

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct filed on October 10, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

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REASONS FOR DECISION

Hearing Date: May 30, 2025, via Zoom

Panel Members:

Michelle S. Henry, Chair

Professor Kevin Wang, Faculty Panel Member

Zoë Reichert, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Adam Iggers, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

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Hearing Secretary:

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

1. A hearing of the Trial Division of the University Tribunal convened on May 30, 2025, to consider academic charges brought by the University of Toronto (the “University”) against Y■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters*, 2019 (the “Code”). At all material times, the Student was a student at the University of Toronto Scarborough (“UTSC”).

2. This hearing arises out of charges of academic misconduct filed by the Provost on October 10, 2024 (the “Charges”).

THE CHARGES

3. The University brought the following Charges against the Student:

- a. On or about May 11, 2024, the Student knowingly had someone personate her during the deferred final exam in STAD29H3: Statistics for Life & Social Scientists (the “Course”), contrary to section B.I.1(c) of the Code.
- b. On or about May 11, 2024, the Student knowingly forged or in any other way altered or falsified a document or evidence required by the University, or did utter, circulate or make use of such forged, altered or falsified document, namely a TCard with her name and student number presented at the deferred final exam in the Course, contrary to section B.I.1.(a) of the Code.
- c. In the alternative, on or about May 11, 2024, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with the final exam in the Course, contrary to section B.I.3(b) of the Code.

AGREED STATEMENT OF FACTS

4. The hearing proceeded by way of an Agreed Statement of Facts (“ASF”). The following is an abridged version of the ASF.

5. The Student first registered in Fall 2018. At the time of the Charges, the Student had accumulated 19.5 credits, with a cumulative GPA of 2.22; however, by the time of the Hearing, the Student had accumulated 20 credits.

6. The Student enrolled in STAD29H3: Statistics for Life & Social Scientists (“STAD29” or the “Course”) in Winter 2024.
7. Students in STAD29 were required to write a final exam worth 40% of their final mark in the Course (the “Final Exam”). However, for students who did not write the midterm exam (which was worth 30%), the Final Exam was worth 70% of their final mark in the Course.
8. The Student did not write the midterm exam, so the Final Exam was worth 70% of her final mark in the Course.
9. The Final Exam was scheduled to be written on April 8, 2024. The Student did not write the Final Exam at that time. Instead, the Student successfully petitioned for a deferral of the Final Exam. She was scheduled to write the Final Exam during a special deferred exam sitting on May 11, 2024 (the “Deferred Exam”).
10. The Student did not herself attend the Deferred Exam on May 11, 2024, nor did she write the Deferred Exam. Rather, she arranged for another person (the “Personator”) to attend and write the Deferred Exam in her place. The Personator attended the Deferred Exam as the Student and attempted to write the Deferred Exam in the Student’s place.
11. Prior to the Deferred Exam, the Student or someone on her behalf created a falsified TCard (the “Falsified TCard”). The Falsified TCard, which was designed to look like an authentic TCard, included both the name and student number of the Student, but the photograph of the Personator, not the Student.
12. The Personator presented the Falsified TCard during the Deferred Exam as if she was the Student, to create the impression that she was the Student.
13. The Personator began to write the Deferred Exam, wrote the Student’s name and student number on the front page, and wrote answers for questions on three of the total of thirteen pages of exam questions.
14. The Deferred Exam was an open book exam. The Personator had with her at her desk many pages of typewritten materials with her as well as hand-written notes.

15. Early in the Deferred Exam an invigilator noticed that the Falsified TCard did not look normal. Upon investigation, the invigilators discovered several differences between the Falsified TCard and authentic TCards and became suspicious that the Personator was not the Student. In particular, the Falsified TCard looked thinner and was a slightly different colour than an official TCard and was missing a signature stripe on the back.

16. The Invigilators looked up the Student's name on ROSI Express (an online platform on which the University's Repository of Student Information ("ROSI") can be accessed) and discovered that the photograph of the Student on ROSI Express did not match with the Personator's photograph on the Falsified TCard.

17. The invigilators questioned the Personator. She claimed that she was the Student, that the Falsified TCard was a legitimate TCard, and that she was the student named on the card. She said it was her first time taking the course and her first deferred exam in the Course. This was false, as the Student had previously taken the Course and had written a deferred exam while doing so. One of the invigilators remembered the Student from that deferred exam, and knew that the information being provided by the Personator was not true.

18. When the invigilators told the Personator that they had enough evidence to show that she was not the Student, the Personator then admitted to the invigilators that she was not the Student, and that she was writing the exam in the Student's place. She claimed to be doing it for free for her friend.

19. The invigilators called Campus Police who arrived soon after. The Personator provided her name, M.W., to campus police. She did not appear in the University's records as a student or former student of the University. She told campus police that she was a friend of the Student and was helping her out. The Personator abandoned the Deferred Exam after speaking with the invigilators followed by campus police.

20. On June 25, 2024, the Student attended a meeting with Professor Nick Cheng, Dean's Designate for Academic Integrity, to discuss the allegations that the Student had someone personate her at her Deferred Exam. During the meeting, the Student admitted that she had

someone personate her at the Special Deferred Exam Sitting, and that she understood this to be an academic offence.

21. As part of the ASF, the Student admitted that she knowingly:

- a. did not attend the Deferred Exam that had been scheduled for her to write as a deferral of the Final Exam in the Course at her request;
- b. decided after discussion with her boyfriend not to write the Deferred Exam, and to take steps to avoid having to do so on May 11, 2024;
- c. did not seek accommodation of any kind, such as in the form of a further deferral of the Final Exam, and took no other steps to advise the University that she would not be attending the Deferred Exam;
- d. had the Personator attend the Deferred Exam to write the Final Exam in the Student's place as if the Personator was the Student; and
- e. created the Falsified TCard knowing and with the intent that it would be used by the Personator at the Deferred Exam to make it appear that she herself was in attendance at the Deferred Exam.

22. In summary, the Student admitted that on or about May 11, 2024, in engaging in the conduct described above, she knowingly:

- a. had someone personate her during the deferred final exam in STAD29, contrary to section B.I.1(c) of the Code; and
- b. 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 the Falsified TCard, contrary to section B.I.1(a) of the Code.

FINDINGS ON CHARGES

23. Following deliberations and based on the ASF, the Panel concluded that the first and second charges were proven on a balance of probabilities. The Panel accepted the guilty plea of the Student in respect of the two charges.

24. The Panel was advised that if it returned a conviction on the first and second charges, the University would withdraw the third charge. Accordingly, the Panel made no findings with respect to the third charge and treated it as withdrawn.

PENALTY

25. The University and the Student submitted an Agreed Statement of Facts on Penalty (ASFP), and a Joint Submission on Penalty (“JSP”) recommending the following sanctions:

- a. A final grade of zero in STAD29H3 in Winter 2024;
- b. A suspension from the University for five (5) years from the date of the Tribunal’s order; and,
- c. A notation of the offence on the Student’s academic record and transcript for six (6) years from the date of the Tribunal’s order.

26. The parties also agreed that it is appropriate for this case to 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.

27. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from a JSP. As set out in the Discipline Appeals Board decision in *University of Toronto and S.F.* (Case No. 690, October 20, 2014), “only truly unreasonable or ‘unconscionable’ joint submissions should be rejected”.

28. The Panel also received submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the relevant factors in sanctioning, namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding

the commission of the offence; 5) detriment to the University occasioned by the offence; and, 6) the need to deter others from committing a similar offence.

29. With respect to character of the person charged, the Provost noted that the Student attended the meeting with the Dean's Designate and admitted to the offence at the meeting. The Student has also cooperated and participated in the academic discipline process, including by entering into the ASF, ASFP, and the JSP. The Student apologized for having had someone personate her during the final exam in STAD29H3 in Winter 2024 and for falsifying a TCard for use by the individual who personated the Student. The Student also submitted a personal letter written by the Student.

30. Regarding the likelihood of a repetition of the offence, there is no record of prior offences in this case. Further, the Student now has 20 credits, the requisite number of credits required to graduate. She will be in the position to apply for graduation following the end of the suspension.

31. With respect to the nature of the offence, the detriment to the University, and the need to deter others, as the University noted, impersonation is considered one of the most egregious offences. Impersonation is also very hard to detect. Had the invigilator not noticed the Falsified TCard, the offence would have gone undetected. As a result, such offences usually attract the highest penalties of a five year suspension or expulsion. A five year suspension instead of an expulsion is usually granted when there are mitigating circumstances. The admission of an offence is considered significant mitigating factor.

32. With respect to general deterrence, this Tribunal agrees with the University that, given the seriousness of the offence, it is important to send a strong message that this type of misconduct cannot be tolerated.

33. Finally, with respect to any extenuating circumstances related to the misconduct at issue, while the Student did raise some personal hardships she was experiencing at the time of the commission of the offence, there was no evidence provided to support this other than the Student's personal letter, which was submitted, but was not introduced for the truth of its contents through the ASFP. In any event, if the Student was experiencing personal hardships, there were other options available to the Student such as seeking a further accommodation from the University.

34. Having regard to the above, after reading the ASF, the ASFP, and the JSP, and hearing submissions made by the parties, the Panel agrees that the recommended sanctions are reasonable and appropriate.

DECISION OF THE PANEL

35. At the conclusion of the hearing, the Panel made the following order:

36. The Student is guilty of:

- a. one count of personation, contrary to section B.I.1(c) of the *Code*; and
- b. one count 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*.

37. The following sanctions shall be imposed on the Student:

- a. a final grade of zero in STAD29H3 in Winter 2024;
- b. a suspension from the University for a period of five years from the date of the Tribunal's Order; and,
- c. a notation of the sanction on the Student's academic record and transcript for a period of six years from the date of the Tribunal's Order.

38. This case shall be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the Students name withheld.

39. An Order was signed after the hearing on May 30, 2025, by the Panel to this effect.

DATED at Toronto, June 18, 2025.

Original signed by:

Michelle S. Henry, Chair
On behalf of the Panel