

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on May 5, 2017.

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 -

A [REDACTED] G [REDACTED]

REASONS FOR DECISION

Date of Hearing: July 11, 2017

Members of the Panel:

Mr. Michael Hines, Barrister and Solicitor, Chair
Professor Dionne Aleman, Panel Member
Mr. Harvey Lim, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. Thomas MacKay, Director, Faculty Governance & Curriculum Services, Faculty of Arts and Science

In Attendance:

Ms. Tracey Gameiro, Associate Director, Office of Appeals, Discipline and Faculty Grievances
Ms. Breese Davies, (Newly Appointed Co-Chair of the University Tribunal), Observer
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not in Attendance:

Mr. A [REDACTED] G [REDACTED] (the "Student")

Charges and Hearing

This panel of the University Tribunal held a hearing on July 11, 2017 to consider the charges brought by the University of Toronto (the "University") against A [REDACTED] G [REDACTED] ("the Student") under the Code of Behaviour on Academic Matters, 1995.

Procedural Issues

1. The Student was charged with the Offences set out in Appendix A, attached. Essentially, they relate to the alleged falsification of two academic transcripts purportedly issued by the University, as well as another academic record, namely a resumé, concerning the Student. One transcript and the resumé were allegedly used by the Student in an attempt to gain admission to a work-study programme offered by the University. The second transcript was allegedly submitted by the Student in support of an application for a summer research program.
2. The Student did not appear at the hearing. The University requested an Order that the Hearing proceed in his absence, relying on the fact that the Student had signed an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP"). Discipline Counsel advised the Panel that she had spoken personally with the Student who had confirmed to her that he appreciated the gravity of the charges and the contemplated penalty, and that he was content for the hearing to proceed in his absence.
3. Accordingly and on this basis, the Tribunal granted the requested Order. That Order is hereby confirmed.

Evidence and Findings

4. The University then led its evidence through the ASF, the contents of which are set out below. Where documents are referred to in the ASF, they are not reproduced in this Decision. However, the Panel reviewed the documents in the course of the Hearing to be satisfied that they supported the allegations about them agreed to in the ASF. The following facts were established to the Tribunal's satisfaction. The material portions of the ASF read as follows:
 - (a) The Student first registered at the University of Toronto in the Faculty of Arts & Science in Fall 2013. In February, 2017 the Student had earned a total of 13.5 academic credits, with a cumulative grade point average (CGPA) of 2.42.
 - (b) On or around May 17, 2016, the Student applied for a summer position as an Astronomy Research Assistant for Summer 2016 with the Department of Astronomy ("Summer Position"). In support of his application the Student submitted the following documentation to Professor John Percy:

- (i) letter;
 - (ii) resumé ("Resumé");
 - (iii) Complete Academic History dated May 17, 2016 ("Transcript 1").
- (c) The Student's application was not considered for the Summer Position as the position had already been filled by the time his application was received.
- (d) In July, 2016 Professor Percy's request for a 2016-17 Work Study position of Astronomy Research Assistant in the Department of Astronomy was approved, and he posted the position as part of the fall/winter Work Study Program ("Fall/Winter Position"). Students were paid \$11.40 per hour (as of October 1, 2016) plus 4% vacation pay and 10% benefits.
- (e) In or around August or September, 2016, the Student applied for the Fall/Winter Position. The Student submitted the same documentation in support of his application to the Fall/Winter Position as he had submitted for the Summer Position, except that his Summer Position cover letter was addressed specifically to Professor Percy, and his Fall/Winter Position letter was addressed to "Dear Madam/Sir":
- (f) Professor Percy was the Professor Emeritus supervising the Fall/Winter Position. He received 21 applications for the Fall/Winter Position.
- (g) Professor Percy reviewed Transcript 1 submitted by the Student as part of his job application which indicated that he had very high marks, all A's, with the exception of one B+ and one B-, and a CGPA over time of between 3.85 and 3.69.
- (h) The Student's Resumé stated: "Currently hold GPA of 3.76".
- (i) Professor Percy interviewed the Student for the Fall/Winter Position on or around September 14, 2016, after which the Student was selected for the Fall/Winter Position to work with Professor Percy. The Student was paid pursuant to the terms of the program for his work.
- (j) A copy of the University of Toronto Work Study Program Hiring Form dated September 15, 2016 is included in the **JBD at Tab 11**. Confirmation of the Student's approval by the Fall/Winter 2016-17 Work Study program dated September 20, 2016, and a description of the terms by which he was employed is included in the **JBD at Tab 12**.
- (k) In January, 2017 the Student asked Professor Percy to write a letter in support of his application for the upcoming 2017 Summer Undergraduate Research Program. Professor Percy obtained an updated transcript for the

Student from the department's Undergraduate Coordinator so that he could review the Student's Fall 2016 marks. ("Transcript 2").

- (l) Professor Percy reviewed Transcript 2 and noticed fewer "A"s than in Transcript 1.
- (m) Professor Percy asked the Student to send him his current transcript. The Student provided Professor Percy with an updated transcript by email on January 18, 2017 ("Transcript 3"). Transcript 3 was dated January 11, 2017.
- (n) Professor Percy reviewed Transcript 3 and noticed the same discrepancies as in Transcript 1, as well as additional discrepancies for the Fall 2016 term which had not been included in Transcript 1.
- (o) Professor Percy compared Transcript 1 and Transcript 3 to Transcript 2 and determined that most course grades and grade point averages (sessional, annual and cumulative) had been inflated in the transcripts provided to him by the Student (Transcripts 1 and 3) when compared to the transcript obtained from the Undergraduate Coordinator (Transcript 2).
- (p) Professor Percy noticed that Transcript 1 and Transcript 3 had a watermark in the bottom right of each page which states: *"Edited with Infix PDF Editor – free for non-commercial use. To remove this notice, visit: www.lceni.com/unlock.htm".* The [lceni.com](http://www.lceni.com) website states: *"Your PDF has been edited by the demo version of Infix PDF Editor (/infix.htm). The demo offers all the features of the software at no costs but adds a watermark to all edited pages."*
- (q) Professor Percy met with the Student on January 18, 2017 to discuss the transcripts submitted by the Student. The Student was terminated from the Fall/Winter Position in January 2017.
- (r) Professor Percy would not have hired the Student for the Fall/Winter Position if the Student had included a legitimate transcript of his marks such as shown in Transcript 2 in his application for the Fall/Winter Position.
- (s) On February 3, 2017, the Student was formally notified by Donna Wall, Director of Financial Aid and Awards for the University of Toronto, that he was no longer eligible to participate in the University Work/Study Program, that a lifetime ban from the program had been imposed effective immediately, and that his 2016-17 Work Study position would not be included in his co-curricular record.
- (t) On February 17, 2017, Professor Don Dewees, Dean's Designate for Academic Integrity, sent a letter to the Student to advise him that he had received a report alleging that he had committed an academic offence by

providing a document purporting to be a University transcript in support of an application for a 2016-17 Work Study position, and that he had committed a further academic offence by providing a second altered or falsified University of Toronto transcript in response to a request for a current transcript in January, 2017. Professor Dewees asked the Student to attend a Dean's meeting to discuss the allegations.

- (u) The Student attended a meeting with the Dean's Designate on March 9, 2017. He admits that this meeting took place in a manner consistent with the requirements of the Code. At that meeting the Student admitted that he forged, falsified and altered his transcript in September 2016 and again in January 2017.
- (v) The Student admits that he knowingly provided to Professor Percy two forged, falsified and altered transcripts, Transcript 1 and Transcript 3, which grossly overstated his academic achievements at the University, and which bore no resemblance to his actual transcript, Transcript 2.
- (w) The Student further admits that he knowingly provided false information in his Resumé by claiming to have a higher CGPA than he had actually earned.
- (x) The Student admits that, for the purpose of obtaining a position in the 2016-17 Work Study Program offered by the University, contrary to section B.I.1(a) and B.I.3(a) of the Code, he knowingly
 - (i) forged, altered and falsified Transcript 1 which purported to be his Complete Academic History from the University of Toronto dated May 17, 2016;
 - (ii) forged, altered and falsified Transcript 3 which purported to be his Transcript of Consolidated Academic Record dated January 11, 2017;
 - (iii) falsified his Resumé.
- (y) The Student acknowledges that:
 - (i) the Provost of the University of Toronto has advised the Student of his right to obtain legal counsel and that he has chosen not to obtain legal counsel; and
 - (ii) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so without the advice of counsel.

5. Based upon the ASF, the Tribunal entered a finding of guilty on Counts 1 and 2 of the Charges as set out in Appendix A. Those charges relate simply to the

forgery of academic records. The Tribunal declined to make a finding of guilt in respect of Count 3, since it referred to the use of forged documents in August 2017 in an application to a "work-study programme", rather than an application made in August 2016 to the "2016-17 Work Study Program", as established by the ASF. The Panel was of the view, particularly in view of the JSP, that the outcome of the case would be the same whether or not a finding of guilt was made in respect of Count 3.

Penalty

6. The University sought a penalty that would include a recommendation from the Tribunal that the Student be expelled from the University. This was set out in the JSP that was signed by the Student. The concluding paragraph of the JSP reads as follows:
 4. The Student admits that he is signing this JSP freely and that he has been given the opportunity to obtain independent legal advice before signing this JSP, and that he has chosen not to obtain legal counsel.
7. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint statements on penalty. As stated recently in the case of *K.N. v. University of Toronto (Case No.899, August 21, 2017)*, the offences as proven demonstrate the most serious lack of academic and personal integrity. The forgery and falsification of records of academic achievement and their subsequent use to obtain advantage threaten the reputation of the University and the students who pursue their degrees honestly and diligently. We see no exceptional circumstances in this case and are therefore in agreement with the JSP.
8. Accordingly, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:
 - (a) **THAT** the Student is guilty of two counts of knowingly forging, altering, or falsifying an academic record, or uttering, circulating, or making use of such academic record, contrary to section B.I.3(a) of the *Code of Behaviour on Academic Matters*;
 - (b) **THAT** the Student shall immediately be suspended from the University for a period of up to five years;
 - (c) **THAT** The Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University;
 - (d) **THAT** a permanent notation shall be placed on the Student's academic record and transcript; and

- (e) **AND THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

Dated at Toronto this *6th* day of October, 2017.

A handwritten signature in black ink, appearing to read "Michael Hines", is written over a horizontal line.

Michael Hines, Chair

APPENDIX A

UNIVERSITY OF TORONTO

A [REDACTED] G [REDACTED] ([REDACTED])

CHARGES

Note: Wherever in the *Code of Behaviour on Academic Matters, 1995* (“Code”) an offence is described as depending on “knowing”, the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

1. 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 Complete Academic History from the University of Toronto dated May 17, 2016, contrary to section B.I.3(a) of the *Code*.

2. 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 dated January 11, 2017, contrary to section B.I.3(a) of the *Code*.

3. 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 resumé which you submitted as part of your application to a work-study program in August, 2017, contrary to section B.I.3(a) of the *Code*.

4. In the alternative to paragraph 3 above, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a resumé which you submitted as part of your application to a work-study program in August, 2017, contrary to section B.I.1(a) of the *Code*.

5. In the alternative to paragraphs 1 through 4 above, 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, contrary to section B.I.3(b) of the *Code*, in connection with:

- (a) a document which purported to be your Complete Academic History from the University of Toronto dated May 17, 2016;
- (b) a document which purported to be your Transcript of Consolidated Academic Record dated January 11, 2017;
- (c) a resumé which you submitted as part of your application to a work-study program in August, 2017.

Particulars of charges

1. The particulars are as follows:

- (a) In or about August, 2017, as part of your application to the University for a work-study position as a research assistant you provided:
 - (i) a document that purported to be your Complete Academic History from the University of Toronto dated as of May 17, 2016; and
 - (ii) a resumé which claimed that you currently held a cumulative grade point average of 3.76.
- (b) In or about January, 2017, to support an application to the University for a summer undergraduate research program, you provided a document that

purported to be your Transcript of Consolidated Academic Record dated January 11, 2017.

- (c) You forged each of the Complete Academic History dated as of May 17, 2017 and the Transcript of Consolidated Academic Record dated January 11, 2017 and falsely represented your marks, grades, sessional and annual grade point averages, cumulative grade point averages, and academic history and status in those documents.
- (d) You included false information about your cumulative grade point average on the resumé.
- (e) You knew that all of these documents were forged, altered, and/or falsified when you circulated them.
- (f) You had an obligation to provide accurate and truthful information and not to misrepresent your academic record. You had an obligation not to provide forged or falsified documents in support of your application.