

# THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on November 25, 2013

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

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 –

Y X G

## REASONS FOR DECISION

**Date of Hearing:** Wednesday, January 15, 2014

**Members of the Panel:**

Mr. Jeffrey Leon, Barrister and Solicitor, Chair

Dr. Chris Koenig-Woodyard, University of Toronto Mississauga, Department of English and Drama, Faculty Panel Member

Mr. Michael Dick, Student Panel Member

**Appearances:**

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

Ms. Y X G (the "Student") appeared in person, without counsel

**In Attendance:**

Dr. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts and Sciences

Sinéad Cutt, Administrative Assistant, University of Toronto, Office of the Governing Council

## **Preliminary Matters**

1. The Trial Division of the University Tribunal was convened on January 15, 2014 to consider ten charges brought by the University of Toronto against the Student under the *Code of Behaviour on Academic Matters, 1995* (the "Code").
2. The Student was provided with a document setting out the charges by way of letter dated November 25, 2013 from Professor Edith Hillan, Vice-Provost, Faculty & Academic Life.
3. The Student attended the hearing without counsel. The Student confirmed that she preferred to deal with this matter without counsel and that she understood the nature and consequences of the charges, the documents and the proceedings.

## **The Charges**

4. The charges against the Student related to three separate courses and incidents and related to the knowing falsification of documents and evidence in the context of seeking academic accommodations from the Committee on Standing of the Faculty of Arts and Science, at the University of Toronto (the "Committee"), all contrary to Section B.I.1(a) of the Code.
5. The charges are as follows:
  - (i) On or about May 2, 2013, the Student knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of a falsified document, namely, a Petition form seeking

academic accommodations or relief that she submitted to the Committee on Standing of the Faculty of Arts and Science at the University of Toronto (the "Committee"), contrary to Section B.I.1(a) of the Code.

- (ii) On or about May 2, 2013, the Student knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which she submitted to the Committee in support of your request for academic accommodation, contrary to Section B.I.1(a) of the Code.
- (iii) On or about May 2, 2013, 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 any such forged, altered or falsified document, namely, a Verification of Student Illness or Injury Form, dated April 30, 2013, which she submitted in support of her request for academic accommodations, contrary to Section B.I.1(a) of the Code.
- (iv) On June 28, 2013, 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 that she submitted to the Committee seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.
- (v) On or about July 4, 2013, the Student knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement dated July 4, 2013, which she submitted to the Committee in support of her

request for academic accommodation, contrary to Section B.I.1(a) of the Code.

- (vi) Between June 25 and July 4, 2013, 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 any such forged, altered or falsified document, namely, a University of Toronto Verification of Student Illness or Injury Form, dated June 25, 2013, which she submitted in support of her request for academic accommodations, contrary to Section B.I.1(a) of the Code.
- (vii) On or about August 19, 2013, 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 that she submitted to the Committee seeking academic accommodations or relief, contrary to Section B.I.1(a) of the Code.
- (viii) On or about August 22, 2013, the Student knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which she submitted to the Committee in support of her request for academic accommodation, contrary to Section B.I.1(a) of the Code.
- (ix) Between August 15 and August 22, 2013, 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 any such forged, altered or falsified document, a Verification of Student Illness or

Injury Form, dated August 15, 2013, which she submitted in support of her request for academic accommodations, contrary to Section B.I.1(a) of the Code.

- (x) 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 in order to obtain academic credit or other academic advantage of any kind, which violated section B.I.3(b) of the Code.

### **Plea**

6. Counsel for the University filed, as Exhibit "1", an Agreed Statement of Facts. The Student acknowledged in that Agreement that she signed the Agreement freely and voluntarily and knowing the potential consequences faced. She acknowledged that she had the opportunity to obtain legal advice and that she had either done so or waived her right to do so. The Student further waived the reading of the charges and pled guilty to all ten of the charges. The Panel again asked the Student whether she understood the charges and the consequences and she confirmed that she did, that she did not require the charges to be read and that she wanted to plead guilty.

### **The Facts**

7. In addition to the Agreed Statement of Facts, counsel for the University filed a Joint Book of Documents ("JBD"), which was marked as Exhibit "2". The Student agreed with the admission of the documents to prove the truth of their contents.

8. The fact pattern in relation to the conduct of the Student was similar for all three incidents that formed the subject matter of the charges. Charges 1 to 3 relate to the Student's enrollment in MAT135 in the Winter of 2013. She petitioned the Committee for academic accommodation for an exam missed on April 30, 2013 (JBD, Tab 4). In support, she submitted a Personal Statement (JBD, Tab 5) claiming that she was ill on the date of the exam. The Student admitted this is false and that she circulated the Statement knowing that it was false. She also submitted in support of the Petition a University of Toronto Verification of Student Illness or Injury Form (JBD, Tab 6), purportedly signed by a treating physician from the North York General Hospital. The Student did not attend the North York General Hospital and was not treated by the physician. In fact, the medical note was purchased by the Student from an online service. The Student admitted that she knew the document was forged and falsified when she submitted it in support of her request for academic accommodation. The University relied on this documentation and granted the Student's Petition for academic accommodation (JBD, Tab 7).

9. Charges 4 to 6 relate to CHM138 in which the Student was enrolled in the Summer of 2013. The same pattern was followed, including a Petition (JBD, Tab 8), a Personal Statement (JBD, Tab 9) that the Student admits was false and that she submitted knowing that it was false and a University of Toronto Verification of Student Illness or Injury (JBD, Tab 10) purportedly signed by a different physician at St. Michael's Hospital. The Student admits that she did not attend at the hospital, that she was not treated and that the medical note was again purchased from an online service

and that she submitted it knowing that it was a false document. The University again granted the Student's Petition for academic accommodation (JBD, Tab 11).

10. Charges 7 to 9 relate to the Student's enrollment in the Summer of 2013 in CHM139 and again follow the same pattern of a Petition for academic accommodation (JBD, Tab 12), a Personal Statement in support (JBD, Tab 13) that was false and submitted by the Student knowing that it was false and a University of Toronto Verification of Student Illness or Injury (JBD, Tab 14), purportedly prepared and signed by a medical doctor at the Scarborough Hospital. The Student admitted that she did not attend at that hospital and that she did not receive treatment on the date alleged. The Student purchased this document from an online service and admitted that she submitted it knowing it was a false document in support of her request for academic accommodation.

11. More generally, the Student admitted that she knowingly circulated all of the false information and the forged or falsified documents to the University: (a) in order to obtain an academic advantage; (b) to mislead the University and staff and faculty; and (c) expecting that the University and its staff and faculty would rely on this information to their detriment and would provide her with an academic advantage.

12. The Student met with a representative of the University, at which time she admitted committing the academic offences, that she had purchased the medical notes and submitted them to support her petitions for accommodation and that her personal statements were false. Significantly, she provided the University with the contact information for the individual who sold the notes to her, as well as receipts for the e-

transfers that she had used to pay for two of the three forged medical notes. The Student indicated that she filed the false petitions because she was behind in her academic work as she was busy running a business and making money was more of a priority for her than her academic studies. This motivation was confirmed by the Student in the Agreed Statement of Facts.

### **Finding**

13. The Tribunal considered the evidence contained in the Agreed Statement of Facts and the Joint Book of Documents and the plea of guilty. The Tribunal accepted the Student's plea of guilty to charges 1 through 9. Counsel for the University withdrew the charge in paragraph 10.

### **Penalty**

14. The Parties submitted a Joint Submission on Penalty that was marked as Exhibit "3". Counsel for the University also provided a Book of Authorities. The Joint Submission on Penalty proposed that the Tribunal impose the following sanctions on the Student:

- (i) a final grade of zero in each of the courses MAT138, CHM138 and CHM139;
- (ii) a five-year suspension from the University to commence on the day the Tribunal makes its order;

- (iii) a notation of the sanction on the Student's academic record and transcript, for a period of six years commencing on the day the Tribunal makes its order.

15. It was further proposed that the case 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.

16. The Student confirmed that she understood what was being proposed and that she wanted to deal with this without counsel.

17. It is not necessary to review the authorities and helpful summary of cases provided by counsel for the University. The Panel is aware that it should only depart from a Joint Submission on Penalty if to accept that Joint Submission would bring the administration of justice into disrepute.

18. This is a case with multiple falsified documents and multiple petitions for academic accommodation in different courses. The Student had no prior findings of academic dishonesty against her. She attended and participated in the hearing. She was fulsome and forthright in her cooperation with the University. Counsel for the University acknowledged that this demonstrated a level of insight and remorse. Counsel for the University further submitted that under these circumstances, the sanctions imposed should be serious and sufficient to vindicate the important values of the University in issue, but also give the Student an opportunity to rehabilitate a relationship with the University if she chooses to do so.

19. The Tribunal agrees that it is important to impose sanctions that will give effect to specific deterrence of the Student and general deterrence within the University community. The type of conduct at issue here goes to the very heart of the relationship of trust and good faith between a student and the University. The University does, as required under the *Ontario Human Rights Code*, accommodate students who are ill as a matter of fairness and common sense. This necessarily involves a need for trust and good faith on the part of students not to abuse the process, particularly since the University cannot possibly check each and every request for accommodation.

20. In this context, multiple and serious breaches of trust and dishonesty merit serious sanctions. Indeed, a more severe sanction (i.e., expulsion) might well be warranted where there are relevant prior offences, a lack of remorse and/or a failure to cooperate with the University. Here the Tribunal was influenced by the Student's interaction with the University, particularly in assisting the University in its attempts to ferret out those who engage in the despicable conduct of selling forged documents through an online service.

21. The Tribunal considered the matter and accepted the Joint Submission on Penalty.

### **Decision**

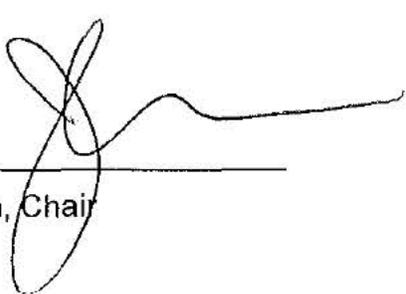
22. The Tribunal ordered as follows:

- (i) **THAT** the Student is found guilty of nine counts of the academic offence of forging or falsifying a document required by the University of Toronto, or

circulating such a document, contrary to section B.I.1(a) of the *Code of Behaviour on Academic Matters*;

- (ii) **THAT** the following sanctions shall be imposed on the Student:
- (a) she shall receive a final grade of zero in each of the courses MAT 135, CHM 138 and CHM 139;
  - (b) she shall be suspended from the University from the date of this order until January 15, 2019; and
  - (c) that a notation be placed on her academic record and transcript for a period of six years from the date of this order;
- (iii) **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.

DATED at Toronto this 10<sup>th</sup> day of February, 2014.

  
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Mr. Jeffrey Leon, Chair