

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty made on November 22, 2012,

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

B E T W E E N:

THE UNIVERSITY OF TORONTO

– AND –

C ■■■ K ■

REASONS FOR DECISION

Date of Hearing: Thursday, September 19, 2013

Members of the Panel:

Mr. Jeffrey Leon, Barrister and Solicitor, Chair

Professor Richard B. Day, Department of Political Science, University of Toronto

Mississauga, Faculty Panel Member

Ms. Jenna Jacobson, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

In Attendance:

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

Ms. Sinéad Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Mr. C ■■■ K ■, the Student

Preliminary Matters

1. A Hearing of the University Tribunal was held on Thursday, September 19, 2013 to consider charges laid against the Student under the *Code of Behaviour on Academic Matters*, 1995 (the "Code") by letter dated November 22, 2012 from Professor Edith M. Hillan, Vice-Provost, Faculty & Academic Life.
2. The Hearing was called for 1:45 p.m. The Student did not appear. The Panel waited until 2:00 p.m. before commencing the Hearing.
3. The Panel was satisfied, based on the affidavit of Virginia Fletcher, sworn September 18, 2013 (Exhibit "1") and the affidavit of Natalie Ramtahal, sworn August 19, 2013 (Exhibit "2"), that the Student had reasonable notice of the Hearing and had been served with the Revised Notice of Hearing and a Book of Documents in accordance with the *Rules of Practice and Procedure* of the University Tribunal and having regard to the University of Toronto Policy on Official Correspondence with Students. On that basis, the Panel ordered that the Hearing proceed in the absence of the Student.

The Charges

4. The Revised Notice of Hearing was entered as Exhibit "3". A document setting out the Charges against the Student was entered as Exhibit "4". The Charges are attached as Appendix "A" to these Reasons. They relate to the forgery and falsification of documents related to the Student's applications for admission to the University and an application to transfer within the University from the Mississauga Campus to the St.

George Campus. Charges 1 and 2 relate to a 2010 application for admission. Charges 3 and 4 relate to a 2011 application for admission. Charges 6, 7, 8 and 9 relate to a 2012 application to transfer. A final Charge 10 alleged, in the alternative, that the Student 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.

5. The evidence presented to substantiate the Charges was by way of an affidavit of Tracy Wood, Assistant Faculty Registrar in the University of Toronto's Faculty of Arts and Science Transfer Credits Office, sworn June 12, 2013. The Panel was advised that Ms. Wood was currently on leave from the University. The Panel accepted the affidavit as evidence in accordance with the University Tribunal Rules of Practice and Procedure.

6. By way of summary, the Student's 2010 admission application was accompanied by a document represented to be an official academic transcript from the University of New Brunswick. It was determined that the University of New Brunswick had no record of the Student and had not issued a transcript to him. With respect to the 2011 admission application, the student submitted what he represented to be an official academic transcript issued by Acadia University. The University did not discover that the Student had applied previously for admission on the basis of false information. The Student was granted admission and awarded 7 transfer credits purportedly earned at Acadia University. The Student enrolled in and completed courses at the University of Toronto, Mississauga during the 2011 Fall Term and during the 2012 Winter and Summer Terms. In February, 2012, the Student applied to transfer from the University

of Toronto, Mississauga Campus to the St. George Campus. In support, he submitted what was represented as an official academic transcript issued by Acadia University. It was determined that the Acadia transcript was a forgery.

7. Ms. Wood's affidavit indicated that she met with the Student on September 2, 2012 to discuss the University's concerns that his admission and transfer applications contained misrepresentations and omissions and that he had submitted forged documents in support of those applications.

8. The University withdrew Charge 9 as set out in the Charges.

9. The Panel considered the evidence and was satisfied that the Charges 1 to 8 had been proven. The Panel found the Student guilty of those 8 counts of knowingly forging an academic record or a document required by the University of Toronto, or circulating such a document or evidence, contrary to section B.I.1(a) and B.I.3(a) of the *Code of Behaviour on Academic Matters*. The University then withdrew Charge 10.

Penalty

10. Counsel for the University submitted that an appropriate penalty in this case is a suspension for up to 5 years, the cancellation of the 7 transfer credits, a recommendation that the Student be expelled and a report to the Provost for publication of notice of the Tribunal's decision and the sanctions imposed, with the Student's name withheld.

11. The Panel was provided with a book of eighteen authorities relating to forged or falsified documents and a helpful table demonstrating the range of sanctions in prior

cases. The Panel also was reminded of the factors to be considered in imposing a penalty as set out in the Decision of the *University of Toronto and Mr. C* (File 1976-77-3; November 5, 1976).

12. The conduct of the Student in this case was serious, repetitive and egregious. The Student did not appear at the Hearing. There was no indication of respect by the Student for the University's discipline process, of any remorse or of any extenuating circumstances whatsoever. The Student's conduct had the potential to cause and did cause serious harm to the integrity of the University's academic process. This conduct invites a significant sanction that will deter the Student and others from engaging in conduct related to the forgery and falsification of documents. This is necessary to protect and safeguard the integrity of the very foundation of the University's academic process.

13. The Panel notes that given the circumstances of the 2011 application for admission and the fact that the misconduct in relation to that application was not discovered until the 2012 application for transfer, the course credits earned by the Student at the University remain undisturbed.

14. The Panel considered the submissions of counsel for the University and the relevant authorities. The Panel ordered as follows:

- (i) The Student shall immediately be suspended from the University for a period of up to five years;

- (ii) The 7.0 transfer credits granted to the Student by the University of Toronto on the basis of his purported studies at Acadia University are hereby cancelled.
- (iii) The Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
- (iv) This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed, with the name of the student withheld.

Dated at Toronto, this 27th day of November, 2013.



Jeffrey Leon, Chair