

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

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

BETWEEN:

THE UNIVERSITY OF TORONTO
- and -
Ms. R. W.

Members of the Panel:

- Ms. Jane Pepino, Chair
- Professor Ikuko Komuro-Lee, Faculty Panel Member
- Ms. Candace Ikeda-Douglas, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel for the University
- Ms. R. W., Student, did not attend

Preliminary

- [1] The Trial Division of the University Tribunal was convened on April 17, 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters*, 1995 (the “Code”) laid against the student by letter dated November 13, 2006 from Professor Edith Hillan, Vice-Provost, Academic.
- [2] The Student did not attend the hearing and was not represented by counsel.

Notice of Hearing and Charges

- [3] The Notice of Hearing was dated January 22, 2007. At the commencement of the hearing, Counsel for the University, Ms. Lily Harmer, reviewed the University’s efforts to notify the Student of the hearing and to facilitate the Student’s presence at the hearing.

[4] After reviewing evidence pertaining to Notice, including an email from the Student informing Ms. Harmer that she no longer resided in Canada and, therefore, could not attend the hearing, the panel permitted the hearing to proceed in the Student's absence.

[5] The charges are as follows:

1. In or about April 2006, you did knowingly forge or in any other way alter or falsify an academic record, and/or did alter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a document purporting to be a certificate from the University of Toronto dated June 17, 1994, indicating that you have fulfilled the requirements of the University of Toronto and have been admitted to the degree of Bachelor of Arts, contrary to Section B.1.3(a) of the *Code of Behaviour on Academic Matters, 1995* (the *Code*).
2. In or about April 2006, you did knowingly forge or in any other way alter or falsify an academic record, and/or did alter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a document purporting to be a certified transcript of the University of Toronto, contrary to Section B.1.2(a) of the *Code*.
3. In the alternative, in or about April 2006 you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind contrary to Section B.1.3(b) of the *Code*.

[6] Particulars of the charges are as follows:

1. You were a student at the University of Toronto at Scarborough in the fall of 1994 and winter of 1995.
2. In or about April 2006 you submitted a document to an employer and/or a potential employer that purported to be a certificate from the University of Toronto certifying that you have fulfilled the requirements of the University of Toronto and have been admitted under the authority of the Governing Council of the University of Toronto to the degree of Bachelor of Arts.
3. In or about April 2006 you submitted a document to an employer and/or a potential employer that purported to be a University of Toronto transcript containing information about the courses you had taken, the credits earned, and your cumulative GPA.
4. Neither document accurately reflected the information contained on your official University of Toronto transcript and academic record.
5. Rather, both documents that you created and/or submitted to an employer and/or a potential employer misrepresented, altered and falsified the information contained on your official University of Toronto transcript and academic record.

Agreed Statement of Facts

- [7] The panel was provided with an Agreed Statement of Facts, signed by the Student and Counsel for the University. In summary, the Student admitted that she had forged a degree certificate and transcript from the University of Toronto and that she had submitted these documents to HireRight, a California company specializing in academic background checks on behalf of prospective employers, for the purpose of securing employment.
- [8] The Student pleaded guilty to charges 1 and 2. The University withdrew charge 3.
- [9] Counsel for the University led the panel through the Agreed Statement of Facts.

Decision of the Tribunal

- [10] Based on the Agreed Statement of Facts and the Student's guilty plea, the Tribunal found the Student guilty of charges 1 and 2.

Sanction and Reasons

- [11] The University presented to the panel a Joint Submission on Penalty, signed by the Student, which submitted that the appropriate penalty in the circumstance is as follows:
 - 1. That the Tribunal recommend to the President of the University of Toronto that he recommend to Governing Council that the Student be expelled from the University
 - 2. That, pending the decision of the Governing Council, the Student be suspended for five years
 - 3. That a permanent notation be placed on the Student's transcript to the effect that the Student was expelled from the University for academic misconduct
 - 4. That a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld
- [12] The University placed a Book of Authorities before the panel so that it might have an opportunity to review several decisions of other panels of the University Tribunal in similar cases. In particular, the panel reviewed the criteria for sanction first proposed by the late and former Mr. Justice Sopinka in the matter of the appeal of Mr. C. (November 5, 1976). According to these guidelines, the Tribunal should consider the following six criteria when deciding on an appropriate sanction:
 - a) the character of the person charged;
 - b) the likelihood of a repetition of the offence;

- c) the nature of the offence committed;
- d) any extenuating circumstances surrounding the commission of the offence;
- e) the detriment to the University occasioned by the offence;
- f) the need to deter others from committing a similar offence.

[13] In its submissions on penalty, the University focused on the nature of the offence, the detriment to the University and the significance of general deterrence.

[14] The University highlighted the extraordinary lengths to which the Student went in order to provide forged documents to an American employer, believing that her actions would not be detected by the University, particularly after so many years had passed since her last registration. The panel was reminded that forging an academic record is one of the most egregious acts a student or alumnus can commit, since it undermines the integrity of the University's records. For the purpose of general deterrence, the University argued that a severe penalty is appropriate, since it is important for members of the University community and society at large to be aware of the seriousness with which the University deals with such behaviour.

[15] Following the University's submissions on penalty, the panel deliberated. The panel accepted the Joint Submission on Penalty and recommended that:

1. the Tribunal recommend to the President of the University of Toronto that he recommend to Governing Council that the Student be expelled from the University
2. pending the decision of the Governing Council, the Student be suspended for five years
3. a permanent notation be placed on the Student's transcript to the effect that the Student was expelled from the University for academic misconduct
4. a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld

[16] The panel accepted the University's analyses of similar cases heard previously by the Tribunal, particularly that of Mr. M.S. (June 2006). The following reasons were read orally at the hearing:

We agree that the offence in question was one of, if not the most, serious offence under the *Code*. We agree with the panel in the above referenced case when, quoting the preamble to the *Code*, it spoke of the responsibilities of all parties to maintain the integrity of the teaching and learning relationship and underscored the necessity of having honesty and fairness inform the relationship. We particularly note that the integrity of the University as an educational institution and as a degree-granting body is a fundamental part of this relationship. Members of the public, other degree-granting

institutions, companies and other employers rely on transcripts and degree certificates for what they represent. The oral reasons given by the panel in the case of Mr. M.S. are adopted in their entirety by this panel and are hereby included in the record: “the panel was concerned about the elements of premeditation and deceit, the nature of the offence and the way it was committed. In particular, the panel noted that the accused spent considerable time to create a false academic record by altering marks and listing courses that had never been taken.” Substantial changes were made when the transcript was altered and, as in the case referenced, the Student went on to create a false certificate attesting to graduation from the University of Toronto, when, in fact, only one course from the University and a total of five, including transfer credits, had been completed. We know that degree certificates from the University of Toronto are relied on not only in Ontario but across North America, as borne out by the facts in this case. The falsification of documents not only undermines the credibility of the University but also all other students who achieve their degrees legitimately. The penalty, therefore, is as set out in the Joint Submission on Penalty.

- [17] The panel thanked discipline counsel for her efforts in creating an efficient and accessible record of this history and in seeking the support of the Student for both the Statement of Fact and Submission on Penalty.

DATED at Toronto this 15th day of April, 2008.


Jane Pepino, Tribunal Co-Chair