

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

Members of the Panel:

Michael Hines, Co-Chair

Professor Arthur Silver, faculty member, Department of History

Cynthia Wesley-Esquimaux, student member, School of Graduate Studies

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended;

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

AND IN THE MATTER of disciplinary charges against Mr. P.

Gleb Bazov, Downtown Legal Services, for Mr. P.

Lily I. Harmer, Assistant Discipline Counsel, for the University

Appearances:

Paul Holmes – Judicial Affairs Officer

Betty-Ann Campbell – Paliare Roland Rosenberg Rothstein LLP

Mr. P. - accused

BACKGROUND

[1] A hearing of the Trial Division of the University Tribunal was convened at 5:00 p.m. on Tuesday, January 28, 2003 in the Falconer Room, Simcoe Hall, to consider the following charges brought under the *Code of Behaviour on Academic Matters* against Mr. P. by letter dated July 25, 2002 from the Provost, Professor Shirley Neuman:

1. THAT on or about April 10, 2001, you knowingly forged, or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.I.1.(a) of the *Code*. In particular, you provided a forged, or in any

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other way altered or falsified letter to Professor Perumalla in support of your request to be permitted to write a make-up lab final test in PSL 374.

2. THAT on or about April 7, 2001, you knowingly forged, or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.I.1.(a) of the *Code*. In particular, you provided a forged, or in any other way altered or falsified Motor Vehicle Accident Report (“MVAR”) to Professor Perumalla in support of your request to be permitted to write a make up lab final test in PSL 374.
3. THAT on or about May 3, 2001, you knowingly forged, or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.I.1.(a) of the *Code*. In particular, you provided a forged, or in any other way altered or falsified letter purporting to be from Sergeant John Stevenson of the York Regional Police to Professor Perumalla in support of your request to be permitted to write a make up lab final test in PSL 374.
4. THAT on or about April 10, 2002, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or any other academic advantage of any kind contrary to a. B.I.3.(b) of the *Code*. In particular, you provided a forged or in any other way altered or falsified letter to Professor Perumalla in support of your request to be permitted to write a make-up lab final test in PSL 374.
5. THAT on or about April 7, 2001, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or any other academic advantage of any kind contrary to s. B.I.3.(b) of the *Code*. In particular, you provided a forged or in any other way altered or falsified MVAR to Professor Perumalla in support of your request to be permitted to write a make up lab final test in PSL 374.
6. THAT on or about May 3, 2001, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code*, in order to obtain academic credit or any other academic advantage of any kind contrary to s. B.I.3.(b) of the *Code*. In particular, you provided Professor Perumalla with a forged or in any other way altered or falsified letter purporting to be from Sergeant John Stevenson of the York Regional Police to Professor Perumala in support of your request to be permitted to write a make up lab final test in PSL 374.

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7. THAT on or about March 2, 2001, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered circulated or made use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.1.1.(a) of the *Code*. In particular, you knowingly provided false information regarding the reason for your absence from the term exam in PSL 303 on Wednesday February 28, 2001, to Professor Milton Charlton in support of your request to be permitted to write a make up test in PSL 303. In support of this request, you told Professor Charlton the following things, which are untrue:
 - a. That you sent him an e-mail on February 27, 2001, to explain that you would be absent from the exam;
 - b. That you were unable to write the examination on February 28, 2001, because you attended the funeral in Detroit of your friend or cousin C.P., a police officer, who had been killed in the line of duty.
8. THAT on or about April 8 or 9, 2001, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered circulated or made use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.I.1.(a) of the *Code*. Specifically, you provided a forged, or in any other way altered or falsified, handwritten fax, which you claimed was written by your aunt, to Professor Milton Charlton. You wrote that fax, or in any event gave this fax, which you knew contained false information, to Professor Charlton in support of your request to write a make-up test in PSL 303.
9. THAT on or about March 2, 2001, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code*, in order to obtain academic credit or any other academic advantage of any kind contrary to s. B.I.3.(b) of the *Code*. Specifically, you knowingly provided Professor Milton Charlton with false information regarding the reason for your absence from the term exam in PSL 303 on Wednesday February 28, 2001. In support of your request for permission to write a make-up exam, you told Prof. Charlton the following things which are untrue:
 - a. That you sent him an e-mail on February 27 to explain that you would be absent from the exam;
 - b. That you were unable to write the examination on February 28, 2001, because you attended the funeral in Detroit of your friend or cousin C.P., a police officer, who had been killed in the line of duty.

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10. THAT on or about April 8 or 9, 2001, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code, in order to obtain academic credit or any other academic advantage of any kind contrary to s. B.I.3.(b) of the Code. Specifically, you provided a forged, or in any other way altered or falsified, handwritten fax, which you claimed was written by your aunt, to Professor Milton Charlton. You wrote that fax, or in any event gave this fax, which you knew contained false information, to Professor Charlton in support of your request to write a make-up test in PSL 303.

[2] Neither the student nor counsel for the student attended at the hearing on January 28, 2003. The Tribunal heard evidence from Paul Holmes, Judicial Affairs Officer, concerning the efforts that the University had undertaken to locate and serve Mr. P. with Notice of the hearing. Shortly before the hearing, the University learned that there was a possibility that Mr. P. no longer resided in Canada. In the circumstances the Tribunal determined that it would be best to make further efforts to locate and serve Mr. P. with notice of the hearing.

[3] After further efforts to contact Mr. P. and serve notice of the hearing, the Tribunal reconvened on Wednesday, February 4, 2004, at which time both Mr. P., and his representative, Mr. Bazov, of Downtown Legal Services, were in attendance in the Council Chamber, Simcoe Hall. Mr. P. pled guilty to the charges found at Exhibit "1".

[4] An Agreed Statement of Facts was entered into evidence and is appended here as Appendix "A".

[5] After reviewing the Agreed Statement of Facts and considering the submissions of counsel, the Tribunal accepted the guilty plea and entered a guilty verdict. An adjournment was then granted to permit counsel to exchange documents pertaining to the penalty phase of the hearing.

[6] The Tribunal reconvened on Wednesday, March 31, 2004, in the Council Chamber, Simcoe Hall, for the penalty phase of the hearing, at which time the Tribunal heard from Betty-Ann Campbell, who had attempted to locate Mr. P. and serve him with the letters and documents previously sent by mail. It also heard from Mr. P. himself.

REASONS FOR SANCTION

[7] The Panel all have significant doubts regarding Mr. P.'s credibility, not only regarding the events leading to the charges, but even as it relates to what he told us under oath. Much of his testimony would have been difficult to accept had it been offered by a witness without a past history of lying. Coming from Mr. P., who evidently can be a very skilful liar (see Appendix "A"), it was unreliable.

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[8] The Panel is unanimously of the view that the University's request for the expulsion of Mr. P. should be supported. His actions were egregious and reprehensible in the extreme. He lied repeatedly to his professors. He forged numerous documents. He implicated other organizations, including a police service. While admitting wrongdoing to his Dean in one case, he continued to lie about another, a clear and calculating attempt on his part to cut his losses while continuing to avoid full accountability.

[9] He tells us he is now a "changed person" as result of the birth of his son. We note he was already 28 years of age when the events in question occurred. He tells us he was reacting to the stress of learning he was to become a father. Yet according to the Agreed Facts and his evidence before us, his lies began in February 2001, whereas he only learned he was to become a father in March.

[10] In any event, stresses of this kind by no means end with the birth of one's child. We are uncomfortable with the prospect of Mr. P. having to cope with future difficulties. Members of the Faculty should not be placed in the role of detective. Yet wherever Mr. P. sought an indulgence or, we believe, even where he provided unsupervised academic work, this would be necessary in order to ensure fairness to other students and to protect the integrity of the University. This is an untenable situation.

[11] Mr. P. appears to see his relationship with the University in very narrow terms. Its importance to him is to assist him in taking "the next step" in his career (ironically, to a "sales position"). He does not appear to recognize the impact his behaviour can have on how professors regard their students. He does not appear to appreciate the unfairness of his actions to other students. He does not appear to understand that his future professors (should he be allowed to continue his studies) could never trust him.

[12] This is, again, ironic given his adamant determination that the existence of these proceedings not come to the attention of his present employer, and his clear recognition of the impact such disclosure would have in his employer's eyes. He obviously realizes that he would likely be "expelled" from his job in the "real world", but asks not to be expelled from this University.

[13] Mr. P. was by no means a model student in the past. We appreciate that he is very close to obtaining his degree from this University and that, should he be expelled, he may have difficulty in securing a place at another university. While this is perhaps unfortunate, we are not persuaded that this is a relevant factor for us to consider.

[14] In any event, a degree from this University is more than a certificate of academic achievement. Obviously it is not possible for the University to investigate the character of all of its potential graduates. That is not, however, to say it should turn a blind eye in cases where the character of a student is demonstrated to be fundamentally inconsistent with the University's core values. The fact that he may have succeeded (or may be able to succeed) in meeting an acceptable academic threshold does not make up for this deficiency.

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[15] We therefore order,

(a) that Mr. P. receive a mark of “O” in each of PSL 374 and PSL 303, and

(b) that this case be reported to the Provost for purposes of publication.

We further recommend to the President that Mr. P. be expelled from the University.

I certify that this is the decision of the Panel:

April 16, 2004

Date

Michael Hines

Michael Hines, Co-Chair

APPENDIX “A”

IN THE MATTER OF THE UNIVERSITY OF TORONTO CODE OF BEHAVIOUR ON ACADEMIC MATTERS

BETWEEN:

THE UNIVERSITY OF TORONTO

-and-

Mr. P.

AGREED STATEMENT OF FACTS

INTRODUCTION

1. Mr. P., Student Number [REDACTED], (the “Student”), has been enrolled in the Faculty of Arts and Science Program at the University of Toronto (the “University”) since 1993. He was one of approximately 25 students enrolled in the specialty program [REDACTED].
2. This hearing has been convened to hear charges brought by the University against the student under the Code of Behaviour on Academic Matters, 1995 (the “Code”) concerning two courses in which the Student was enrolled in the 2001 Winter Session: PSL374 and PSL303 (the “Charges”). A copy of the Charges is attached (**Appendix A²**).

BACKGROUND FACTS

3. The Student was placed on academic probation for one year after the 1998 Summer Session, when his cumulative grade point average fell below 1.50. He was granted late withdrawal from all of his courses in the fall of 1998. The Student then took one course in summer 1999, after which he was placed on academic suspension for one year.

¹ Portions of the Agreed Statement of Facts have been blacked out to delete identifying information and preserve the student’s confidentiality.

² Appendix “A” to the Agreed Statement of Facts has not been reproduced in these reasons. Note that all appendix references *infra* refer to the Agreed Statement of Facts and have not been reproduced in these reasons.

4. The Student took 4 courses in the 2000 Fall and 2001 Winter session, including PSL374 and PSL303, the courses giving rise to the Charges. The Student had been enrolled in both PSL374 and PSL303 previously in the 1997-1998 Winter Session. He received a mark of F in PSL374 and E in PSL303.
5. The Student was placed on a three year academic suspension at the end of the 2001 Winter Session. The Student's academic record as of January 15, 2004 is attached (**Appendix B**).

SUMMARY OF THE CHARGES

6. A summary of the charges against the Student with respect to each course is as follows:
 - a. In support of a request to write a make-up lab final test in **PSL374** and contrary to sections B.I.1.(a) and B.I.3(b) of the Code the Student:
 - i. on April 10, 2001 knowingly forged or falsified a letter to Professor Perumalla;
 - ii. on April 7, 2001 knowingly forged a Motor Vehicle Accident Report;
 - iii. on May 3, 2001 knowingly forged a letter purporting to be from Sergeant John Stevenson of the York Regional Police;
 - b. in support of a request to write a make-up test in **PSL303** and contrary to sections B.I.1.(a) and B.I.3.(b) of the Code the Student
 - i. on or about March 2, 2001 knowingly provided false information to Professor Charlton regarding the reason for missing the term exam on Wednesday February 29, 2001, by falsely claiming that:

1. he had sent an email on February 27, 2001 to the Professor to explain his absence; and
 2. he had been unable to write the exam because he had attended the funeral of his cousin, a Detroit police officer killed in the line of duty;
- ii. on or about April 8 or 9, 2001 knowingly forged a handwritten fax purporting to be from an aunt, which fax contained false information.

FORMAL ADMISSIONS BY THE STUDENT

7. The Student admits that he has committed each of the offences set out in Charges 1 through 10 as summarized above and attached at Appendix B. He further admits the following particulars with respect to those Charges:

PSY374:

- a. Contrary to sections B.I.1.(a) and B.I.3.(b) of the Code, in support of a request to write a make-up test in PSL374, he:
 - i. submitted a forged Accident Report dated April 6, 2001 to Professor Perumalla, purportedly from the York Regional Police, knowing that it was fraudulent as it was not from the police, and knowing that it was forged and contained false information;
 - ii. submitted a forged letter dated May 3, 2001, purportedly from Sgt. Stevenson, to Professor Perumalla in the form of the May 3rd Fax, knowing that it was fraudulent as it was not from Sgt. Stevenson, and knowing that it was forged and contained false information;
 - iii. submitted the Repair Estimate dated April 7, 2001 to Professor Perumalla, purportedly from BMC Auto Collision Inc., knowing that it was fraudulent as it was not from BMC Auto Collision Inc., and knowing that it was forged and contained false information;

PSY303:

- b. Contrary to sections B.I.1.(a) and B.I.3.(b) of the Code, in support of a request to write a make-up test in PSL303, he:
- i. knowingly provided false information to Professor Charlton regarding the reason for missing the term test 303 Test on Wednesday February 28, 2001, by falsely claiming in his meeting with Professor Charlton on March 2, 2001 that:
 - he had sent an email on February 27, 2001 to the Professor to explain his absence, when he had not; and
 - he had been unable to write the exam because he had attended the funeral of his cousin, a Detroit police officer killed in the line of duty, when he had not;
 - ii. knowingly forged the April 8th Fax purporting to be from an aunt, which fax contained false information, and submitted this information to Professor Charlton, knowing it to be fraudulent.

DETAILED FACTS - PSL303

8. The Student was enrolled in the 2001 Winter Session of PSL303, a full year course entitled "Topics In Physiology". The instructor, Professor M.P. Charlton, administered a term test on February 28, 2001 (the "303 Test"). The Student failed to attend the 303 Test.
9. On March 2, 2001, the Student met with Professor Charlton to request a makeup test. The Student advised Professor Charlton that:
 - a. he had missed the 303 Test because he had been required to leave the city unexpectedly to attend his cousin's funeral in Detroit;

- b. his cousin had been a Detroit undercover police officer who had been killed in the line of duty;
 - c. his cousin's name was C.P., and his aunt's name (the mother of the deceased) was V.W.; and
 - d. he had sent Professor Charlton an email on February 27, 2001, the day before the test, advising him of these circumstances.
10. Professor Charlton requested the Student to provide further details and documentation to confirm his story.

February 27, 2001 Email to Professor Charlton

11. Professor Charlton did not receive an email from the Student on February 27, 2001. When questioned by Professor Charlton further about this purported email, the student stated that he had sent the email to m.charlton@utoronto.ca. Professor Charlton's actual e-mail address, as identified in the course syllabus and the University directory, is Milton@spine.med.utoronto.ca.
12. Professor Charlton and the Student reviewed the Student's e-mail account together. It disclosed no evidence that an e-mail had actually been sent on February 27, 2001, as alleged by the Student.

Death of C.P.

13. By email on March 3, 2001 the Student wrote to Dr. Charlton (attached as **Appendix C**) and advised the following:
- a. he continued to try to obtain all of the information requested;
 - b. he was having a hard time obtaining any information from the police department because they would not release any information to anyone other than immediate family;

- c. one police office advised him he would need his cousin's division and badge number, which information he did not have; and
 - d. he had not yet been able to reach his aunt V.W. but would continue to try to do so.
14. In both a letter and an email dated March 7, 2001, Professor Charlton advised the Student that he would require the appropriate supporting documentation within one week and that any such documentation would be verified. Professor Charlton specifically requested the deceased's name and relationship to the Student, the phone number of a relative who could verify the Student's attendance at the funeral, proof that the Student was in or near Detroit on February 28, 2001, and contact information for the funeral home and the deceased's employer. He also requested the immediate delivery of a signed, dated statement outlining the Student's reasons for missing the 303 Test. The Student acknowledged receipt of this letter by signing it on March 7, 2001. A copy of the March 7, 2001 letter is attached **(Appendix D)**.
15. The Student requested a one week extension on March 8, 2001, and advised Professor Charlton that he was still trying to get in touch with his aunt to obtain the requested information **(Appendix E)**.
16. On March 14, 2001 the Student sent a further email to Professor Charlton, advising that his efforts to provide the requested information had been unsuccessful **(Appendix F)**. He did provide a work phone number for his aunt. However, subsequent attempts by the University to reach her at that number were unsuccessful.
17. Professor Charlton contacted the Detroit police department and was advised that there was no member of the force named C.P. This was subsequently confirmed in a letter from the Detroit Police Officers' Association dated September 10, 2002 **(Appendix G)**

18. On April 8 or 9, 2001, the Student provided Professor Charlton with a handwritten fax dated 4/2/01, but faxed 4/8/2001 (the “April 8th Fax”) purportedly sent by the Student’s aunt, V.W., who he claimed was now residing in [REDACTED]. The April 8th Fax contained the following information, with a request that it be kept confidential “since his case is still investigated” [sic]:

- a. Christian, born July 23, 1968 in [REDACTED]
- b. with Federal Protection Services of Detroit Police – 57912
- c. Stinson Funeral Home
- d. Michigan Memorial Park
- e. “My son will return to [REDACTED] in a few months”
- f. “Any other information, I am at 410292 in [REDACTED]”

The fax stamp showed “4/8/2001 11:03 AM FROM: ; [REDACTED] TO: 00 1 416 495 8215 “ (**Appendix H**).

19. Professor Charlton contacted the funeral home by letter dated April 9, 2001 requesting confirmation of the information provided by the student (**Appendix I**). Professor Charlton spoke by telephone to Stephen Kemp at the Stinson Funeral Home on April 23, 2001 and was advised that Stinson Funeral Home could find no record of having provided services for a deceased individual with the surname of P. or W. at any of its three locations.

20. Mr. Kemp subsequently confirmed in an affidavit sworn September 8, 2003 (**Appendix J**) that no funeral service was arranged at any of Stinson’s three facilities for C.P., or for a relative of V.W., in February or March 2001.

21. On contacting Michigan Memorial Park cemetery, Professor Charlton was advised that no such individual had been interred at that facility. This was subsequently confirmed in an affidavit sworn by Donna VanDeCar on August 20, 2003 (**Appendix K**).

22. In a letter dated April 23, 2001 Professor Charlton reported these events to Dr. W.A. MacKay, Undergraduate Coordinator of the Department of Physiology, and Dr. P. Brubaker, Chair of the department.

DETAILED FACTS - PSL374

Car Accident:

23. The Student was enrolled in the 2001 Winter Session of PSL374, a half-year course entitled "Advanced Physiology Lab". The instructor, Professor C.J. Perumalla, administered a final lab test worth 35% of the course mark on April 6, 2001 (the "374 Test").
24. On the morning of the 374 Test, while it was in progress, the Student left a message for Professor Perumalla indicating he was unable to write it because he had been involved in a car accident that morning.
25. That afternoon, the Student met with Professor Perumalla to request a makeup test for the following week. He was wearing a bandage on his right arm, and told Professor Perumalla that he had injured his wrist and thumb in the accident. Professor Perumalla asked him to provide a written report outlining his reasons for missing the 374 Test and requesting a makeup test, as well as the following three supporting documents: (i) a police report or letter regarding the incident; (ii) a bill from the tow truck driver; and (iii) an emergency report, documenting the Student's claim that he had injured his wrist and thumb in the accident.

Student's Explanation

26. The Student provided the requested statement outlining details of the accident in a letter dated April 10, 2001 (**Appendix L**). His explanation included the following details:
 - a. a detailed description of car troubles experienced on the ramp from Aurora Side Rd to Hwy 404 while driving to class on April 6, 2001;

- b. Sgt. Stevenson from York Police stopped and called a tow truck;
- c. the car was towed to BMC Garage in Richmond Hill;
- d. the Student then attended school, where he met with Professor ;
- e. the car breakdown had caused pain to the Student in his right thumb;
- f. the Student attended at the emergency department of Toronto General Hospital to have his thumb attended to;
- g. the Student was able to obtain a copy of the accident report by fax after the fact because the damage was done only to his car;
- h. he obtained a repair estimate which was very high and not worth the value of the car; and
- i. the Student made one visit and numerous phone calls to Fred at BMC Garage to attempt to obtain a copy of the tow-truck bill.

The Motor Vehicle Accident Report

27. The Student also provided Professor Perumalla with a faxed copy of what purported to be a Motor Vehicle Accident Report from the York Regional Police (the "Accident Report") (**Appendix M**). This report included the following information:

- a. Accident No. 00-00000 Time: 17:15
- b. Time Officer arrived: 9:55
- c. Name of investigating Police Officer: SG Stevenson Badge No. 864
- d. Name of Submitting Police Force: Aurora York Reg police
- e. Trafficway: Aurora Side St
- f. Reference Point: HWY 404
- g. Driver: P., N. [REDACTED] #808, North York
- h. Drivers License No.: P29407-57101-20616

i. License Plate No. [REDACTED]

j. Make: [REDACTED] [REDACTED]

28. The fax heading on the Accident Report reads as follows:

4/6/2001 5:51 PM FROM: YORK REGIONAL POLICE TO: 416 498 8215

29. Professor Perumalla advised the Student that he intended to contact the police to verify the information.

30. Professor Perumalla faxed the Accident Report to the York Regional Police and was subsequently informed by Constable K. Tanczos that the Accident Report was fraudulent. This information was communicated verbally and in writing by fax dated April 10, 2001 (**Appendix N**). In particular, Constable Tanczos advised that:

- a. "accident report #00-00000 has been fraudulently created by persons unknown";
- b. the accident report was not written by Sgt. Stevenson, nor was it investigated by any police officer from that Department;
- c. Sgt. Stevenson did not carry the badge number indicated in the report;
- d. Sgt. Stevenson was not working on April 6, 2001;
- e. York Regional Police do not patrol or investigate any accidents occurring on four series highways;
- f. accident reports for 2001 begin with 01 and are assigned a number;
- g. York Regional Police had no accident reports numbered 00-00000
- h. the drivers license number indicated on the report is not on file as existing;
- i. there is no such street as Aurora Side St.; rather, it is Aurora Side Road; and

- j. York Regional Police does not call itself Aurora York Reg. Police, but use its full title.

Repair Estimate

31. The Student contacted Professor Perumalla on a number of occasions to advise that he did not have a report from the hospital or a receipt from the tow truck driver. He did, however, produce what purported to be a repair estimate dated 4/7/2001 from “BMC Auto Collision Inc. Servicing” at 140 Bradwick Dr., Unit 20-21, Richmond Hill, On L4C 1K8 (the “Estimate”) (**Appendix O**). The Estimate contained the Student’s name, and provided a quote for repairs to a 1982 [REDACTED].
32. Subsequently, as a result of an investigation by the University, Fred Cutone, owner of BMC Auto Collision Inc. at 140 Bradwick Drive, Unit 20-21 Concord, Ontario L4K 1K8 (“BMC”), advised:
 - a. the Estimate provided to the University by the Student was not one of his company’s estimates;
 - b. BMC’s computer system is not set up to produce such an estimate, nor has he ever seen one like it;
 - c. BMC has no record of providing an estimate to the Student; and
 - d. the vehicle described, the 1982 [REDACTED], was never given to BMC for scrap.

Mr. Cutone also provided a copy of a repair estimate actually provided by BMC to a customer. The information provided by Mr. Cutone is attached as **Appendix P**.

Letter from Sgt. John Stevenson

33. In early May 2001, Professor Perumalla received a fax dated May 3, 2001 from an individual identified as Sgt. J. Stevenson (the name of the investigating officer appearing on the Accident Report), confirming the Student's accident (the "May 3rd Fax) (**Appendix Q**). The May 3rd Fax provided the following information:
- a. On April 6th at approximately 9:30 a.m., while he was off-duty, Sgt. Stevenson assisted the driver of a disabled [REDACTED], plates [REDACTED];
 - b. "The vehicle was unfit to drive as per the Highway Traffic Act. The driver, Mr. P. asked for his vehicle to be towed";
 - c. Mr. P. contacted Sgt. Stevenson later that day to request an accident report;
 - d. Sgt. Stevenson advised the Student to fill out a self-reporting collision report form, as an accident report could only be issued by an on-duty police officer; and
 - e. the Student explained he needed the report as proof to school, so Sgt. Stevenson contacted an officer from traffic, informed her of Mr. P.'s request, and gave her the necessary information.
34. Professor Perumalla again spoke to Constable Tanczos by telephone and was advised that the May 3rd Fax had not been written or sent by Sgt. Stevenson.
35. Professor Perumalla reported these events to Dr. MacKay and Dr. Brubaker by letter dated May 15, 2001.

MEETING WITH THE DEAN'S DESIGNATE AND FOLLOW-UP

36. By letter dated May 31, 2001 from Professor B.I. Roots, the Dean's Designate for Academic Behaviour, the Student was notified of the

allegations against him and was asked to contact her office to arrange a meeting. A copy of the letter is attached (**Appendix R**).

37. On July 16, 2001, the Student met with Professors Roots, Charlton and MacKay, attending on behalf of Professor Perumalla (the "Dean's Meeting"). Ms. Susan Bartkiw was also present as an observer. Shortly before the meeting, Ms. Bartkiw again confirmed with the York Regional Police that the Accident Report and the May 3rd Fax submitted by the Student were false documents.
38. The Student was not represented at this meeting. Professor Roots advised him of his rights under the Code, and warned him that pursuant to section C.I.(a) 6 he was entitled to seek advice or be accompanied by counsel, and that he was not obliged to make any statement, but that if he did so it may be used or receivable in evidence against him in the hearing of any charge relating to the alleged offence in question.

PSY374

39. During the Dean's Meeting the Student admitted that he had provided false information and forged documentation in support of his claim that he had been involved in an accident while en route to write the 374 Test. According to the Student, his car had not actually been involved in an accident but had broken down. Then, having fabricated a story about an accident for Professor Perumalla who, in turn, requested an accident report, he had enlisted the assistance of friends who provided him with the Accident Report and the May 3rd Fax. He then submitted these to Professor Perumalla, knowing them to be false, and to be forged documents.
40. According to the Student, he resorted to these tactics because Professor Perumalla would not consider allowing him to write a make-up test unless an accident report was provided.

PSY303

41. During the Dean's Meeting, when asked to explain his reasons for missing the 303 Test, the Student continued to give his cousin's death and funeral as the reason for his absence. In support of this story, at the Dean's Meeting the Student provided the following additional particulars:
- a. he had been informed of the death by his aunt, V. P.;
 - b. he was uncertain of her last name as she had been married several times;
 - c. she was not actually his aunt, but a close family friend and that it is a tradition of his culture to confer such titles on non-family members;
 - d. his "aunt" advised him that people would be coming from Montreal to take him to the funeral. This contradicted his earlier statement to Professor Charlton that he had attended with his parents. The Student was unable to explain this contradiction, except to say he had not spoken with his family for years;
 - e. they went to the funeral which had been organized by the police and they then went to the cemetery with the casket to bury his cousin;
 - f. he did not know the name of the cemetery;
 - g. in response to Professor Charlton's request for documentation, he had:
 - i. left messages for his aunt at her home and the museum where she worked, but received no response;
 - ii. contacted every police department his cousin had worked for and spoken with someone who declined to release information to anyone other than immediate family;
 - iii. gone to his parents who provided him with his aunt's number and learned that she had returned to [REDACTED];
 - iv. received a fax from his aunt that he provided to Professor Charlton, which fax was in his aunt's handwriting.

42. The Student was informed during the Dean's Meeting that Professor Charlton had been told by Stinson Funeral Home and by Memorial Park Cemetery that they had not been involved with the burial of anyone by the last name of P.
43. The Dean's Meeting was concluded on the basis that, in light of the Student's continued insistence that he had attended his cousin's funeral on February 28, 2001, the Student would have a further opportunity to provide additional information and documentation by no later than August 16, 2001.
44. The Student did not provide the required information and documentation by the agreed-upon date. In a follow-up letter to the Student from Ms. Bartkiw dated October 12, 2001, he was requested to do so by October 26, 2001, failing which the matter would be referred to a hearing before the University Tribunal (**Appendix S**). The Student did not provide any further information or documentation.
45. As a result of concerns about the authenticity of the April 8th Fax and the suspicion that it may have been authored by the Student, it was submitted to the Centre of Forensic Sciences for comparative analysis. In his report dated September 28, 2001, Douglas Isherwood, Senior Document Examiner, concluded that the April 8th Fax was probably written by the Student, as the results of the testing pointed strongly to his having done so, with only a slight or theoretical possibility that he had not. A copy of the report is attached (**Appendix T**).
46. Professor Roots wrote to the Student on April 15, 2002 (attached as **Appendix U**) to:
 - a. summarize the discussion at the Dean's Meeting of July 16, 2001;
 - b. confirm his admission of guilt with respect to the allegations concerning PSL374;
 - c. document the efforts made by the University to obtain further information from the Student; and

- d. advise him that in the circumstances she would request that the matter be referred to a hearing before the University Tribunal.

FORMAL CHARGES AND HEARING

47. Formal charges were delivered to the Student under cover of a letter dated July 25, 2002 from Shirley Neuman, Vice-President and Provost of the University.
48. By letter dated July 29, 2002 from Paul J. Holmes, the University's Judicial Affairs Officer, the Student was notified that a hearing would be scheduled. Mr. Holmes outlined the procedural steps associated with the tribunal process and, in light of the serious nature of the charges, he recommended that the Student seek legal advice. The Student and/or his legal counsel was asked to contact Mr. Holmes on receipt of his letter, a copy of which is attached (**Appendix V**).
49. Mr. Holmes received no response to either his letter or to subsequent correspondence. Efforts to contact the Student by telephone for the purpose of arranging a hearing date were unsuccessful. Accordingly, the hearing of the matter was scheduled for January 28 and January 29, 2003 and notice was delivered to the Student at his last known address by way of letter dated November 28, 2002.
50. The hearing commenced on the evening of January 28, 2003. Although the Student had been given advance notice of the date, time and location of the hearing through a series of letters from the University delivered to his last three known addresses, and despite attempts at personal service, Mr. P. was not present (see Exhibits filed January 28, 2003). The Chair directed that further efforts be undertaken to locate and serve the Student with notice of the hearing. The hearing was adjourned on that basis.

51. Following the hearing on January 28, 2003 the University made considerable additional efforts to determine the whereabouts of the Student. These efforts ultimately confirmed that he did, in fact, reside at 85 [REDACTED] [REDACTED], one of the addresses at which prior attempts to effect both personal service and service by mail of the notice had been made.
52. The resumption of the hearing was scheduled for September 17 and September 18, 2003. Following numerous unsuccessful attempts to serve the Student in person at his residence, service of the Notice of Hearing was effected on his wife as she left the house. The Student then contacted Mr. Holmes to request an adjournment of the hearing.

Dated at Toronto, Ontario this 4th day of February, 2004.

Witness

Mr. P.

University of Toronto

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