

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 19, 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 -

Y M

Date of Hearing: August 4, 2010

Members of the Panel:

Ms Lisa Brownstone, Barrister and Solicitor, Chair

Professor Louis Florence, Department of Management, Faculty Panel Member

Mr. Hanif Bayat-Movahed, Student Panel Member

Appearances:

Ms Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

Ms Camille Labchuk, Legal Case Worker, Downtown Legal Services

In Attendance:

Dr. Kristi Gourlay, Manager of the Office of Student Academic Integrity, Faculty of Arts and Science

Dr. Martha Harris, Academic Integrity Officer, Faculty of Arts and Science

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, Office of Governing Council

Not in Attendance:

The student, Ms Y M

Preliminary

- [1] The Trial Division of the University Tribunal was convened on August 4, 2010 to consider revised charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the student by letter dated July 19, 2010 from Professor Edith Hillan, Vice-Provost, Faculty & Academic Life.

Hearing on the Facts

- [2] The charges facing the student were the following:

- (1) In or about April, 2008, you knowingly forged, or in any other way altered or falsified an academic record, or you uttered, circulated or made use of any such forged, altered or falsified academic record, namely what purported to be an official academic record of the University of Regina, contrary to section B.I.3(a) of the Code.
- (2) In the alternative, in or about April, 2008, 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 in connection with the submission of a forged academic record that purported to be an official academic record of the University of Regina, contrary to section B.I.3(b) of the Code.
- (3) In or about April, 2009, you knowingly forged, or in any other way altered or falsified an academic record, or you uttered, circulated or made use of any such forged, altered or falsified academic record, namely what purported to be an official academic record of the University of Regina, contrary to section B.I.3(a) of the Code.
- (4) In the alternative, in or about April, 2009, 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 in connection with the submission of a forged academic record that purported to be an official academic record of the University of Regina, contrary to section B.I.3(b) of the Code.

- [3] Particulars of the charges were as follows:

- (5) You were registered at the University of Toronto at all material times.

- (6) You applied for admission to the University of Toronto Mississauga in or about April 2008. In support of your application, and to support a request for the award of transfer credits to you by the University, you included a document that purported to be your official academic record of the University of Regina ("Regina Transcript").
 - (7) You applied for a transfer to the University of Toronto, St. George campus, in or about April, 2009. In support of that application you again submitted the Regina Transcript, again representing that it was your official academic record from the University of Regina.
 - (8) You have never been enrolled in or attended the University of Regina.
 - (9) The Regina Transcript is a forged academic record. You submitted it to the University knowing that it was forged, and knowing that it contained false and misleading information.
 - (10) You purchased the Regina Transcript from a third party for \$12,000, knowing that it was false and a forgery.
 - (11) Your conduct violated the Code.
- [4] Although the student did not attend the hearing, Ms Labchuk from Downtown Legal Services attended on her behalf.
- [5] Discipline Counsel for the University, Ms Harmer, introduced a Joint Book of Documents which contains the charging documents and other relevant information, and was entered as Exhibit 1. The Agreed Statement of Facts was entered as Exhibit 2. The agreed upon facts are substantially reproduced below:
- 6. Ms. M first registered as a student at the University of Toronto Mississauga ("UTM") in Fall 2008. At all material times, Ms. M remained enrolled at the University.
 - 7. In support of her application to UTM prior to the commencement of the Fall 2008 term, Ms. M provided what purported to be a transcript from the University of Regina in Saskatchewan ("Regina Transcript"). The Regina Transcript was provided to the University in an envelope that contained a crest and University of Regina address, email address and phone number, as well as a label that read "University of Regina Office of the Registrar Official Transcript".

8. It showed that Ms. M had enrolled in an economics program at the University of Regina, that she had earned grades in four courses in the 2007 summer program there, and in another five courses in their 2007 fall program. In total the Regina Transcript showed that Ms. M had earned the following:
 - (a) Cumulative credit hours earned: 27.0
 - (b) Undergraduate grade point average: 70.35
9. Ms. M was accepted into the Faculty of Arts & Science at UTM, in part, on the basis of the Regina Transcript.
10. Ms. M also applied for and was granted 1.50 transfer credits for three of the nine courses reflected in the Regina Transcript. Following the allegations of academic misconduct that form the basis of the Charges, the University removed the 1.50 transfer credits from Ms. M's academic record.
11. In 2009, Ms. M applied to be transferred from UTM to the St. George campus of the University for admission in the 2009 Fall session. To support that application, she again relied on the Regina Transcript. Ms. M submitted a letter "To whom it may concern" in which she stated that she was a student who had transferred from the University of Regina to UTM. She stated that it was hard for her to obtain another transcript from the University of Regina due to an unpaid tuition bill there, but that the Regina Transcript was already on file with the University for its use in assessing her application.
12. In April, 2009, Ms. M also applied for and was granted 6.5 transfer credits. Of those, 1.50 were the Regina transfer credits referred to above, and 5.0 were for courses she had completed at UTM.
13. Ms. M was accepted into the Faculty of Arts & Science at the St. George Campus.
14. Ms. M admits the following:
 - (a) she has never attended the University of Regina;
 - (b) the Regina Transcript was forged, and contained false information;

- (c) she had not taken any of the courses listed in the Regina Transcript, and she had not received the grades reflected in that document;
- (d) she purchased the Regina Transcript for a substantial amount of money from a commercial vendor;
- (e) she knowingly uttered, used and circulated the Regina Transcript on two occasions, knowing that it was forged and contained false information:
 - (i) in or about April 2008 to support her initial application to UTM for admittance in the Fall 2008 term and an award of transfer credits; and
 - (ii) in or about April 2009 to support her request to transfer to the St. George campus for the 2009 Fall term and an award of transfer credits; and
- (f) the letter that she wrote to support her application to transfer to the St. George campus contained false information concerning the University of Regina, the Regina Transcript, and the reasons why she could not obtain another copy of that transcript.

Admission

- [6] Ms. M acknowledges and admits that the conduct described constitutes academic misconduct as described in the Revised Charges, and in particular that her conduct is contrary to section B.I.3(a) of the Code as described in Charges 1 and 3.

Decision of the Tribunal

- [7] On the basis of the Agreed Statement of Facts and the Joint Book of Documents, the Tribunal accepted the plea and found a contravention of the *Code* as set out in the first charge and third charge. At this time, the Provost indicated its intention not to proceed with charges two and four and these were withdrawn.

Penalty Phase

- [8] The parties submitted a Joint Submission on Penalty, in which the following sanctions were jointly proposed:
- (a) The Tribunal recommend to the President that he recommend to the Governing Council that Ms. M be expelled from the University; and

- (b) Pending the decision of the Governing Council, that Ms. M be immediately suspended from the University for a period of up to five years and that a corresponding notation be placed on her academic record and transcript.
- [9] The parties also proposed that the Panel order that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University newspapers, with the name of the student withheld.
- [10] Discipline Counsel reminded the Panel that there is a high threshold for refusing to accept a joint submission, and that the Panel would have to be of the view that the administration of justice was brought into disrepute by the acceptance of that joint submission in order to depart from it.
- [11] No additional facts were submitted at the penalty stage, such that the Panel was not provided with any explanation for the student's behaviour, or any mitigating factors, other than the student's co-operation in admitting her misconduct to the University when confronted, and pleading guilty in this proceeding.
- [12] University counsel submitted that this was an appropriate case for expulsion, as there is no reason that the University ought to be prepared to give this student another chance. Since the student was only there on the basis of a false pretense, the student should not be permitted to continue at the University. This was similar to the case of *Mr. M*, (Decision dated April 30, 2009, Case #496) in which the student was admitted under false pretenses, as his admission was based on forged documents. The panel in *M* noted that that student's admission had negative consequences for the next best legitimate applicant who was rejected. "In short, the student's admittance to the University of Toronto is illegitimate and therefore the Tribunal sees no alternative but to recommend expulsion for one who was admitted under false pretences". (paragraph 13 of the *Mr. M*)
- [13] Counsel submitted that the detriment to the University was enormous, that forgery cannot be accepted in the University environment as it goes against everything that is to be fostered in the relationship between the University and student, as set out in the preamble to the *Code*, which emphasizes integrity and honesty in the dealings between students and the University.
- [14] Ms Labchuk re-iterated on behalf of the student that she had taken full responsibility from an early stage, had admitted the offence and co-operated with the University, and had not made any excuses for her actions.
- [15] The Panel agrees that the alteration of University records is among the most serious offences that a student can commit. The official records of the University, as said by another Panel in the case of *Mr. Y*, (Decision undated, Case #467) are the documents by which the University certifies academic achievement and, in turn, its academic reputation

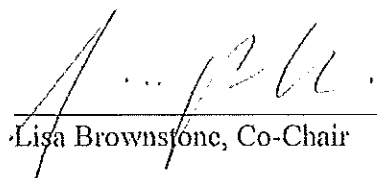
and credibility. This misconduct places the student at an undeserved advantage, which is detrimental both to the University and its integrity, and to the position of other students.

- [16] The Panel agrees that general deterrence is extremely important in this case. As in the case of *Mr. Y*, the Panel has not been advised of any extenuating circumstances and has no evidence attesting to the student's character. The student did co-operate with the University to the greatest extent, including agreeing to the penalty of expulsion. However, the act was planned and deliberate, and essentially done twice. The Panel agrees with the parties that the sentencing factors support their joint submission and that a very strong message needs to be sent that this kind of conduct will not be tolerated.

Sanction

- [17] In the circumstances, the Panel is of the view that the joint submission is the appropriate penalty in this case, and accepts the submission. Therefore, the Panel orders:
- 1) that Ms. M is guilty of two counts of forging, altering or falsifying an academic record, and making use of such a record, contrary to section B.I.3(a) of the *Code of Behaviour on Academic Matters*;
 - 2) that Ms. M be suspended from the University commencing August 4, 2010, for a period not to exceed 5 years;
 - 3) that the Tribunal recommends to the President of the University that he recommend to the Governing Council that Ms. M be expelled from the University; and
 - 4) that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated this 8th day of September, 2010.



Lisa Brownstone, Co-Chair