UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER of charges of academic dishonesty made on October 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 –

U H

Hearing Date: December 1, 2010

Members of the Panel:
Ms. Ira Parghi, Barrister and Solicitor, Chair
Professor Charmaine Williams, Associate Dean, Factor-Inwentash School of Social Work, Faculty Panel Member
Mr. Jake Brockman, Student Panel Member

Appearances:
Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. S H , Student's Father

In Attendance:
Ms. Lucy Gaspini, Academic Affairs Officer, University of Toronto Mississauga
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

CHARGES AND HEARING

[1] The Trial Division of the University Tribunal held a hearing on December 1, 2010 to consider the following charges brought by the University of Toronto against Ms. H under the *Code of Behaviour on Academic Matters, 1995* ("the Code"):

1. On or about June 23, 2010, you knowingly altered or falsified an academic record, and/or knowingly uttered, circulated, or made use of such an altered or falsified record, by representing to Prof. Ghobriel that you were currently a registered student at the University of Toronto Mississauga ("UTM") and that you had taken PHY135Y in academic year 2009-2010, when you knew those statements were false, contrary to section B.I.3(a) of the *Code*.

2. In the alternative to charge #1, on or about June 23, 2010, 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, by representing to Prof. Ghobriel that you were currently a registered student at the University of Toronto Mississauga ("UTM") and that you had taken PHY135Y in academic year 2009-2010 when you knew those statements were false, contrary to section B.I.3(b) of the *Code*.

3. On or about June 24, 2010, you knowingly altered or falsified an academic record, and/or knowingly uttered, circulated, or made use of such an altered or falsified record, namely, an unofficial academic record printed from ROSI that you gave to Prof. Ghobriel, contrary to section B.I.3(a) of the *Code*.

4. In the alternative to charge #3, on or about June 24, 2010, 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, by presenting an unofficial academic record printed from ROSI to Prof. Ghobriel when you knew that record was falsified, contrary to section B.I.3(b) of the *Code*.

5. On or about June 24, 2010, you knowingly altered or falsified an academic record, and/or knowingly uttered, circulated, or made use of such an altered or falsified record, namely, an unofficial academic record printed from ROSI that you presented to Yvette Ye, contrary to section B.I.3(a) of the *Code*.

6. In the alternative to charge #5, on or about June 24, 2010, 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, by presenting an unofficial academic record printed from ROSI to Yvette Ye when you knew that record was falsified, contrary to section B.I.3(b) of the *Code*.

[2] The particulars of the offences charged are as follows:

1. You were a student at the University of Toronto at all material times.

2. On June 23, 2010, you sent an e-mail message to Prof Wagih Ghobriel. You stated that you were a registered student at UTM and had taken PHY135Y (Introductory Physics) with Prof. Ghobriel in Fall-Winter 2009-2010. You knew that both of these statements were false.

3. You requested that Prof. Ghobriel provide you with a letter to be sent to the Association of Indian Universities, an accrediting body. You requested that Prof. Ghobriel attest that PHY135 was at least equivalent to a Grade 11 or 12 Physics course so that you could obtain advance standing or transfer credits, which were an academic advantage. You knew that you had not taken this course and were not entitled to any such letter.

4. On June 24, 2010, you presented Prof. Ghobriel with a document that you claimed was a copy of your academic record for Winter 2009, and which you claimed to have printed from ROSI. The document indicated that you had taken and passed three courses: PHY135, ENG110, and BIO349. You knew that this document was forged or falsified. You knew that you were not registered in Fall –Winter 2009 and that you had never taken any of those courses or earned the marks that you claimed to have received.

5. You again requested that Prof. Ghobriel provide you with a letter stating that PHY135 was at least equivalent to a Grade 11 or 12 Physics course. You did so in order to obtain advance standing or transfer credits in the Indian educational system, which were an academic advantage. You uttered, circulated, and relied on the forged or falsified ROSI record in support of your request.

6. On June 24, 2010, you attempted to obtain a similar letter from Yvette Ye, the Undergraduate/Departmental assistant in the Department of Chemical & Physical Sciences. You represented to Ms. Yee that you had taken PHY135. You showed her a document that you claimed was a copy of your academic record for Winter 2009, and which you claimed to have printed from ROSI. The document indicated that you had taken and passed three courses: PHY135, ENG110, and BIO349. You knew that this document was forged or falsified. You knew that you were not registered in Fall –Winter 2009 and that you had never taken any of those courses or earned the marks that you claimed to have received.

[3] Ms. H was not present at the hearing. Prior to the hearing, she advised counsel for the University that she was in India and unable to return for this hearing, that she wished to resolve the charges against her quickly, and that she was prepared to have the Tribunal proceed in her absence and to have her father, S . H , represent her interests at the hearing. Mr. H accordingly attended at the hearing on Ms. H 's behalf, having been duly authorized by her to do so. Ms. H was not represented by counsel.

AGREED STATEMENT OF FACTS & FINDING OF GUILT

[4] At the outset of the hearing, the Tribunal was advised that the University had entered into an Agreed Statement of Facts with Ms. H . That document is attached as Appendix A to this decision. Pursuant to that Agreed Statement of Facts, Ms. H pleaded guilty to charges 1, 2, 3, 4, 5, and 6. The University agreed that, if the Tribunal convicted Ms. H on charges 1, 3, and 5, then the University would withdraw charges 2, 4, and 6.

[5] After reviewing the facts contained in the Agreed Statement of Facts, the Tribunal deliberated and concluded that the facts form the foundation for a finding of guilt on charges 1, 3, and 5, and agreed to accept the guilty pleas in respect of those charges.

JOINT SUBMISSION ON PENALTY & SANCTION

[6] The parties submitted a Joint Submission on Penalty, in which it was jointly proposed that Ms. H be immediately suspended from the University for a period of up to five years, and that it be recommended to the President of the University that he recommend to the Governing Council that Ms. H be expelled from the University.

[7] It was also jointly submitted that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with Ms. H 's name withheld.

[8] The Tribunal observes that there is a high threshold for rejecting a joint submission on penalty. In order to not accept the joint submission, the Tribunal would have to be of the view that accepting the joint submission would bring the administration of justice into disrepute. The Tribunal has concluded that this is not such a case, and that it is therefore appropriate to accept the joint submission on penalty.

[9] In coming to this view, the Tribunal considered the factors that are to govern its sanctioning decisions, as set out by Mr. Sopinka, as he then was, in *The University of Toronto and Mr. C.*, dated November 5, 1976. The Tribunal concluded that those factors support the imposition of the penalty set out in the joint submission in this case. Ms. H has admitted to, among other things, falsifying an academic record that she submitted to a professor, and making false statements to him, in order to obtain a letter from him that would enable her to obtain advanced standing for her studies in India. The offences to which she has admitted are clearly very serious. Forging or falsifying an academic record is one of the gravest offences a student can commit, and it is trite to observe that the reliability of the University's official records are essential to its credibility and reputation. Ms. H 's actions amounted to, as University counsel put it, an "instrumental attempt to obtain an advantage" for herself. Her actions operated to the detriment of both the University and other students.

[10] The Tribunal also agrees, based on the case law, that the offences to which Ms. H has admitted very often lead to expulsion, and as such the joint submission calls for a penalty that is well within the range of what is reasonable (*see, e.g., The University of Toronto and Y.M.*, dated September 8, 2010; *The University of Toronto and Mr. S*, dated March 24, 2002; and *The University of Toronto and D.D.*, dated September 3, 2010).

[11] Nor is there any other basis for concluding that the administration of justice would be brought into disrepute by the Tribunal accepting the joint submission on penalty. The Tribunal readily accepts that Mr. H is duly authorized to speak to this matter on his daughter's behalf; that Ms. H has obtained or had the opportunity to obtain independent legal advice in respect of this matter; that Ms. H understands the nature of the penalty being proposed, including the fact that expulsion entails a lifetime ban from the University; and that Ms. H genuinely is in agreement with the joint submission on penalty. Ms. H 's correspondence to and from University counsel, and Mr. H 's statements at the hearing about how his daughter "accepted everything" and had made the decision to agree to the agreed statement of facts and joint submission on penalty, make this clear.

[12] In the circumstances, the Tribunal is of the view that the penalty outlined in the joint submission on penalty is appropriate, and accepts that joint submission. An Order to this effect has been issued.

Dated at Toronto, this 5th day of April, 2011,

Ira Parghi, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on October 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 –

U H ( )

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("*Code*"). For the purposes of this hearing, the Provost and U H "Ms. H ") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. H agree that:

(a) each document contained in the JBD may be admitted into evidence before the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and

(b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Notice of hearing

2. Ms. H admits that she received a notice of hearing for December 1, 2010, and that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

3. Ms. H states that she is currently residing and studying in India. She requests that this hearing proceed in her absence. She hereby irrevocably waives any right she may have to be present during her hearing and authorizes her father to represent her in this matter.

B. Charges and guilty plea

4. Ms. H admits that she received a copy of the charges filed by the Provost on October 27, 2010, which are found at JBD Tab 2.

5. Ms. H waives the reading of the charges filed against her, and hereby pleads guilty to charges #1, 2, 3, 4, 5, and 6.

6. The Provost agrees that if the Tribunal convicts Ms. H on charges #1, 3, and 5, the Provost will withdraw charges #2, 4, and 6.

7. At all material times, Ms. H was a student member of the University of Toronto, within the meaning of the *Code of Behaviour on Academic Matters*. A copy of her academic record, dated November 8, 2010, is found in the JBD at Tab 3.

C. IMS Summer Undergraduate Research Program

8. On June 23, 2010, Ms. H wrote an e-mail message to Elizabeth Kobluk, undergraduate assistant in the Department of Chemical and Physical Sciences, University of Toronto Mississauga. A copy of this message is included in the JBD at Tab 4. Ms. H also sent a copy of her message to Professor Wagih Ghobriel. The message read:

> My name is U H , and I am currently a registered student at UTM. I am e-mailing you regarding the physics course, PHY135Y5, which is Introductory Physics taught by Professor Havelka. I am moving to India in July 15th, 2010. In order to covert my education here at UTM into Indian standards, there is a certain set of criteria that must be met. In India, only highschool credits (specifically, grades 11 and 12) are accepted. What I needed from you is a letter, stating the course PHY135Y5 is equivelent [sic] or more to that of grades 11 and 12 physics respectively. Since I will be leaving next month to India, I do need this letter ASAP and I will be available to pick up at any time.
>
> If you have any questions please do not hesitate to contact me.

9. Later that same day, June 23, 2010, Ms. H sent another message to Professor Ghobriel. A copy of this message is included in the JBD at Tab 5. The message read:

> My name is U H , and I am currently a registered student at UTM. I am e-mailing you regarding the physics course, PHY135Y5, which is Introductory Physics taken in 2009-2010. I am moving to India on July 15th, 2010. In order to covert my education here at UTM into Indian standards, there is a certain set of criteria that must be met. In India, only high school credits (specifically, grades 11 and 12) are accepted for higher education. This has caused a problem for me, as many of my university-level courses are not accepted by the Association of Indian Universities, the educational institute which in India, is responsible for the equivalency of Canadian education to Indian education. What I needed from you is a letter, stating the course PHY135Y5 is equivalent or more to that curriculum of grades 11 and 12 physics respectively. Since I will be leaving next month to India, I do need this letter ASAP and I will be available to pick up the letter at any time. Please address the letter to the following name and address:
>
> Evaluation Officer
> Mr. Sambhav Srivastav
>
> Association of Indian Universities
> AIU House, 16 Comerade
> Indrajit Gupta Marg, New Delhi
> 110002

10. Ms. H admits that her statements that she was a currently registered student at UTM and that she took PHY 135Y in 2009-2010 were false. She admits that she intended to mislead Prof. Ghobriel by implying that she had taken that course with him in 2009-2010, and that she did so in order to obtain a letter from him that she could use to obtain transfer credits or advanced standing at a post-secondary institution in India.

11. On June 24, 2010, at approximately 10:30 a.m. Ms. H met with Prof. Ghobriel in his office. She presented him with a document that she represented to be her academic record for Fall 2009. She claimed that she had printed the document directly from ROSI (the "Forged ROSI Record"). A copy of the Forged ROSI Record is included in the JBD at Tab 6.

12. Ms. H admits that the Forged ROSI Record does not accurately represent her academic record at the University of Toronto. She states that she had a friend create the Forged ROSI Record for her.

13. Ms. H admits that she knew the Forged ROSI Record was false in at least the following ways when she gave it to Prof. Ghobriel:

(a) she had not registered for any courses in Fall 2009 and did not earn any credits during that term;

(b) she had not taken any of the three courses listed on the Forged ROSI Record in Fall 2009, or at any other time;

(c) she had not earned the marks or final grades reported in the three courses listed on the Forged ROSI Record;

(d) she had not earned a sessional GPA of 3.18 in Fall 2009; and

(e) she did not have a cumulative GPA of 3.29 as of the Fall 2009, or at any other time.

14. Ms. H admits that she asked Prof. Ghobriel to give her a letter stating that PHY135 was at least equivalent to a Grade 11 or 12 Physics course from an Ontario high school. She did so in order to obtain advanced standing or transfer credits at a post-secondary institution in India. Ms. H admits that she circulated and made use of the Forged ROSI Record by giving it to Professor Ghobriel in support of her request and in an attempt to persuade him to provide the letter.

15. Professor Ghobriel refused to give her the letter Ms. H requested and Ms. H left his office.

16. Shortly thereafter, Ms. H met with Yvette Ye, the Undergraduate and Departmental Assistant in the Department of Chemical and Physical Sciences. Ms. H gave Ms. Ye a copy of the Forged ROSI Record, which Ms. H knew was forged or falsified. Ms. H admits that she knew the Forged ROSI Record was false in at least the following ways when she gave it to Ms. Ye:

(a) she had not registered for any courses in Fall 2009 and did not earn any credits during that term;

(b) she had not taken any of the three courses listed on the Forged ROSI Record in Fall 2009, or at any other time;

(c) she had not earned the marks or final grades reported in the three courses listed on the Forged ROSI Record;

(d) she had not earned a sessional GPA of 3.18 in Fall 2009; and

(e) she did not have a cumulative GPA of 3.29 as of the Fall 2009, or at any other time.

17. Ms. H requested Ms. Ye to provide her with the same letter that she had asked Prof. Ghobriel to provide to her, and that she did so in an attempt to obtain an academic advantage. Ms. H relied on the Forged ROSI Record in support of her request. Ms. H admits that she circulated and made use of the Forged ROSI Record by giving it to Ms. Ye in support of her request and in an attempt to persuade Ms. Ye to provide the letter.

18. Ms. Kolbuk and Prof. Ghobriel joined the meeting between Ms. H and Ms. Ye. Professor Ghobriel advised Ms. H that he would not provide her with the letter and that the Forged ROSI Record was not an accurate record of her academic history.

19. Ms. H claimed that she had obtained the Forged ROSI Record directly from ROSI and that she had not altered it in any way. Ms. Kolbuk advised Ms. H that she had compared her actual academic record to the Forged ROSI Record and that, according to her true academic record, Ms. H had not taken any of these courses. Ms. H again stated that she had not altered her academic record.

20. Ms. H subsequently declined the opportunity to meet with Prof. Ghobriel or the Dean's Designate for Academic Integrity for the purpose of discussing the matter pursuant to the *Code*.

21. Ms. H acknowledges that:

(a) the Provost of the University of Toronto has made no representations or promises as to what sanction the Provost will seek in this case; and

(b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces;

(c) she is signing the ASF after the Provost gave her the opportunity to obtain the advice of legal counsel and that she has either obtained legal advice or has deliberately waived her right to do so.

Signed on November __, 2010.

U H

Signed on November 26, 2010.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

MS. U H

This Exhibit is produced by

the UNIVERSITY

this 1 day of DECEMBER, 2010

Robert Centa

From: U H [u h @gmail.com]
Sent: Monday, November 29, 2010 7:58 AM
To: Robert Centa; y @rogers.com; u h @gmail.com
Subject: Re: University of Toronto Tribunal - Urgent

Robert Centa,

I have reviewed the documentation you have sent; the agreed statement of facts, a book of documents, and the joint submission on penalty. I am prepared to agree to all the documents provided, however, I am having some difficulty in scanning these documents and so, as mentioned in your last e-mail, giving you consent with this message.

I agree with the contents of the Agreed Statement of Facts and agree to the Joint Submission on Penalty.

Please contact my father, S H , for any additional information.

Thank you,

U H
u h .@gmail.com

On Fri, Nov 26, 2010 at 9:39 PM, <Robert.Centa@paliareroland.com> wrote:

Hello U H and S H .

U , as you instructed in your e-mail messages to Betty-Ann Campbell (November 9, 2010) and the voice-mail message left for Irina Goldshtein (November 9, 2010), we have communicated with your father, S regarding this matter.

I understand that you are currently in India, are unable to return for a hearing at the University Tribunal, and wish to resolve the outstanding charges quickly. I also understand that you are prepared to admit that you committed an academic offence, are prepared to have the Tribunal proceed in your absence, and to have your father represent your interests at the Tribunal hearing.

The University is able to hold your hearing on December 1, 2010, commencing at 9:30 a.m. (Toronto time).

I have attached an agreed statement of facts, a book of documents, and a joint submission on penalty to this message. I understand that you are prepared to agree to these documents.

Please review the documents carefully. If you will sign them, but cannot easily print, sign, scan, and e-mail them to me, please respond to my message by saying "I agree with the contents of the Agreed Statement of Facts and agree to the Joint Submission on Penalty."

If it is easy for you to sign, scan and return the signature pages of each document, that would be great.

I will send you the notice of hearing as soon as I receive it from the University.

Please contact me if you have any questions.

Rob

<<Joint Submission on Penalty.pdf>> <<Agreed Statement of Facts.pdf>> <<Documents.pdf>>

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