

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER OF charges of academic dishonesty made on November 16, 2009 and April 27, 2010

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 -

H. (J) S

Hearing Date: August 24, 2010

Members of the Panel:

Ms. Rodica David, Q.C. Barrister and Solicitor, Chair
Professor Nick Cheng, Department of Computer and Mathematical Sciences, Faculty
Panel Member
Mr. Jake Brockman, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Betty-Ann Campbell, Law Clerk, Paliare Roland Barristers
Ms. Elaine Ishibashi, Associate Faculty Registrar, Petitions
Professor Lisa Steele, Professor for VIS120H1: Visual Concepts and Associate Chair
Visual Studies, Department of Art
Ms. Janine Robb, Executive Director of Health and Wellness at the University of
Toronto

In Attendance:

Dr. Tamara Jones, Academic Integrity Officer (former), Office of Student Academic
Integrity
Professor Don Dewees, Department of Economics
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. H (J) S , the Student

1. There are two sets of charges against the student, H S ("S "):
 - (a) The first set arise from the student providing a false academic record from a foreign university, namely Sogang University as well as a false ROSI transcript, for the purpose of enabling her to continue her pursuit of a Degree in Economics.
 - (b) The second set arise from the student submitting false medical certificates in order to be allowed to write make up examinations in course VIS120H.

FIRST SET OF CHARGES

2. In the summer of 2008, S had completed ECO100Y1 at the University of Toronto, with a mark of 50. However, in order for her to be able to enrol in upper year courses in Economics, a mark of 67 was required.
3. S had various communications with Professor Donald Dewees, who was then Associate Chair, Undergraduates, of the Department of Economics in an effort to persuade him to allow her to be permitted to continue her studies in economics. In these communications S claimed that she had various personal difficulties that prevented her from attaining higher marks.
4. On September 22, 2009, in support of her appeal to Professor Dewees to be permitted to take upper year courses, she provided the following:
 - (a) A document that purported to be an Academic Record from Sogang University, Seoul, South Korea, indicating that she had attained marks of A+ in each of two courses, namely Introduction to Microeconomics and Introduction to Macroeconomics (Exhibit 15).

This official-looking document, which appeared to contain a stamp from Sogang University, indicated that the course averages were significantly below the very high marks that she had allegedly received.

(b) Documents that purported to be the Course Syllabus from Sogang University for each of the two Economic courses for which she submitted her Academic Record (**Exhibits 13 and 14**). It is interesting to note that these Exhibits were all in the English language, although they contained typographical errors. The student did not offer any explanation as to how the documents had been translated from the Korean language (which presumably would have been the language of these documents) to the English language.

5. In order to further bolster her request to be permitted to continue with higher year Economics courses, the student submitted by e-mail a copy of what purported to be her ROSI Transcripts from the Fall 2007 to the Winter of 2009 (**Exhibit 16**).
6. Professor Dewees relied on the above documents in reaching a decision on September 24, 2009, which was communicated to S , that she could use the courses taken at Sogang University as prerequisites for entry into ECO200 and ECO202 and that she had permission to take ECO200 and ECO202.
7. Subsequently, on September 29, 2009, Professor Dewees obtained an official copy of S 's ROSI Transcript. The official ROSI Transcript differed significantly from the copy provided by the student: the latter indicated significantly higher marks than the failing grades that she had in fact attained.

8. As a result, on September 29, 2009, Professor Dewees revoked the permission that he had initially given her to take ECO200 and ECO202 (Exhibit 20).
9. Subsequently at a meeting on October 5, 2009, S admitted to Professor Dewees that she had altered the copy of the ROSI transcript that she had submitted to him.
10. However, the student persisted in claiming that her Academic Record from Sogang University was accurate. In order to verify this allegation by the student, representatives of the University attempted without success to contact Sogang University at the e-mail address provided by the student.
11. On October 15, 2009, at a Dean's meeting, S submitted a lengthy, three-page, closely typed-written statement (Exhibit 26). This rambling document purported to give various excuses for her poor academic performance in her first year at the University of Toronto, and urged upon the University to accept the Academic Record that she had submitted from Sogang University. She stated:

"I have provided him a summary of my academic work that only have been finished completely and didn't fully include all the information I maybe should have explained to him: I didn't include the fact that I am writing my deferred examinations this term for VIS120 and STA250 and for the marks in those courses, I have provided just the terms marks I have received, other than the mark calculated with the exam portion of marks on ROSI.

Also, I have omitted the courses that I have late withdrawn in the summary of my work. I thought he wanted to see just the completed work's mark because what I interpreted when he said he wants to see the result of my academic work, is that he wants to see how I did and progressed in those courses I have completed through the year."

12. At the same time, S submitted once again copies of the documents from Sogang University that she had previously e-mailed to Professor Dewees, now in colour. She stated that the name of her Professor at Sogang University was Tracy Chung, and that one of the courses was taught by a transfer Professor whose name she did not recall. She did, however, acknowledge for the second time that she had altered the ROSI Record, and that this was an offence under the *Code of Behaviour* at the University of Toronto.
13. Various officials at the University continued to attempt to establish contact with members of Sogang University to confirm S's attendance and her Academic Record.
14. In the course of the University's investigations, it was discovered that the syllabi that S had represented as coming from Sogang University were in fact extraordinarily similar, including the names of course instructors, course description, the grading policy, the textbook and the weekly schedule, as course syllabi from Yonsei University, a different University from Sogang University.
15. Further investigation revealed that the e-mail addresses provided by the student for Professors at Sogang University who could be contacted were false, that the e-mail address provided for one of the alleged Professors was wrong, and that he had never taught at Sogang University.
16. At a further Dean's meeting on October 22, 2009, S admitted that the Sogang Academic Report that she had submitted was not from Sogang University; but from another institution that was "*not really a university*", and that she had altered it to make it appear to be from Sogang University so it would be accepted by the University of Toronto. She acknowledged committing a violation of the University of Toronto's *Code of Behaviour*. She further acknowledged that she had altered the syllabi. She finally

acknowledged that she had a friend create the e-mail addresses and respond to them as if he were the actual recipients, namely the Professors from Sogang University.

SECOND SET OF CHARGES

17. On October 20, 2008, the student submitted what purported to be medical certificates from Dr. S. Harrison and Dr. D. Mansur in order to be permitted to write make-up tests for VIS120H.
18. In reliance on the accuracy of these notes, the University permitted S to write the make-up tests and she was given alternate days; however she did not attend on any of those dates.
19. She gave repeated medical reasons why she could not attend. She submitted further notes on December 11, 2008, from Dr. S. Harrison, and Dr. A. Millers.
20. As set out in the Affidavit of Lisa Steele, Course Instructor, the student continued to repeat her requests to write the make-up tests.
21. However, records from the Koffler Student Services Centre ("Health Services Centre") indicated that the student had not attended on the dates that she represented and for which she had provided the above medical notes. As a result, it became apparent that these notes were all false.

STUDENT'S CONDUCT IN RELATION TO SETTING A HEARING DATE

22. On November 16, 2009, the first set of charges were laid against the student. The second set of charges were laid on April 26, 2010.

23. Since the first set of charges, the student engaged in a course of conduct to delay the hearing of all charges.
24. The evidence of Betty-Ann Campbell (**Exhibit 4**), a Clerk at the Law Office of Paliare Roland Rosenberg Rothstein LLP, lawyers for the University ("Paliare Roland"), indicates that following the charges, there were a series of communications and attempted communications between Paliare Roland and the student. Initially, the student was represented by Downtown Legal Services. The University went to great lengths to try to arrange a hearing date that was convenient to the student. A hearing was scheduled for May 26, 2010. Approximately one week before, Paliare Roland were informed that Downtown Legal Services would no longer be representing S . They had previously indicated that they were not able to contact her.
25. Paliare Roland thereupon embarked upon a series of unsuccessful attempts to contact S directly, both by telephone and e-mail. On the morning of the scheduled hearing, namely May 26, 2010, S sent an e-mail requesting an adjournment, offering various and sundry excuses. By that point, the University's counsel had fully prepared in order to proceed with the hearing as scheduled. However, at 4:01 p.m. that day, May 26, 2010, Ms. Harmer of Paliare Roland advised the Governing Council Office that the University would not oppose S 's request for an adjournment, provided that the next hearing date was peremptory to the student, and that the student and/or witnesses could attend a hearing by electronic means, including SKYPE or video conferencing.
26. Following the adjournment of the hearing date, Downtown Legal Services became involved once again for a short time; but then withdrew their services. Numerous communications were sent to the student that the hearing date would be rescheduled for August 24, 2010. The University's Council made certain that S was fully aware that the newly scheduled

hearing date for August 24, 2010, was peremptory to her. On the day before the hearing, Ms. Harmer's Clerk, Ms. Campbell, made numerous efforts to telephone the student, all without success. The hearing proceeded on August 24, 2010, without the student being present.

THE FINDING OF GUILT

27. The conduct of this student is egregious in many respects.
28. She deliberately falsified documents in order to enable her to pursue a course for which she was not eligible by reason of her low grades. While she admitted to the falsification of the ROSI Transcript as soon as she was confronted with the evidence that the Transcript was false, she persisted in her attempts with various members of the University to urge them to accept her alleged course results from Sogang University. She certainly knew that she had never attended Sogang University. She provided false e-mail addresses.
29. She engaged in a web of deception that was carefully thought out, deliberate and prolonged, all of which was calculated to deceive everyone at the University with whom she dealt.
30. This web of deception created a great deal of work for many members of the University of Toronto, who not only had no option but to conduct various investigations about the accuracy of the student's representations; but further engaged in numerous e-mail and other attempts to contact people at e-mail addresses that the student knew to be false. The time and expense that the University engaged in until it finally had clear evidence of the offences committed by the student was significant. The student did not admit her culpability until the University had expended the considerable time and expense.

31. As if this expense was not enough, the student then engaged in a game of what could be categorized as "cat-and-mouse" to try to avoid the hearing of the charges. She failed to communicate with Downtown Legal Services, whom she had engaged, during two separate periods. She made herself unavailable by e-mail or phone. She did not respond to telephone calls or e-mails. Again, both the University and its counsel were put to considerable effort and expense simply to try to arrange a hearing date.
32. She was given every opportunity to attend in May of 2010; but, when, at the eleventh hour, she contacted counsel for the University, with her various excuses why she could not attend, the University did accommodate her and agreed to an adjournment. Again, the University and its counsel were put to significant, unnecessary time and expense.
33. She did not attend on August 24, 2010. The University was therefore put to the expense of proving the case against the student. There is no question that the student was guilty of all charges.
34. Dealing with the first set of charges this Tribunal is unanimous in finding the student guilty of all of the charges as requested by the University of Toronto. We find that there is clear and convincing evidence of every charge.
35. The charges, specifically, just to repeat, are charges number 1, 3, 6, 8, 10, 12, 14, and 16. The student is found guilty of all of those charges.
36. With respect to the second set of charges the Tribunal is also unanimous at finding the student guilty on all of the charges as requested by the University, that is, charges 1, 3, 5, 7, 9, and 11.

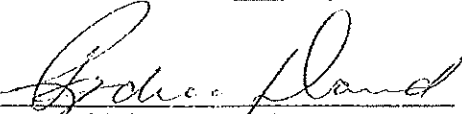
SANCTION

37. The Tribunal is unanimous in its decision on sanction. We accept in total the recommendations of the University and the sanctions will be as follows,:
1. We impose a grade of (0) zero for the course BIS120;
 2. We also order the immediate suspension of the student for a period not to exceed five years, in order that student may not have any opportunity to attend any courses at the University of Toronto pending a decision of the Governing Council on our recommendation for expulsion.
 3. We recommend to the President that he recommendation to the Governing Council, that the student be expelled.
 4. The Panel recommends that this case be reported to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed with the Student's name withheld.
38. In our view, the Student's behaviour in this case is about as egregious as one could imagine it. It appears to be, from a brief reading of the case law, the behaviour of the student was significantly more egregious than in previous cases where students have been expelled.
39. We have considered all the six factors as set out in the Case of Mr. C v. The University of Toronto (Case 1976/77-3 Appeal) and we cannot see any mitigating circumstances here at all. We are particularly concerned about the detriment to the University occasioned by this consistent and repeated pattern of deception and forgery which this student saw fit to practise excusing each offence by engaging in a fresh offence and compounding the damage.
40. An example of one of her excuses is that the cost of tuition is high; this is the case for every foreign student, and to even consider that the University

would excuse forgeries and deceptions because of the cost of tuition is an outrageous suggestion, as are her other excuses. We do not see that the student has expressed any remorse whatsoever for her conduct. We do not consider her e-mail to indicate remorse.

41. What is of particular concern is that these offences have had international implications. We took into account the concern of Dr. Daniel Riera - Crichton, Assistant Professor of Economics at Bates College, about the potential damage to him. This conduct had the effect, potentially damaging our reputation in the eyes of other universities and other educational institutions internationally.
42. The University of Toronto has a reputation of excellence worldwide, and it is absolutely critical that students recognize the importance of behaving in a way that upholds the reputation that we have worked so dearly to earn. This student, Ms. S , has engaged in a repeated concerted pattern of forgery and deception.
43. In some instances, one might consider that a guilty plea should mitigate the sanction. However, we do not consider this very latter-day plea of guilty to constitute any mitigation. The University was put to a great deal of work to present the case which was presented very thoroughly.
44. For all of these reasons, we do feel that the highest possible sanction available to us needs to be recommended and hopefully imposed at the higher levels. The Tribunal did invite the University to make a claim for costs, given the extraordinarily grave conduct of the student in this case, but the University declined to do so.

Dated at Toronto, this 26th day of January, 2011


Rodica David Q.C., Co-Chair