

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER charges of academic dishonesty made on June 3, 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 –

A A L

Hearing Date: July 13, 2010

Members of the Panel:

Mr. John Keefe, Barrister and Solicitor, Chair
Professor Bruno Magliocchetti, Department of Italian Studies, Faculty Panel Member
Ms. Elena Kuzmin, Student Panel Member

Appearances:

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

In Attendance:

Dr. Kristi Gourlay, Manager of the Office of Academic Integrity
Ms. Betty-Ann Campbell, Law Clerk, Paliare Roland Barristers
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Mr. A A L , the Student

REASONS FOR DECISION

1. The University Tribunal was convened on Tuesday, July 13, 2010 to hear charges under the *Code of Behaviour on Academic Matters*, 1995 (“the “Code”), against A A L (the “Student”).
2. The charges are set out in a letter from Professor Edith Hillan, Vice-Provost, Faculty & Academic Life, dated June 3, 2010, which attached the charges. The charges are as follows:

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 dated “10/6/2009” that purported to be your academic history and unofficial transcript from the University of Toronto, 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 degree certificate granted on June 4, 2009, that you claimed to have received from the University of Toronto, contrary to Section B.I.3.(a) of the Code.

Particulars

3. The particulars set out in the Notice were as follows:
 3. You are a student at the University of Toronto and you were registered in courses from Fall 2004 to Winter 2008.
 4. As part of your search for employment, you created and/or circulated a document dated 10/6/2009 labelled “Student Web Services – View Academic History” that purported to be a copy of your academic record. You knew that this document falsely represented your academic record in a number of ways including:
 - (a) it listed courses that you had not successfully completed;
 - (b) it misrepresented grades earned in courses that you had completed;

- (c) it misrepresented your sessional grade point averages;
- (d) it misrepresented your cumulative grade point averages;

5. You also created and/or circulated a document that purported to be a Bachelor of Commerce degree, dated June 4, 2009, which purported to certify that you had fulfilled the requirements of the University of Toronto and had been admitted under the authority of the Governing Council of the University of Toronto to the degree of Bachelor of Commerce.

6. You knew that you had not graduated from the University of Toronto and that the document presented was forged, altered, or falsified.

4. The Notice of Hearing is dated June 22, 2010, which the Student acknowledges receiving.

Agreed Statement of Facts

5. At the outset of the hearing, the Tribunal was provided with an Agreed Statement of Facts signed by the Student and Discipline Counsel for the University.
6. In summary, the Student admitted that he knowingly forged, falsified and forwarded a falsified degree from the University that he had not earned or received. He also admitted that he knowingly forged, falsified and forwarded an unofficial transcript of his academic record at the University of Toronto.
7. He submitted the forged documents in support of his application for employment at Accenture Inc., which is a global management consulting, technology services and outsourcing company.
8. In the unofficial transcript, the marks and letter grades in every course (except one) had been increased significantly. He falsified every sessional and cumulative grade point

average that he had earned (except one). He also listed many courses that he had not completed at the University of Toronto.

The Hearing

9. The Student attended the hearing on July 13, 2010. He confirmed that he entered into the Agreed Statement of Facts voluntarily. We note that no agreement was reached between the Student and Discipline Counsel to the University with respect to the sanction which the Provost would be seeking in this case based on his admissions and guilty plea.
10. The Student pleaded guilty to charges 1 and 2.
11. Based on the Agreed Statement of Facts and the Student's guilty plea, the Tribunal found the Student guilty on charges 1 and 2.

Sanctions and Reasons

12. There was no Joint Submissions on Penalty. Discipline Counsel submitted that the appropriate penalty was a recommendation of expulsion together with a five-year suspension from the University pending the final decision with respect to expulsion.
13. The Tribunal was advised that the Student had cooperated throughout the course of the investigation both at the divisional stage and in the period leading up to the hearing. The Student attended the hearing. He entered into the Agreed Statement of Facts. He pleaded guilty. The student advised the Tribunal that he recognized the seriousness of the offences, that he made a serious mistake, and that he knew that what he had done was wrong. The Student showed genuine remorse and a genuine understanding of the

seriousness of the matter. He indicated that he wished to continue his education at the University of Toronto at some point in the future.

The Tribunal's Conclusion on the Appropriate Penalty

14. The Tribunal considered numerous cases before other panels of the University's Tribunal that considered sentencing guidelines in matters of academic offences. These cases set out the following sentencing criteria:
 - (a) the character of the person charged;
 - (b) the likelihood of the repetition of the offence;
 - (c) the nature of the offence committed;
 - (d) any extenuating circumstances surrounding the commission of the offence;
 - (e) the detriment to the University occasioned by the offence; and
 - (f) the need to deter others from committing a similar offence.

15. The Tribunal was provided with a Book of Authorities with numerous cases dealing with other instances where students had been found guilty of offences involving forged or falsified documents. In the overwhelming majority of these cases, the penalty imposed was expulsion. In many of these cases the students had entered into Agreed Statements of Fact and Joint Submissions on Penalty. In many of these cases the students attended the hearing. The clear weight of authority, based on these cases, is that the appropriate penalty is expulsion where there is falsification or forgery of documents.

16. The Student's conduct clearly violated all of the University's policies and guidelines with respect to ethical conduct. The Tribunal considered the Student's conduct to be at the

most serious end of the spectrum in terms of the principles of integrity and reputation of the University.

17. In this case the Student falsified two documents, one of which was a University degree. Although the academic transcript was an unofficial transcript, there was a clear intention to put forward false statements concerning his record at the University.
18. The Tribunal noted that the Student did attend the hearing and did cooperate throughout the course of the investigation and acknowledged his conduct. Notwithstanding the Student's cooperation, the Tribunal concluded that, in order to maintain the integrity of the University's ethical rules and the Code, it had no alternative, but to recommend the penalty of expulsion. The Tribunal encouraged the Student to continue to pursue his goal of achieving a higher education, recognizing that he did learn an important lesson from this experience.

CONCLUSION

19. Accordingly, the Tribunal's decision is as follows:
 1. **THAT** Mr. L is guilty of two counts of altering or falsifying an academic record, contrary to section B.I.3(a) of the Code of Behaviour on Academic Matters;
 2. **THAT** the Mr. L be suspended from the University commencing July 13, 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 Mr. L be expelled from the University;

4. **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 the name of the student withheld.

Dated August 10, 2010



John Keefe
Chair