

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 6, 2015,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

C [REDACTED] A [REDACTED]

REASONS FOR DECISION

Hearing Date: Friday, January 8, 2016

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair

Dr. Chris Koenig-Woodyard, Faculty Panel Member

Ms. Yusra Qazi, Student Panel Member

Appearances:

Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Lauren Pearce, Articling Student, Paliare Roland Barristers

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

Ms. Tracey Gameiro, (Observer)

Ms. Krista Osbourne, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Mr. C [REDACTED] A [REDACTED], Student

1. The student Mr. C [REDACTED] A [REDACTED] was charged with the following academic offence which came before the panel on January 8, 2016:

On or about August 27, 2015, you knowingly forged, or in any other way altered or falsified an academic record, and/or other, circulated or made use of such forged altered or falsified record, namely, a document labelled "Academic History" that purported to be your academic record and unofficial transcript from the University of Toronto, contrary to section B.I. 3. (a) of the Code [of behaviour on academic matters, 1995].

2. Mr. A [REDACTED] did not appear at the hearing. As we will discuss at the foot of these reasons we believe him to have been properly served with process. We heard evidence and argument on behalf of the Provost, and found that Mr. A [REDACTED] had committed the offence charged.

The Facts

3. On August 27, 2015 Mr. Paul Sharpe of the Undergraduate Admissions Office of the University of London wrote to Mr. Damon Chevrier of St. Michael's College at the University to inquire about the academic qualifications which had been presented by Mr. A [REDACTED]. Mr. Sharpe observed "[p]reviously, he has only sent us unofficial documents evidencing his performance on the degree which we have been unable to use to proceed with his application [...]. We have now received the attached document directly from the student claiming that it is his final graduation transcript." Mr. Sharpe observed that the document did not seem to be a typical University of Toronto transcript, and sought confirmation that

the student had indeed earned the Bachelor of Arts Degree with a cumulative GPA of 3.12.

Mr. Chevrier remitted the document to Sana Kavar, the manager of University transcripts centre. Ms. Kavar sent an email to Mr. Sharpe and Mr. Chevrier which stated in part,

“...clearly this is not a transcript as issued by the university, rather a printout of a total academic history that students can access to view and print from our online service for their own use. [...] I can verify that it is not a complete version some courses have been omitted, thus, the GPA's and the total number of credits completed are not accurate. No degrees have been awarded for this student.”

4. She went on to observe that a financial hold had been placed on Mr. A■■■■'s academic record and that an official transcript would not be issued until that was removed.

5. Given that testimony, we find that Mr. A■■■■ had not received a degree from the University of Toronto, but falsely represented to the University of London that he had done so.

6. We are also satisfied that Mr. A■■■■ also falsified the individual grades on the “transcript” he submitted to the University of London. For example, in the course CAS400Y1 his actual grade was 37, but he claimed to have achieved a 78 in the course; in the course EAS474H1 Mr. A■■■■ received a zero, but claimed to have achieved a mark of 80. We have attached the comparison of the falsified and actual academic history to these Reasons.

7. Mr. Chevrier wrote to Mr. A [REDACTED] on August 27, 2015 immediately after the University discovered the issues with Mr. A [REDACTED]'s representations to the University of London. He offered Mr. A [REDACTED] the opportunity to meet informally to explain what had happened. He reiterated his offer on August 28, 2015. Since he did not hear from Mr. A [REDACTED], he referred the matter to the Office of the Dean.

8. Professor Donald Dewees, who is the Dean's Designate for Academic Integrity wrote to Mr. A [REDACTED] on September 2, 2015. He offered the opportunity to meet with the Dean or his designate to discuss the matter.

9. Both Mr. Chevrier and Professor Dewees corresponded with Mr. A [REDACTED] at his email address c [REDACTED].a [REDACTED]@utoronto.ca. No response was received from Mr. A [REDACTED] to any of these emails from either Mr. Chevrier or Professor Dewees, notwithstanding follow up emails on September 8, 2015 or September 15, 2015.

10. Accordingly, these proceedings were commenced by the Provost.

Disposition

11. We are satisfied beyond doubt that Mr. A [REDACTED] committed the offence charged.

Service

12. We are satisfied that we were entitled to proceed with this matter. Within the Code, under C. II (a) Tribunal Procedures, the requirements for service are established:

Notice of Hearing

4. Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to the Chair of the hearing and the Secretary shall immediately determine and give appropriate notice of the date, time and place for the hearing.

13. Further, pursuant to Section 9 of the Rules of Practice and Procedures of the University Tribunal, a notice of hearing could be served by personal service, but also by

Service of Documents

9(b) by sending a copy of the document by courier to the student's mailing address contained in ROSI [...]

9 (c) by emailing a copy of the document to the student's email address contained in ROSI or to the student's representative [...]

14. The student was not represented at any stage of these proceedings. The Provost met the requirement in s. 9(c) by emailing to a student's email address as contained in ROSI.

15. Mr. Centa quite fairly drew to our attention an email login document obtained from the system administrator which made it clear that Mr. A [REDACTED] last logged in to his ROSI email address on September 14, 2015 at 1:21am and logged out some 24 minutes later. Mr. Centa consequently accepted that Mr. A [REDACTED] did not have actual notice of the charges laid against him, or that a hearing was to take place on the date fixed. At the same time, he submitted, and we accept, that Mr. A [REDACTED] should be taken to have had notice of a serious

academic discipline issue by reason of the correspondence referred to above which came from Mr. Chevrier.

16. For these reasons, we were satisfied that the Provost was entitled to proceed with the hearing, and we did so.

17. Should Mr. A [REDACTED] wish to raise issues concerning a failure to provide notice, or if there are circumstances unknown to us which on review appear to have rendered these proceedings unfair, that will be for the Discipline Appeal Board to consider.

Penalty

18. We were provided with a chart setting out a summary of cases contained in the Provost's Book of Authorities. The Provost submitted that the proper penalty was expulsion given the blatant dishonesty exhibited by Mr. A [REDACTED] both in claiming a degree which had not been awarded and falsely suggesting that he had achieved academic success considerably at variance from the results recorded on his transcript.

19. Mr. Centa submitted to us that the proper penalty in these circumstances was, as the Book of Authorities filed by the Provost reflects, expulsion. We accept that this is the penalty typically handed down in cases of this sort. To cite just one case, that of *The University v MK*, (Case 491, Mr. Ronald G. Slaght QC, Chair, pp 12-13), we agree that the penalty of expulsion is necessary in this case, in his words:

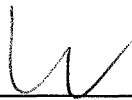
“to protect the integrity of the University community, the compelling need to signal and to underscore the deterrent effect and reiterate that such conduct will and must meet with the most severe reaction when uncovered.”

20. Accordingly, the Tribunal will recommend to the President and that he recommend to the Governing Council, that Mr. A [REDACTED] be expelled, and that a permanent notation to that effect be made on his academic record.

21. Mr. A [REDACTED] shall also be immediately be suspended from the University for a period of up to five years.

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 17th day of April, 2016.



William C. McDowell, Co-Chair

APPENDIX

Comparison of Mr. A's Actual and Purported Academic History

Term	Course	Mark		Grade		Sessional GPA		Cumulative GPA	
		Actual	Falsified	Actual	Falsified	Actual	Falsified	Actual	Falsified
Winter 2012	ECO105Y1	60	DNA	C-	DNA	2.57	2.77	2.67	2.86
Winter 2013	HIS282Y1	56	DNA	D	DNA	1.76	2.00	2.39	2.63
Winter 2014	HIS292H1	40	DNA	F	DNA	1.86	3.10	2.43	2.83
	HIS377H1	34	DNA	F	DNA				
Winter 2015	CAS400Y1	37	78	F	B+	0.00	3.41	1.88	3.12
	EAS474H1	0	80	F	A-				
	HIS389H1	42	79	F	B+				
	JPA331Y1	29	78	F	B+				
	NMC381H1	35	80	F	A-				
	POL359Y1	30	CR	F	CR				

Degree Requirement	Actual Status	Falsified Status
Bachelor of Arts	Not Conferred	Conferred July 2015
Major in Contemporary Asian Studies	Active	Complete
Major in History	Active	Complete