

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

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

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

AND IN THE MATTER of disciplinary charges against Mr. L.Y.

Members of the Panel:

Janet Minor, Chair
Sarah King, Faculty member
Steven Meurrens, Student member

Appearances:

Robert Centa, counsel for the University of Toronto
The Student, did not appear

In attendance:

Kristi Gourlay, Manager Office of Student Academic Conduct
Carrie Harber, Graduate Administrator and Chair's Administrative Assistant,
Department of Biochemistry

REASONS FOR DECISION

1. A hearing of the Trial Division of the University Tribunal was convened on Tuesday March 13th 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters 1995*, (the Code), against the Student. The charges are set out in a letter to the Student dated September 27, 2006
 - (a) Between March 29, 2006, and May 15, 2006, 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 Transcript of Consolidated Academic Record dated March 29, 2006 ("Transcript"), contrary to Section B.I. 1(a) of the Code.

- (b) Between March 29, 2006 and May 15, 2006, 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, the Transcript, contrary to Section B.I.3(a) of the Code.
- (c) In the alternative, between March 29, 2006, and May 15, 2006, 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 the Transcript to the University contrary to Section B.I.3(b) of the Code.
- (d) On or about June 8, 2006, 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 documents, namely, a document which purported to be your statement of academic history dated June 8, 2006 ("ROSI Statement"), contrary to Section B.I.1(a) of the Code.
- (e) On or about June 8, 2006, you knowingly forged or in any way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, the ROSI Statement, contrary to Section B.I.3(a) of the Code.
- (f) In the alternative, on or about June 8, 2006, 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 or any kind by submitting the ROSI statement to the University contrary to Section B.I.3(b) of the Code.

PARTICULARS

- (g) You were a student at the University of Toronto from September 2002 until June 9, 2006, when the University conferred an Honours Bachelor of Science degree on you.
- (h) In 2006, you applied for admission to the School of Graduate Studies for admission to the graduate program in Biochemistry.
- (i) As part of your application, on or about May 15, 2006 you provided the Transcript, which was dated March 29, 2006 to the Graduate

Admission Committee of the Department of Biochemistry. The Transcript does not accurately reflect your academic record at the University of Toronto. You altered the Transcript, or caused the Transcript to be altered, so that it did not accurately reflect your academic record.

- (j) On June 6, 2006, the Graduate Admissions Committee requested that you provide an updated transcript that included your final grades for your Spring 2006 courses.
 - (k) On June 8, 2006, you caused the ROSI Statement to be delivered to the Graduate Admissions Committee. The ROSI Statement does not accurately reflect your academic record at the University of Toronto. You altered the ROSI Statement, or caused the ROSI Statement to be altered, so that you did not accurately reflect your academic record.
2. The Student was not present at the hearing. The letter of September 27th 2006 containing notice of the charges was delivered to his last known address as was an email containing the same information to the last known email address of the Student. Neither were returned.
3. Thereafter, the University experienced considerable difficulty in communicating with the Student with respect to scheduling a hearing of the charges. A motion was eventually made to Patricia Jackson, Senior Chair of the University Tribunal, for directions on service. She gave directions and confirmed them on February 15, 2007 with reasons.
4. The directions were as follows:
- i) The University may set a hearing date in this matter without further consultation with the Student;
 - ii) The University may serve documents by regular mail or courier to unnamed address provided that the University also serves all documents by email to unnamed email address;
 - iii) Service of documents will be deemed effective seven days after the documents are delivered by mail and email, or one day after they are delivered by courier and email; and
 - iv) The hearing date set by the Tribunal will be preemptory to the Student and shall proceed as scheduled provided the University has served notice of the hearing fourteen days in advance as permitted by this direction.

5. Mr. Centa, counsel for the University, advised the panel he had complied with the directions. He also provided a copy of an email he had received from the Student dated March 5, 2007 confirming that he had received the communication of March 4th 2007 from Mr. Centa. The email advised that he would not be attending the hearing of March 13th 2007. The full text of the email follows:

‘ Dear Mr. Centa:

I am writing to confirm the receipt of your letter sent on March 4, 2007. During the meeting with the Dean’s designate on August 17, 2006, I have admitted to all the charges filed against me and I am sincerely remorseful for my actions. I wish to plea guilty to all the charges filed by the Provost against me under the Code of Behaviour on Academic Matters and I am willing to accept any disciplinary action imposed upon me to preserve the academic integrity of the University of Toronto. Unfortunately, I will not be attending the hearing on March 13, 2007, partly because I will not be able to bear the shame and disgust that I have towards myself for my wrongful actions in front of the Tribunal.

Truly yours,

The Student’

6. We are satisfied that the Student received the Notice of the Hearing. We proceeded to hear the evidence and submissions of the University. Mr. Centa indicated that the University was not relying on the email as an admission of guilt and led evidence to support the charges.
7. Ms. Carrie Harber, Graduate Administrator of the Department of Biochemistry gave evidence regarding the Student’s application for admission to that program in May 2006.
8. The Student was a student at the University of Toronto from September 2002 until June 9th 2006 when he received an Honours Bachelor of Science degree from the University. A transcript dated March 29, 2006 from the University of Toronto’s Transcript Centre was provided by the Student to the Admissions committee. On June 6 2006, Ms. Harber advised the Student that the Admissions Committee would be meeting to review applications and requested an updated Transcript showing final grades for the spring 2006 courses. Ms. Harber advised an unofficial transcript printed from ROSI would suffice at that time. A ROSI printout was apparently delivered by a friend on behalf of the Student on June 8, 2006.

9. As a result of a delay in receiving the ROSI transcript, Ms. Harber obtained the Student's unofficial transcript from ROSI on June 20th 2006.
10. At the graduate admission committee meeting, discrepancies were noted between the transcripts and further information requested. As a result further investigation ensued and copies were obtained both of the official transcript and the ROSI record. Ms. Harber confirmed that a comparison of the records disclosed discrepancies between the documents submitted by the Student purporting to be the official transcript and the ROSI transcript and those held by the University. Some thirteen marks had been altered to reflect higher marks than those the Student had received.
11. Dr. Kristi Gourlay, Manager of Student Academic Affairs, testified that the Student had received his degree on June 9, 2006. On August 27th 2006 Dr. Gourlay attended a meeting with Dr. Root, the Dean's Designate and the Student. In that meeting the Student confirmed that he had scratched out the grades and replaced them with higher grades in order to improve his chances for admission to the graduate program. He acknowledged that he had ordered a number of transcripts in order to practice running the documents through his printer with replaced marks.
12. We accepted and relied on the evidence of Ms. Harber and Dr. Gourlay. We also reviewed the documents provided by the Student and the official transcript and the ROSI transcript of the University.
13. Counsel for the University advised that he was relying on charges 3 and 6 only if the panel was not prepared to find the Student guilty of charges 1, 2, 4 and 5.
14. Following deliberation we were satisfied that the Student is guilty of charges of 1, 2, 4 and 5;

SANCTION

15. The University argued that the appropriate sanction in this matter was:
 - a) Recommendation to Governing Council that the Student's degree be recalled or cancelled;
 - (b) That the sanction be permanently recorded on his academic record and transcript;
 - (c) That the Provost publish a notice of this decision in the University's newspaper with the name of the Student withheld.

16. We considered the submissions of the University and the principles for deciding the appropriate sanction as set out in the reasons of Mr. Sopinka, as he then was, in the reasons for decision in *The University of Toronto and Mr. C.*, November 5, 1976. Although Mr. Sopinka was in dissent, his comments on the principle of imposing sanctions were not in dissent and have been adopted by numerous panels of the University Tribunal.
17. We have considered first the nature of the offence. The alteration of University records whether official or unofficial, but in particular the alteration of the official transcript of the University are among the most serious offences a student can commit.
18. The official records of the University, are the documents by which the University certifies academic achievement and, in turn, its academic reputation and credibility.
19. Further, the misconduct was used to attempt to place the Student at an advantage to admission to a graduate program at the University of Toronto. This is both detrimental to the University and its integrity and also to the position of other students. It is imperative that others are deterred from committing similar offences.
20. We note that the offences were planned and deliberate. They took considerable time and effort to commit and they occurred over the course of several months.
21. The Student did not appear. As a result, we have not been advised of any extenuating circumstances and we have no evidence attesting to his character. We note that he has no record of any other discipline.
22. The evidence of Dr. Gourlay was that the Student admitted the offences at the first meeting with the Dean's Designate and expressed remorse. However, Dr. Gourlay noted following that meeting there was no cooperation provided by the Student with the University respecting the scheduling of the hearing or in responding to repeated attempts to contact him culminating in the motion to Senior Chair Patricia D. S. Jackson for direction, referred to earlier.
23. In the email sent to Mr. Centa by the Student indicating that he would not be attending the hearing, he said that this was "partly because I would not be able to bear the shame and disgust that I have towards myself from my wrongful actions in front of the Tribunal".

24. We acknowledge the expressions of remorse made at the meeting with the Dean's Designate and later in the email. However, without further evidence from the Student, we are unanimously of the view that the sanction requested by the University is appropriate. As a result, we recommend to the Governing Council that the Student's degree be cancelled and recalled; that the sanction be recorded permanently on his transcript; and that the Provost publish a notice of these sanctions in the University's newspaper with the student's name withheld.
25. If the recommendation is accepted, the student's academic credits would remain and the transcript would continue to reflect those credits. It would also be open to the student to apply for a re-conferral of the degree at some later time.

Janet Minor, Chair