

**UNIVERSITY OF TORONTO  
UNIVERSITY TRIBUNAL  
TRIAL DIVISION**

**IN THE MATTER** of charges of academic dishonesty made on May 14, 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 –

**D                      D**

**Hearing Date:** July 26, 2010

**Members of the Panel:**

Ms. Ira Parghi, Barrister and Solicitor, Chair

Professor Dionne Aleman, Department of Mechanical and Industrial Engineering, Faculty Panel Member

Ms. Uthra Mohan, Student Panel Member

**Appearances:**

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

Mr. D                      D                      , the Student

**In Attendance:**

Professor Sam Solecki, Dean's Designate, Faculty of Arts and Science

Ms. Jessica Latimer, Articling Student, Paliare Roland Barristers

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

## CHARGES AND HEARING

[1] The Trial Division of the University Tribunal held a hearing on July 26, 2010 to consider the following charges brought by the University of Toronto against Mr. D under the *Code of Behaviour on Academic Matters, 1995* ("the Code"):

1. On or about February 16, 2010, you did knowingly forge or in any other way alter or falsify an academic record, and/or did utter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely an Academic History submitted with an application to the Summer Undergraduate Research Program, Institute of Medical Science, contrary to section B.I.3(a) of the *Code*.
2. In the alternative, on or about February 16, 2010, you did knowingly engage 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, by submitting an Academic History with an application to the Summer Undergraduate Research Program, Institute of Medical Science, which was forged, altered or falsified, contrary to section B.I.3(b) of the *Code*.
3. On or about February 16, 2010, you did knowingly forge or in any other way alter or falsify a document, and/or did utter, circulate or make use of such forged, altered or falsified document, whether the record be in print or electronic form, namely an Application Form which you submitted to the Summer Undergraduate Research Program, Institute of Medical Science, contrary to section B.I.1(a) of the *Code*.
4. In the alternative, on or about February 16, 2010, you did knowingly engage 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, by submitting a forged, altered or falsified Application Form to the Summer Undergraduate Research Program, Institute of Medical Science, contrary to section B.I.3(b) of the *Code*.
5. On or about February 16, 2010, you did knowingly forge or in any other way alter or falsify a document, and/or did utter, circulate or make use of such forged, altered or falsified document, whether the record be in print or electronic form, namely a resumé which you submitted with an application to the Summer Undergraduate Research Program, Institute of Medical Science, contrary to section B.I.1(a) of the *Code*.
6. In the alternative, on or about February 16, 2010, you did knowingly engage 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, by submitting a

forged, altered or falsified resumé with an application to the Summer Undergraduate Research Program, Institute of Medical Science, contrary to section B.I.3(b) of the *Code*.

[2] The particulars of the offences charged are as follows:

7. You were enrolled at the University at all material times.
8. On or about February 16, 2010, you submitted an application to the 2010 Summer Undergraduate Research Program at the Institute of Medical Science at the University ("Application"). You were required to attach a transcript and a resumé.
9. You indicated on the Application that you had earned a final average grade of 84/A- in the prior academic year. This statement was not true. Your final average grade in the prior academic year was approximately 70.
10. In support of and as required by the Application you also submitted a document entitled Academic History from the Student Web Service which listed the courses you had studied, the marks earned for each course, grade point averages, and credits earned ("Academic History"). This Academic History contained the following false information:
  - a. BIO150Y1 mark of 87, when you had received a mark of 74;
  - b. ECO100Y1 mark of 82, when you had received a mark of 60;
  - c. MAT135Y1 mark of 75 in the 2006 Winter term, when you had received a mark of 46;
  - d. no record of MAT135Y1 in the 2007 Summer term, when you were enrolled in this course again during that term;
  - e. PHY138Y1 mark of 82, when you had received a mark of 62;
  - f. Sessional, annual and cumulative grade point averages for the 2006 Winter term of 3.53, when you had earned grade point averages of 1.60;
  - g. BIO250Y1 mark of 81, when you had received a mark of 74;
  - h. HPS210H1 mark of 77, when you had received a mark of 74;
  - i. Sessional GPA of 3.67 for the 2007 Summer term, when you had earned a sessional GPA of 3.17;
  - j. Cumulative GPA of 3.57 for the 2007 Summer term, when you had earned a CGPA of 2.27;

- k. Credits earned of 2.00 in the 2007 Summer term, when you had earned 3.00 credits;
- l. CHM138H1 mark of 81, when you had received a mark of 70;
- m. Sessional GPA of 3.70 for the 2007 Fall term, when you had earned a sessional GPA of 2.70;
- n. Cumulative GPA of 3.57 for the 2007 Fall term, when you had earned a CGPA of 2.30;
- o. BIO252Y1 mark of 85, when you had received a mark of 73;
- p. HMB265H1 mark of 83, when you had received a mark of 75;
- q. POL208Y1 mark of 80, when you had received a mark of 77;
- r. POL214Y1 mark of 79, when you had received a mark of 73;
- s. PSL302Y1 mark of 88, when you had received a mark of 80;
- t. Sessional GPA of 3.74 for the 2008 Winter term, when you had earned a sessional GPA of 3.22;
- u. Annual GPA of 3.74 for the 2008 Winter term, when you had earned an annual GPA of 3.17;
- v. Cumulative GPA of 3.67 for the 2008 Winter term, when you had earned a CGPA of 2.65;
- w. BCH210H1 mark of 86, when you had received a mark of 68;
- x. Sessional GPA of 4.00 for the 2008 Summer term, when you had earned a sessional GPA of 2.30;
- y. Cumulative GPA of 3.67 for the 2008 Summer term, when you had earned a CGPA of 2.63;
- z. Cumulative GPA of 3.67 for the 2008 Fall term, when you had earned a CGPA of 2.67;
- aa. CSB351Y1 mark of 82, when you received a mark of 61;
- bb. HMB322H1 mark of 92, when you had received a mark of 77;
- cc. IMM334Y1 mark of 83, when you had received a mark of 73;
- dd. POL201Y1 mark of 78, when you had received a mark of 70;

- ee. PSL470H1 mark of 86, when you had received a mark of 71;
  - ff. Sessional GPA of 3.67 for the 2009 Winter term, when you had earned a sessional GPA of 2.60;
  - gg. Annual GPA for the 2009 Winter term of 3.67, when you had earned an annual GPA of 2.72;
  - hh. Cumulative GPA for the 2009 Winter term of 3.67, when you had earned a CGPA of 2.66;
  - ii. HMB202H1 mark of 84, when you had received a mark of 75;
  - jj. Sessional GPA of 3.70 for the 2009 Fall term when you had earned a sessional GPA of 3.35; and
  - kk. Cumulative GPA of 3.67 for the 2009 Fall term, when you had earned a CGPA of 2.69.
11. In support of and as required by the Application you also submitted a resumé which stated that you had consistently placed on the Dean's List in each year of study ("Resumé"). This statement was not true.
  12. Each of the Application, Academic History, and Resumé contained false information. You forged, falsified or altered the Application, Academic History, and Resumé or had them forged, falsified or altered at your request.
  13. You submitted each of the forged, falsified or altered Application, Academic History and Resumé in support of your application to participate in the Summer Undergraduate Research Program at the Institute of Medical Science, and to receive funding from the University for that purpose. You submitted the Application, Academic History and Resumé knowing them to be forged, altered or falsified.

[3] Mr. D was present at the hearing. He was not represented by counsel.

#### **AGREED STATEMENT OF FACTS & FINDING OF GUILT**

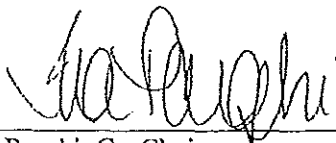
- [4] At the outset of the hearing, the Tribunal was advised that the University had entered into an Agreed Statement of Facts with Mr. D . That document is attached as Appendix A to this decision. Pursuant to that Agreed Statement of Facts, Mr. D pleaded guilty to charges 1, 2, 3, 4, and 5. The University agreed that, if the Tribunal convicted Mr. D on charges 1, 3, and 5, then the University would withdraw charges 2, 4, and 6.
- [5] After reviewing the facts contained in the Agreed Statement of Facts, the Tribunal deliberated and concluded that the facts form the foundation for a finding of guilt on charges 1, 3, and 5, and agreed to accept the guilty pleas in respect of those charges.

## SANCTION

- [6] The University argued that the appropriate sanction in this matter was:
- (a) that Mr. D be suspended from the University commencing July 26, 2010, for a period not to exceed 5 years;
  - (b) that the Tribunal recommends to the President of the University that he recommend to the Governing Council that Mr. D be expelled from the University; and
  - (c) that 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 Mr. D's name withheld.
- [7] Mr. D's view was that the penalty sought by the University is "excessively harsh" and that a significant suspension would be more appropriate.
- [8] The Tribunal considered the University's submissions, as well as those of Mr. D. The Tribunal weighed the principles that govern its decisions regarding sanction, as outlined in the reasons for decision of Mr. Sopinka, as he then was, in *The University of Toronto and Mr. C.*, dated November 5, 1976. Based on those principles, for the reasons set out below, the Tribunal concluded that the sanction sought by the University was appropriate in the circumstances of this case.
- [9] The Tribunal is particularly concerned about the nature of the offences. The offences to which Mr. D has admitted are clearly serious. Forging or falsifying an academic history is, in particular, among the most serious offences a student can commit. The University's reputation and credibility hinge on the reliability of its official records. The forgery or falsification of an application to a university research program, and a resume submitted in support of that application, are also extremely serious offences. The sheer scope of the offences – 56 changes to the academic record, for instance – is significant.
- [10] The Tribunal also notes that these are acts that entailed a subjective intention and obvious planning. They took place over a period of time. They are not acts that could result from inadvertence or even a single, "spur of the moment" ill-advised decision.
- [11] Moreover, the offences took place as part of an effort to obtain an advantage when applying to a summer research program at the University. This is detrimental both to the University and to other students. Mr. D also abused the trust of Dr. Hare, who supported his application based on false information.
- [12] The detriment to the University occasioned by these offences is grave, and clear. Offences such as these undermine the ability of the public to put stock in credentials issued by the University. As noted above, the University's reputation and credibility hinge on the reliability of its records.

- [13] The Tribunal also finds that the principal of general deterrence is supported by granting the sanction sought by the University. Such a penalty will serve as a deterrent to others who may contemplate similar actions.
- [14] Finally, the Tribunal finds that there is no evidence of any extenuating circumstances that would suggest that a lessened penalty might be appropriate. Mr. D is certainly to be commended for cooperating with this process and entering into an Agreed Statement of Facts. He also did, to his credit, characterize his conduct as "wrong". However, these facts in themselves do not warrant a mitigated penalty. Mr. D's submissions to the Tribunal suggest that his concern is primarily with rehabilitating his own academic career and reputation, and that he does not appreciate the seriousness of his offences or the harm his offences have occasioned the University and his fellow students. In these circumstances, the Tribunal concludes that there is no evidence of extenuating circumstances that would urge in favour of a less severe penalty.
- [15] The Tribunal therefore concludes that the sanction sought by the University is appropriate. An Order to this effect has been issued.

Dated at Toronto, this 3d date of September, 2010

  
\_\_\_\_\_  
Ira Parghi, Co-Chair