

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 27, 2006

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 -
Ms. Z. A.

Members of the Panel:

Ms. Laura Trachuk, Chair

Professor Melanie Woodin, Faculty Panel Member

Mr. Gaurav Nagla, Student Panel Member

Appearances:

Mr. Robert Centa, Counsel for the University of Toronto

Ms. A., the Student, did not appear

In attendance:

Ms. Gerda Grecko, Supervisor of Student Records, Ryerson Polytechnic University

Ms. Barbara Patterson, Associate Director, University of Toronto Transcript Centre.

Preliminary

[1] The Trial Division of the University Tribunal was convened on March 21, 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 September 27, 2006 from Professor Edith Hillan, Vice-Provost, Academic.

[2] The panel of the Tribunal was made up of Mr. Gaurav Nagla, a student; Ms. Laura Trachuk, outside legal counsel; and Dr. Melanie Woodin, a professor. Counsel for the University was Mr. Robert Centa. The Student was not represented and did not attend the hearing.

[3] Mr. Centa presented the panel with the order given by Ms. Patricia Jackson, Senior Chair of the University Tribunal, to discipline counsel regarding service of documents and hearing date. The instructions include a chronology of attempts by discipline counsel to communicate

with the Student, to advise her of the seriousness of the charges and the proceedings of the Tribunal, to provide her with disclosure, and to provide her with notice of hearing.

[4] Mr. Centa also presented the panel with an email from the Student dated March 19, 2007 in which she acknowledged receipt of the charges sent by Professor Hillan, dated September 27, 2006, and the Notice of Hearing, dated February 16, 2007. In that email the Student asked that the University proceed in her absence, since she was unable to travel to Toronto for the hearing.

[5] After considering the chronology of events, the order of Senior Chair Jackson, and the submissions of counsel, the panel was satisfied that the provisions concerning reasonable notice of charges and hearing, as specified in Section C II (a) in the *Code* and Section 6 of the *Statutory Powers Procedure Act* (“SPPA”), had been met and that the University could proceed with the hearing in the Student’s absence.

Hearing on the Facts

[6] The charges are as follows:

1. In June or July 1998, 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 any such forged, altered or falsified document, namely a document which purported to be your official transcript from Ryerson Polytechnic University, contrary to Section B.I.1(a) of the Code.
2. In the alternative, in June or July 1998, you knowingly engaged 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 by submitting to the University of Toronto a document that purported to be your official transcript from Ryerson Polytechnic University contrary to Section B.I. 3(b) of the Code.
3. On or about January 2004, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, a document which purported to be your Transcript of Consolidated Academic Record from the University of Toronto, which you submitted to the College of Dentistry at the University of Saskatchewan, contrary to Section B.I. 3(a) of the Code.
4. In the alternative, on or about January 2004, 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, namely, by submitting a document which purported to be your Transcript of Consolidated Academic Record, to the College of Dentistry at the University of Saskatchewan, contrary to Section B.I. 3(b) of the Code.

[7] Particulars of the charges are as follows:

1. In 1998 you applied for admission to the University of Toronto. You submitted to the University of Toronto a document, which was dated June 19, 1998, that purported to be your official transcript from Ryerson Polytechnic University. That document did not accurately reflect your academic record at Ryerson Polytechnic University.
2. The University of Toronto relied on the document you submitted, admitted you as a student, and granted you 4.5 transfer credits towards your degree.
3. Between 1998 and 2000 you earned 4.9 credits at the University of Toronto. At no time did you receive a degree from the University of Toronto.
4. You subsequently applied for admission to the College of Dentistry at the University of Saskatchewan ("College"). You submitted to the College a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto. This document falsely indicated that you graduated from the University of Toronto with an Honours Bachelor of Science degree, which was conferred with distinction, in June 2002.
5. The document you submitted to the College was not in fact an official Transcript of Consolidated Record from the University of Toronto. It did not reflect accurately your academic record at the University of Toronto.

[8] The University called two witnesses: Ms. Gerda Grecko, Supervisor of Student Records, Ryerson Polytechnic University and Ms. Barbara Patterson, Associate Director, University of Toronto Transcript Centre.

[9] Ms. Grecko provided the tribunal with an official copy of the Student's academic record from Ryerson Polytechnic University. A comparison of the Student's official Ryerson Polytechnic University transcript and the document submitted by the Student to the University of Toronto revealed discrepancies. The transcript submitted by the Student indicated that seven marks had been altered to reflect higher marks than those the Student had received; three marks were entered for courses in which the Student had not been registered; one course in which the Student received a failing grade had been removed.

[10] Ms. Patterson testified that the Director of Admissions at the University of Saskatchewan had contacted her on January 16, 2006 to verify the Student's academic credentials. A comparison of the Student's official University of Toronto transcript and the document submitted by the Student to the University of Saskatchewan revealed discrepancies. The transcript submitted by the Student revealed that marks had been altered to reflect higher marks than those the student had received and the following "Graduation Summary" had been added: "Honours Bachelor of Science Conferred – June 2002 with Distinction". On further examination, Ms. Patterson recognized that the transcript provided to the University of Saskatchewan by the Student was actually the academic record of another University of Toronto student.

Decision of the Tribunal

[11] Counsel for the University advised that he was relying on charges 2 and 4 only, if the panel was not prepared to find the Student guilty of charges 1 and 3.

[12] Following deliberation, the panel was satisfied that counsel for the University had proved charges 1 and 3 on clear and compelling evidence. Accordingly, the panel found the Student guilty of charges 1 and 3 and delivered its decision orally at the hearing. The University withdrew the remaining charges.

Penalty Phase

[13] The University submitted that the appropriate penalty in the circumstance was:

That the Tribunal recommend to the President of the University of Toronto that the Student be expelled from the University

[14] In addition, the University requested that a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld.

[15] 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.

Sanction and Reasons

[16] Following submissions about penalty, including a review of Tribunal Decision about sanctions, the panel deliberated. The panel first considered the nature of the offence. The alteration of University records, particularly the alteration of the official transcript of the University, is among the most serious offences a student can commit. The panel noted that the

Student grossly falsified academic records for her personal benefit on two occasions. The panel had no evidence of any extenuating circumstances.

[17] The falsification of academic records affects all members of the University community. The University's records must be reliable and be seen to be so. The University must therefore be rigorous in protecting the integrity of its records.

[18] The penalty of expulsion reflects the seriousness of the offence and will provide a deterrent to others who may contemplate similar actions. It sends the message that the University takes such matters extremely seriously.

[19] The panel therefore recommends the following sanctions:

1. That the President of the University of Toronto expel the Student from the University
2. That the decision in this case be reported to the Provost for publication in the University's newspaper with the Student's name withheld