

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on June 6, 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:

THE UNIVERSITY OF TORONTO

- AND -

F [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: March 28, 2025, via Zoom

Members of the Panel:

Christopher Wirth, Chair
Professor Michael Souza, Faculty Panel Member
David Lio, Student Panel Member

Appearances:

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

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

F [REDACTED] L [REDACTED]

1. A Panel of the Trial Division of the University Tribunal was convened on March 28, 2025, by videoconference to consider charges brought by the University of Toronto (the “University”) against F■■■■ L■■ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 2019* (the “Code”).

Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 9:45 a.m. At that time, neither the Student, nor anyone on the Student’s behalf, were logged onto the Zoom link. The Panel adjourned the hearing until 10:16 a.m. to allow time for the Student to attend it. At that time, the Student was still not present and Assistant Discipline Counsel then requested that the Panel proceed with the hearing in the Student’s absence.
3. Pursuant to rule 18 of the University Tribunal’s *Rules of Practice and Procedure* (the “Rules”), a notice of a virtual hearing must include the date, time, place and purpose of the hearing; a reference to the statutory authority under which the hearing will be held; information about the manner in which the hearing will be held; and a statement that if a person does not attend the hearing, the Panel may proceed in the person’s absence. Rule 21 provides that where notice of a virtual hearing has been given to a person and that person does not attend the hearing, the Panel may proceed with the hearing in the party’s absence. The Rules conform to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “SPPA”), which set out the notice requirements.
4. Pursuant to rule 13, a notice of hearing may be served on a student by various means, including by emailing a copy of the document to the student’s email address contained in the University’s Repository of Student Information (“ROSI”).
5. The University’s *Policy on Official Correspondence with Students* dated September 1, 2006 expressly states that students are responsible for maintaining on ROSI a current and valid mailing address and University-issued email account, and that “[f]ailure to do so may result in a student missing important information and will not be considered an acceptable rationale for failing to receive official correspondence from the University.” Students are expected to monitor and retrieve their email on a frequent and consistent basis. Students

have the right to forward their University-issued email account to another email account, but remain responsible for ensuring that all University email communications are received and read.

6. The onus of proof is on the University to establish that it provided the Student with reasonable notice of the hearing in accordance with these Rules.
7. In this case, the University provided evidence relevant to service by way of the evidence of two witnesses: Kimberly Blake (“Ms. Blake”), a Legal Assistant at the law firm of Paliare Roland Rosenberg Rothstein LLP and Andrew Wagg (“Mr. Wagg”), a Manager, Incident Response at Information Security, Information Technology Services at the University. These two witnesses provided their evidence by affidavit, which were accepted by the Panel pursuant to rule 66 of the Rules.
8. The contents of the affidavits (without exhibits) of these two witnesses are set out below:

a) Evidence of Ms. Blake

9. Ms. Blake’s affidavit provides as follows:

1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with Tina Lie, a lawyer at Paliare Roland, who acts as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.

A. Dean’s Designate meeting

2. The Student Academic Integrity office (“SAI”) is an administrative unit associated with the Dean’s Office at the University of Toronto Innis College. SAI is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean’s Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (“Code”).

3. SAI provided our office with copies of all emails between their office and Fenglin Liu (the “Student”) about the allegations in this matter. I have attached copies of the emails to my affidavit as **Exhibit “A”**.
4. The emails show that on January 8, 15 and 24, 2024, SAI emailed the Student to arrange a meeting with the Dean’s Designate. In the email on January 24, 2024, SAI stated that if the Student did not respond by the deadline (10 business days from the date of the email), the case would be forwarded to the Vice-Provost for review.
5. The Student did not respond to SAI by the deadline, or at all.
6. The emails show that on April 2, 2024, SAI emailed the Student to advise that the case was being forwarded to the Vice-Provost for review with the recommendation that charges be laid and the case be heard by the Tribunal.

B. Charges and disclosure

7. On June 6, 2024, the Office of the Vice-Provost, Faculty and Academic Life served charges in this matter on the Student by email to their University email address. I have attached a copy of this email and the charges to my affidavit as **Exhibit “B”**.
8. On June 6, 2024, the Office of Appeals, Discipline and Faculty Grievances (“ADFG Office”) sent the Student a letter that had information about the hearing process, Downtown Legal Services, and the Law Society Referral Service. I have attached a copy of the ADFG Office’s email to the Student and the attached letter to my affidavit as **Exhibit “C”**.
9. On July 8, 2024, Ms. Lie sent the Student a disclosure letter and a disclosure brief via email. The disclosure letter encouraged the Student to retain counsel and contained information about Downtown Legal Services. I have attached a copy of Ms. Lie’s email and the disclosure letter to my affidavit as **Exhibit “D”**.

C. Academic History

10. According to their academic history, the Student is currently enrolled in one course at the University. I have attached a copy of the Student’s academic history, dated February 27, 2025, to my affidavit as **Exhibit “E”**.

D. Student Web Services Activity Log

11. The Accessible Campus Online Resource Network (“ACORN”) is a web-based tool that stores students’ academic, personal, and financial records. Students can view their records and update their contact information in ACORN. To access their ACORN account, students need to input their University ID and password for that account. Students’ activity in ACORN is recorded in a Student Web Services Activity Log (“Activity Log”).
12. According to the Student’s Activity Log, someone has been regularly accessing the Student’s ACORN account, as recently as February 26, 2025. I have attached a copy of the Student’s Activity Log, which is current as of February 28, 2025, to my affidavit at **Exhibit “F”**.

E. Hearing scheduling

13. On January 27, 2025, Ms. Lie sent the Student an email about scheduling a hearing in this matter. The Student did not respond to Ms. Lie. I have attached a copy of Ms. Lie’s email to my affidavit as **Exhibit “G”**.
14. On February 4, 2025, Ms. Lie sent the Student an email stating that she would request that the ADFG Office issue a notice of virtual hearing because she had not heard back from the Student. Ms. Lie stated that if the Student did not attend the hearing, the hearing could take place in their absence without further notice to them. I have attached a copy of Ms. Lie’s email to my affidavit as **Exhibit “H”**.
15. Later that day, Ms. Lie, emailed the ADFG Office to request that a hearing be scheduled for March 28, 2025 at 9:45 am. The Student was copied on the email. I have attached a copy of this email to my affidavit as **Exhibit “I”**.
16. The same day, the ADFG Office issued a Notice of Virtual Hearing. I have attached a copy of the ADFG Office’s email and the Notice of Virtual Hearing to my affidavit as **Exhibit “J”**.

F. Office of the Registrar’s attempts to contact the Student

17. The Office of the Registrar at Innis College provided our office with copies of all emails and notes from phone calls between their office and the Student about the allegations in this matter.

18. The notes from the phone calls show that on January 9, 2024, the Student called Jack McGrath, Assistant Registrar, Advising, Office of the Registrar, Innis College. Mr. McGrath's notes state as follows:

[The Student] called me to ask about taking ECO101 a third time. His second attempt in Fall 2023 is currently GWR along with both of his other F courses, and we recently received petition decisions for deferred exams for all three courses that were cancelled due to an academic misconduct allegation.

It appears [the Student] is likely under investigation for some kind of misconduct with his petitions. He stated on the phone that he did not know why. When asked if he possibly got any fake notes, he said no.

I advised him to monitor his email closely for instructions from SAI regarding a meeting with the Dean's Designate. For the time being, further discussion of ECO101H1 should be on hold.

19. I have attached a copy of the notes created by Mr. McGrath to my affidavit as **Exhibit "K"**.

20. The emails from the Office of the Registrar show that on February 6, 2025, Mr. McGrath sent the Student the following email:

I'm bringing to your attention that colleagues at the University are trying to contact you with an important matter regarding allegations of academic misconduct. Check your email for this, and I strongly advise you take action.

If you'd like to speak to someone in our office about what's going on, we'd be happy to talk to you. Let me know.

21. The emails also show that on February 27, 2025, Donald Boer, Assistant Principal and Registrar, Innis College emailed the Student as follows:

I understand that you have a Tribunal hearing meeting scheduled for 28 March 2025 and that the Office of University Council is trying to reach you but that they are not succeeding.

[Student] I'm happy to talk with you about this. Can you reply to this email and let me know if you want to talk about this?

22. I have attached copies of the emails to my affidavit as **Exhibit "L"** and **Exhibit "M"**. I understand from the Office of the Registrar that the Student did not respond to these emails.

G. Further attempts to contact the Student

23. On January 29, 2025, at 11:26 am and 12:10 pm, I called the Student's cell phone number in ROSI ([REDACTED]). I received an operator's recording that the call was forwarded to a voicemail service that had not been initialized by the customer.
24. Later that day, at 4:05 pm, I received a phone call from the cell phone number the Student listed in ROSI. The person on the line advised that the phone number belonged to them, and that they were not the Student. The call display on my phone indicated the caller as "S [REDACTED] K [REDACTED]".
25. On March 13, 2025, Jesse Wright, a lawyer in our office who is assisting on this file, served the affidavits in this matter on the Student by email. I have attached copies of these emails to my affidavit as **Exhibit "N"**.
26. To date, our office has received no communications from the Student.

b) Evidence of Mr. Wagg

10. Mr. Wagg's affidavit provides as follows:

1. I am the Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.
2. Information Technology Services provides many services to the University of Toronto, including management of the email accounts used by students. To access an email account, one needs to input both the user's login id and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular university-issued email account. This is denoted with the code "LastUserActionTime". The LastUserActionTime log only updates when someone logs in to a university-issued email account.
3. On March 19, 2025, I checked the portal records to determine the last time someone accessed the email account [REDACTED]@[mail.utoronto.ca](mailto:[REDACTED]@mail.utoronto.ca). In order to view the LastUserActionTime log, I ran a PowerShell script.

4. I determined that the last time someone accessed this email account was on March 7, 2025, at 10:51 PM, local Toronto time.

c) Further Evidence of Ms. Blake

11. Ms. Blake's supplementary affidavit provides as follows:

1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with Tina Lie, a lawyer at Paliare Roland, who acts as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.
2. I am attaching the ROSI contact for Fenglin Liu as of March 27, 2025, which our office received on March 27, 2025 at **Exhibit "A"** to my affidavit.

12. The evidence establishes that the Student was aware that March 28, 2025, had been chosen as the date for the hearing. The University then did everything it could reasonably have done to contact the Student and did take the steps it was required to under the Rules. Accordingly, the Panel was satisfied it was more likely than not that the Student had made a deliberate choice to avoid and turn his back on any official communications from the University and not to attend the hearing. That choice has consequences.
13. Therefore, in light of the evidence and the submissions of Assistant Discipline Counsel, the Panel was satisfied that the Student had been given reasonable notice of the time, date and place of the hearing and of the fact that it may proceed in his absence if he did not attend it, in compliance with the notice requirements of the SPPA and the Rules. Accordingly, the Panel decided to hear the case on its merits in the absence of the Student.

Charges and Particulars

14. The charges alleged against the Student as filed by the Provost on June 6, 2024, are as follows:
 1. On or about December 12, 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 document entitled Medical Certificate, dated December 9, 2023, purportedly authored and signed by Dr. Erin Bearss of Sinai Health, which you submitted in support of a petition to defer the final exam in MAT135H1F (“MAT135”), contrary to section B.I.1(a) of the *Code*.

2. On or about December 12, 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 document entitled Medical Certificate, dated December 9, 2023, purportedly authored and signed by Dr. Erin Bearss of Sinai Health, which you submitted in support of a petition to defer the final exam in ECO101H1F (“ECO101”), contrary to section B.I.1(a) of the *Code*.
3. On or about December 18, 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 document entitled Medical Certificate, dated December 9, 2023, purportedly authored and signed by Dr. Erin Bearss of Sinai Health, which you submitted in support of a petition to defer the final exam in PSY100H1F (“PSY100”), contrary to section B.I.1(a) of the *Code*.
4. In the alternative to each of Charges #1, #2 and #3, 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 petitions to defer the final exams in MAT135, ECO101 and PSY100, contrary to section B.I.3(b) of the *Code*.

15. The particulars related to Charges 1, 2, 3 and 4 are as follows:

1. At all material times, you were a registered student at the University of Toronto Faculty of Arts and Science.
2. In Fall 2023, you enrolled in MAT135H1 (Calculus 1), ECO101H1 (Principles of Microeconomics) and PSY100H1F (Introductory Psychology).
3. The final exams in MAT135, ECO101 and PSY100 were held on December 9, 11 and 14, 2023, respectively.
4. You did not write the final exams in MAT135, ECO101 or PSY100.

5. On December 12, 2023, you submitted a petition (PET025041) to defer the final exam in MAT135. In support of your petition, you submitted a document entitled Medical Certificate, dated December 9, 2023, purportedly authored and signed by Dr. Erin Bearss of Sinai Health (the “Purported Medical Certificate”). The Purported Medical Certificate stated that you were diagnosed with a “viral cold” and “suggest[ed] that the patient suspend classes for examination, rest at home for 7-10 days, and cooperate with doctors for treatment”.
6. On December 12, 2023, you submitted a second petition (PET025042) to defer the final exam in ECO101. In support of your petition, you submitted the Purported Medical Certificate.
7. On December 18, 2023, you submitted a third petition (PET025735) to defer the final exam in PSY100. In support of your petition, you submitted the Purported Medical Certificate.
8. The Purported Medical Certificate was forged, altered or falsified. It was not authored or signed by Dr. Erin Bearss at Sinai Health. You did not attend at Mount Sinai Hospital and did not obtain the Purported Medical Certificate from Dr. Erin Bearss at Sinai Health. The signature on the Purported Medical Certificate was forged.
9. You knew that the Purported Medical Certificate was forged, altered or falsified when you submitted it. You uttered, circulated or made use of the Purported Medical Certificate.
10. You knowingly submitted the Purported Medical Certificate:
 - (a) understanding that the University of Toronto required evidence to be presented in order to obtain the academic accommodation or relief you sought;
 - (b) with the intention that the University of Toronto rely on it in considering whether or not to provide you with the academic accommodation or relief you requested; and
 - (c) in an attempt to obtain an academic advantage.
16. Assistant Discipline Counsel advised the Panel that if a finding was made for Charges 1, 2 and 3, the Provost would then withdraw Charge 4.

The Student's Position

17. Given that the Student was not present nor represented, he was deemed to have denied the charges. As a result, the hearing proceeded on the basis that the University bore the burden of proving the charges on the balance of probabilities.

Overview

18. In addition to the previously identified affidavits, the University tendered the evidence of two witnesses, Daniela Pirraglia ("Ms. Pirraglia"), an Associate Registrar (Administrative), in the Office of the Registrar, Innis College at the University and Dr. Erin Bearss ("Dr. Bearss"), a physician licensed by the College of Physicians and Surgeons of Ontario, who provided their evidence by affidavit, which were accepted by the Panel pursuant to rule 66 of the Rules.
19. After careful deliberation, and having considered all the evidence, the Panel found that on the balance of probabilities the evidence was sufficiently clear, cogent and convincing to discharge the burden of proof on the University and found that the Student had committed academic misconduct.

The Evidence

20. The contents of the affidavits (without exhibits) of the two witnesses are set out below:

a) Evidence of Ms. Pirraglia

21. Ms. Pirraglia's affidavit provides as follows:
 1. I am the Associate Registrar (Administrative) in the Office of the Registrar, Innis College at the University of Toronto. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.
 2. The Office of the Registrar, Innis College is responsible for, among other things, accepting student petitions for academic accommodations submitted by Innis College students. The Office of the Registrar, Innis College, ensures required documentation is present, that the

petition is complete, and submits the petition along with a decision recommendation and any advising notes to the Petitions Office within the Office of the Faculty Registrar at the Faculty of Arts and Science (the “Petitions Office”).

3. I am one of the six users of the petitions system within the Office of the Registrar, Innis College. I review student petitions prior to submitting them to the Petitions Office and, when asked, I consult with the other users within my office regarding their cases.
4. In my role, I sometimes take steps to verify the authenticity of supporting documents, including medical documents, before submitting a student’s petition to the Petitions Office. The Petitions Office renders official decisions on petition requests, and maintains a record of petitions, including any supporting documents, submitted by students, as well as the outcome of the petition.

A. *The Student’s academic record*

5. F█████ L███ (the “Student”) has been a student with the University of Toronto Faculty of Arts and Science (“FAS”), Innis College since Fall 2022. They have accumulated 4.50 credits and have a cumulative GPA of 1.67. A copy of the Student’s academic record as of January 28, 2025 is attached to my affidavit as **Exhibit “A”**.

B. *The Petitions*

6. In Fall 2023, the Student enrolled in MAT135H1F (Calculus 1) (“MAT135”), ECO101H1F (Principles of Microeconomics) (“ECO101”) and PSY100H1F (Introductory Psychology) (“PSY100”). Copies of the course syllabi for MAT135, ECO101 and PSY100H1F are attached to my affidavit as **Exhibits “B”, “C”, and “D”**, respectively.
7. Each syllabus contains a section on academic integrity advising that students are expected to follow the University’s guidelines and policies on academic integrity.
8. The final exam in MAT135, which according to the course syllabus was worth 30% of students’ final grades, was scheduled on December 9, 2023.
9. The final exam in ECO101, which according to the course syllabus was worth 40% of student’s final grades, was scheduled for December 11, 2023.

10. The final exam in PSY100, which according to the course syllabus was worth 36% of students' final grades, was scheduled for December 14, 2023.
11. The Student did not write any of the exams.
12. On December 12, 2023, the Student submitted two petitions:
 - (a) PET025041 to defer the final exam in MAT135; and
 - (b) PET025042 to defer the final exam in ECO101.
13. In support of both petitions, the Student submitted a document entitled "Medical Certificate", purportedly from Dr. Erin Bearss, dated December 9, 2023, on Sinai Health letterhead (the "Purported Medical Certificate"). The Purported Medical Certificate stated, among other things, that the Student was diagnosed with a "viral cold" and "suggest[ed] that the patient suspend classes for examination, rest at home for 7-10 days, and cooperate with doctors for treatment".
14. PET025041 and the appended Purported Medical Certificate is attached to my affidavit as **Exhibit "E"**.
15. PET025042 and the appended Purported Medical Certificate is attached to my affidavit as **Exhibit "F"**.
16. On December 13, 2023, my office (the Office of the Registrar, Innis College) returned PET025041 and PET025042 to the Student because it was not a Verification of Illness or Injury form (which is the standard form that students are expected to use when submitting petitions for medical reasons) and the Purported Medical Certificate was not stamped. This is reflected in each of the petitions (at Exhibits "E" and "F") in the "College Notes" section.
17. On December 15, 2023, Denise Gray, Associate Registrar (Recruitment & Transition), Office of the Registrar, Innis College, emailed the Student to advise that the Student did not show up at an advising appointment that had been scheduled for that day, and that the Student needed to get the medical note stamped from the doctor at Mount Sinai and resubmit the petitions. Denise Gray's email is attached to my affidavit as **Exhibit "G"**.
18. The Student responded to Ms. Gray's email, and they scheduled a meeting for December 18, 2023. I was not copied on this email exchange, but I have reviewed it as part of my

review of this file. I am advised by Ms. Gray that she believes that she met with the Student as planned on December 18, 2023 but she does not have a recollection of what was discussed. Ms. Gray does not have any notes of this meeting.

19. On December 18, 2023, the Student submitted a third petition (PET025735) to defer the final exam in PSY100, which was held on December 14, 2023.
20. In support of PET025735, the Student submitted the same Purported Medical Certificate. PET025735 and the appended Purported Medical Certificate is attached to my affidavit as **Exhibit “H”**. In the “Personal Statement” section of PET025735, the Student included: “By the way, I have asked the doctor to stamp for me on the doctor notes, but he was not willing to do that.”
21. Also on December 18, 2023, the Student updated PET025041 and PET025042 (found at Exhibits “E” and “F”, respectively) to include in the “Personal Statement” section: “By the way, I have asked the doctor to stamp for me on the doctor notes, but he was not willing to do that.”

C. *The Investigation*

22. On December 14, 2023, I contacted Sinai Health to verify the authenticity of the Purported Medical Certificate.
23. That day, Dr. Erin Bearss, an Emergency & Family Physician and Family Physician in Chief in the Ray D. Wolfe Department of Family Medicine at Sinai Health, responded that the document was a forgery and that they did not write the note. I have attached a copy of this email thread to my affidavit as **Exhibit “I”**.
24. The College of Physicians and Surgeons of Ontario (“CPSO”) website has a search function that allows members of the public to search for all current and past members of the CPSO. According to the CPSO website, Dr Erin Bearss is a family medicine and family medicine (emergency) physician with hospital privileges at Sinai Health System in Toronto. I have attached a copy of the CPSO website showing the details for Dr Bearss to my affidavit as **Exhibit “J”**.
25. This matter was subsequently forwarded to the Student Academic Integrity team at the Office of the Dean at the Faculty of Arts and Science.

26. I make this affidavit in connection with the charges that were filed against the Student by the University under the *Code of Behaviour on Academic Matters* and for no other purpose.

b) Evidence of Dr. Bearss

22. Dr. Bearss's affidavit provides as follows:

1. I am a physician licensed by the College of Physicians and Surgeons of Ontario. My registration number is 77867 and my primary location of practice is Mount Sinai Hospital at 600 University Avenue, Toronto, Ontario M5G 1X5. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

2. On December 14, 2023, the Administration team at Sinai Family Health (the "Sinai Administration Team") forwarded me an email from Daniela Pirraglia, Associate Registrar (Administrative), Office of the Registrar, Innis College at the University of Toronto which read as follows:

Hi there,

My name is Daniela Pirraglia and I am an associate registrar at Innis College at the University of Toronto. Our office received this note from the student F■■■■ L■, signed by Dr Erin Bearss, to be used as supporting documentation for a petition. Can your office confirm if this note is valid?

Happy to chat on the phone if needed — my number is below.

Sincerely,

Daniela

3. Ms. Pirraglia attached a copy of a document entitled "Medical Certificate", purportedly from me, on Sinai Health letterhead (the "Purported Medical Certificate").
4. The Purported Medical Certificate stated that on December 9, 2023, I provided someone named F■■■■ L■ with a medical certificate and among other things, I diagnosed them with a "viral cold" and "suggest[ed] that the patient suspend classes for examination, rest at home for 7-10 days, and cooperate with doctors for treatment".
5. I have attached a copy of the Purported Medical Certificate to my affidavit as **Exhibit "A"**.

6. The same day, after I reviewed the Purported Medical Certificate, I responded to the Sinai Administration Team as follows:

This is a forgery. I do not know this patient and did not write this note.

Erin

7. I understand that the Sinai Administration Team sent my email to Ms. Pirraglia. I have attached a copy of this email thread to my affidavit as **Exhibit “B”**.
8. The contents of my email to the Sinai Administration Team are true. For greater clarity:
- (a) I had never seen the Purported Medical Certificate until the Sinai Administration Team sent it to me;
 - (b) I had never seen or treated anyone named F■■■■ L■■ as of December 14, 2023;
 - (c) The signature on the Purported Medical Certificate is not my signature.

23. This concluded the University’s evidence.

University’s Submissions

24. Assistant Discipline Counsel submitted that the evidence of Ms. Pirraglia and Dr. Bearss, support a finding on the balance of probabilities that the Student committed the academic offences as alleged.
25. In that regard, it was submitted that the evidence in its totality demonstrated that the Student forged, altered or falsified a document entitled Medical Certificate dated December 9, 2023, and submitted it to the University in support of petitions to defer final exams.

Standard of Proof

26. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

Decision of the Tribunal

27. Based on the evidence and the submissions by counsel for the University, the Student was found guilty of:
- (a) Three counts of knowingly forging or in any other way altering or falsifying a document or evidence required by the University, or uttering, circulating or making use of such forged, altered or falsified document, contrary to Section B.I.1(a) of the Code.
28. Given this finding, the University withdrew Charge 4.

Reasons for Decision

29. The Panel accepted the unchallenged evidence of Ms. Pirraglia and Dr. Bearss, finding that their evidence was credible and reliable.
30. The evidence of Ms. Pirraglia and Dr. Bearss clearly demonstrated that the Medical Certificate dated December 9, 2023, purportedly authored and signed by Dr. Bearss was a forgery.
31. The evidence also clearly established that the Student knowingly uttered, circulated or made use of the Medical Certificate that was purportedly authored and signed by Dr. Bearss in support of petitions to defer the final exams in MAT135H1F, ECO101H1F and PSY100H1F. The Panel did not find that the evidence supported a finding that the Student knowingly forged, altered or falsified the Medical Certificate.
32. As such, the Panel was satisfied on the balance of probabilities that the Student committed the academic offence of knowingly uttering, circulating or making use of such forged, altered or falsified document, contrary to section B.I.1(a) of the Code as alleged in Charges 1, 2 and 3 filed by the Provost on June 6, 2024.

Sanction

The University's Evidence

33. The University had no further evidence.

The University's Submissions

34. Assistant Discipline Counsel provided the Panel with a Book of Authorities containing a number of prior decisions of this Tribunal and a chart summarizing them.
35. Assistant Discipline Counsel submitted that the proper sanctions to be imposed on the Student should be:
 - (a) a final grade of zero in MAT135H1F in Fall 2023;
 - (b) a final grade of zero in ECO101H1F in Fall 2023;
 - (c) a final grade of zero in PSY100H1F in Fall 2023;
 - (d) a suspension from the University of Toronto for a period of three years from the date of the Tribunal's Order;
 - (e) a notation on the Student's academic record and transcript for a period of four years from the date of the Tribunal's Order;
 - (f) that this case be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the name of the Student withheld.
36. Assistant Discipline Counsel reviewed with the Panel the chart summarizing the sanctions which have been given to students by this Tribunal in prior similar cases.
37. Assistant Discipline Counsel then reviewed with the Panel the principles relative to sanction as set out in *The University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) ("Mr. C."), namely:
 - (a) The character of the Student;
 - (b) The likelihood of a repetition of the offence;
 - (c) The nature of the offence committed;

- (d) Any extenuating circumstances;
 - (e) The detriment to the University caused by the misconduct; and
 - (f) The need for general deterrence.
38. In this regard, Assistant Discipline Counsel submitted that as the Student did not attend the hearing there is no evidence of remorse or insight or whether the Student has taken responsibility and learned from his mistakes, and consequently, there is no evidence as to his character or any extenuating circumstances and so that is a neutral factor.
39. With respect to likelihood of repetition, Assistant Discipline Counsel noted that the Student did not have any prior discipline history, but that there was a strong likelihood of repetition of the conduct given that he had in this case used a falsified and forged Medical Certificate and given that the first two petitions were returned as not being in the proper form and so the Student had an opportunity to reconsider his actions, but despite this he doubled down six days later which led to the third charge. This suggests that there is a likelihood of repetition of the conduct by the Student.
40. With respect to the nature of the offence, it was submitted that knowingly using a forged Medical Certificate is a serious form of academic misconduct.
41. With respect to the detriment to the University, and to deterrence, Assistant Discipline Counsel submitted that it is important that students be deterred from using a false Medical Certificate. Academic integrity is seriously undermined by false Medical Certificates and there is significant detriment to the University and therefore this conduct needs to be deterred.
42. The University has a petitions process in place to assist students, and it needs to be able to rely on the process. When a student provides a forged document, it undermines the system for all. Further, the forged document implicated a third party, Dr. Bearss, a medical professional whose name was used without her consent.

43. Assistant Discipline Counsel also reviewed with the Panel the chart of prior decisions and reviewed in detail several of those prior decisions of the Tribunal to demonstrate that the proposed penalty was consistent with decisions of this Tribunal in similar circumstances.

Sanction Decision

44. After deliberations, the Panel ordered that the following sanctions be imposed on the Student:
- (a) a final grade of zero in MAT135H1F in Fall 2023;
 - (b) a final grade of zero in ECO101H1F in Fall 2023;
 - (c) a final grade of zero in PSY100H1F in Fall 2023;
 - (d) a suspension from the University of Toronto for a period of three years from the date of the Tribunal's Order;
 - (e) a notation on the Student's academic record and transcript for a period of four years from the date of the Tribunal's Order;
 - (f) that this case be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the name of the Student withheld.
45. An Order was signed after the hearing by the Panel to this effect.

Reasons for Sanction

46. The Panel considered the submissions of Assistant Discipline Counsel and the factors and principles relevant to sanction in *Mr. C*, supra, as set out above.
47. In addition to these factors, the Panel considered the chart of prior decisions and the other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this

Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.

48. By knowingly using a false and forged Medical Certificate, the Student broke the honour code that is essential to modern learning and students must understand that this kind of misconduct will have serious repercussions so that they will be dissuaded from the temptation to consider using a falsified Medical Certificate.
49. The Panel accepted the University's submission that by knowingly uttering, circulating or making use of a Medical Certificate, the Student committed a serious form of academic misconduct.
50. The Student committed the offences knowingly and deliberately, not through carelessness or inadvertence. The offences were the result of the Student's calculated conduct.
51. In different ways, the University is vulnerable to, and suffers detriment from, the forgery offences that the Student committed here.
52. The need to deter others from committing similar offences also weighs heavily in the circumstances of this case. In the Tribunal's view, a strong message must be conveyed to the University community that serious offences such as these will not be tolerated, and that those who commit them will face serious sanctions.
53. It is critical for the University that students be dissuaded from using forged documents as forgery is often difficult to detect, thus requiring a strong deterrent when it is discovered.
54. As a result, the Panel is persuaded that a significant sanction is required where a student is guilty of using forged documents to deter others who may contemplate similar misconduct.
55. The Provost's guidance on sanction, while not binding on the Panel, does tell students what sanction will be sought. In this regard, where there is no prior offence, the Provost will usually seek a two-year suspension, but will seek expulsion if there are multiple forged documents.

56. In the circumstances, the Tribunal's view is that although there is no prior offence, there are three offences committed in a short period of time and the seriousness of the offences and the need for deterrence are particularly compelling in this case. Accordingly, the Panel was satisfied that a sanction of greater than a two-year suspension was required and accepted the sanction sought by the Provost.

Dated at Toronto, this 20th day of June 2025

Original signed by:

Christopher Wirth, Chair
On behalf of the Panel