on September 19, 2011, [REDACTED] This Exhibit is produced by

AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995,
the [REDACTED]

AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 56 as amended
S.O. 1978, c. 88 this 14th day of Feb., 2012. CJZ

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

Y [REDACTED]

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and Y [REDACTED] ("Ms. [REDACTED]") have prepared this Joint Submission on Penalty.

2. The Provost and Ms. [REDACTED] submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. [REDACTED]:

(a) a final grade of zero in each of the following courses:

- (i) ECO 100 Y – Introduction to Economics;
- (ii) MAT 135 Y – Calculus I;
- (iii) HIS 103 Y – Statecraft & Strategy: An Introduction to the History of International Relations;

- (iv) POL 108 Y – Global Networks;
 - (v) AST 201 H – Stars and Galaxies;
 - (vi) BIO 120 H – Adaptation and Biodiversity; and
 - (vii) MUS 110 H – Introduction to Music History and Culture.
- (b) a five-year suspension from the University to commence on the day the Tribunal makes its order;
 - (c) a notation of the sanction on her academic record and transcript for a period of six years commencing on the day the Tribunal makes its order.
3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

A. *Agreed facts submitted in support of the Joint Submission on Penalty*

4. For the purposes of the sanction phase of this hearing, the Provost and Ms. █ have agreed on certain additional facts that may be considered by the Tribunal in connection with the Joint Submission on Penalty.

5. Ms. █ has no prior academic offences and admitted guilt at the Dean's meeting.

6. Ms. █ has been enrolled at the University of Toronto since 2007. She has accumulated 1.0 academic credits and earned a cumulative GPA of 0.33. At the time of the offences, Ms. █ was on academic probation. Currently, Ms. █ is on a 1-year academic suspension from January 1, 2011 – December 31, 2011 due to her low GPA.

7. Ms. █ has faced significant parental pressure to study economics at the University of Toronto, a program Ms. █ has little interest in.

8. Ms. █ acknowledges that she has signed this JSP freely and voluntarily, knowing of the potential consequences she faces. Ms. █ acknowledges that the University of Toronto has

advised her to obtain independent legal advice before signing this JSP and that she has done so.

Signed on February 14, 2012.



Y [redacted]

Signed on February 13, 2012.

A handwritten signature in black ink, appearing to read "Robert A. Centa".

Robert A. Centa
Assistant Discipline Counsel
University of Toronto