

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER OF charges of academic misconduct made on February 14, 2013;

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 -

T ■ A ■

REASONS FOR DECISION

Hearing Date: November 20, 2013

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair

Professor Faye Mishna, Factor-Inwentash Faculty of Social Work, Faculty Panel Member

Ms. Stoney Baker, Student Panel Member

Appearances:

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

In Attendance:

Professor Wayne Dowler, Dean's Designate, University of Toronto Scarborough

Ms. Sana Halwani, Tribunal Co-Chair, Observer

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

Preliminary

- [1] The Trial Division of the University Tribunal was convened on November 20, 2013 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated September 9, 2013 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life. The charges were revised on September 17, 2013.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF"), a copy of which is attached to these Reasons as Appendix "A".
- [3] The Student did not attend the hearing and did not send a representative. However, the Student acknowledged in the ASF that he received reasonable notice of the hearing. Discipline Counsel also advised the panel that he had spoken to the Student earlier on the day of the hearing. The panel was satisfied that the Student had reasonable notice of the hearing and that it was appropriate to proceed with the hearing in the Student's absence.

Hearing on the Facts

- [4] The charges against the Student were as follows:
 - 1) In or about July 2013, you knowingly forged or in any other way altered or falsified an academic record, and/or altered, circulated or made use of such forged, altered or falsified academic record, namely a document that purported to be a degree certificate from the University of Toronto dated June 15, 2004, which represented that you had fulfilled the requirements of the University of Toronto and had been admitted to the degree of Honours Bachelor of Business Administration, contrary to Section B.1.3(a) of the *Code*.
 - 2) On or about March 31, 2013, you knowingly altered or falsified an academic record, and/or altered, circulated or made use of such altered or falsified academic record, namely a cover letter and resume in which you claimed to

have earned the degree of Honours Bachelor of Business Administration, contrary to Section B.1.3(a) of the Code.

- 3) On or about March 31, 2013, you knowingly altered or falsified an academic record, and/or altered, circulated or made use of such altered or falsified academic record, namely a cover letter and resume in which you claimed to have earned the degree of Master of Business Administration, contrary to Section B.1 .3(a) of the Code.

[5] Discipline Counsel provided an overview of the ASF.

[6] The Student, via the ASF, entered a guilty plea to all three charges.

Decision of the Tribunal on Charges

[7] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents ("JBD"), the Tribunal accepted the Student's guilty plea on the charges. Consequently, the Student stood convicted on charges 1, 2 and 3.

Penalty

[8] The matter then continued with a hearing into the appropriate sanction.

[9] The University submitted that the appropriate sanction here included recommendation for expulsion due to the severity of the misconduct.

[10] Discipline Counsel presented a Brief of Authorities containing relevant cases as well as a one-page document, "Summary of Cases in Book of Authorities". All the authorities concerned students with no prior offences. The Summary suggested that where a transcript was forged, the resulting Tribunal sanction was at the very high end resulting in either a 5-year suspension, recommendation for expulsion or revocation of a degree.

[11] Discipline Counsel cited the principles from the decision of Mr. Sopinka, as he was then, in *University of Toronto and Mr. C.* (Case# 1976/77-3; November 5, 1976) Counsel suggested that, with respect to the present case, the forging of a degree certificate moves the case to the high end of

the spectrum in terms of the seriousness of the offence. While the Student cooperated by admitting his misconduct at the Dean's Designate meeting and by agreeing to the ASF, he did not attend the hearing and did not present any mitigating circumstances with respect to the commission of the misconduct. The Student presented no evidence for the panel to gauge more about his character.

[12] The aggravating circumstances were the forgery of the degree certificate and the fact that the Student falsely represented that he had earned two business degrees. It was difficult to ascertain whether the Student would be likely to commit another academic offence because of the paucity of the evidence.

[13] The panel noted that the reasoning and disposition in the *University vs DD* (Case # 593; September 3, 2010) decision were apposite:

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 (para. 9)

The Tribunal also notes that these are acts that entailed a subjective intention and obvious planning (para. 10)

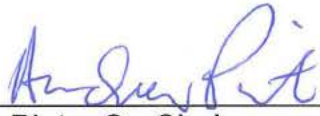
[14] The panel noted that the Student forwarded to an employer an entirely fictitious facsimile of what appeared to be a university degree certificate; and, in job application materials, suggested that he possessed an undergraduate and master's degree in business which he clearly did not attain. The University's proposed sanction was consistent with the Tribunal's jurisprudence. The principle of general deterrence also supported issuing the proposed sanction to discourage others who may contemplate similar actions.

[15] In light of the facts of this case, the admission of guilt by the Student, and Discipline Counsel's submission regarding penalty, the Tribunal imposes the following sanctions:

1. **THAT** the hearing may proceed in the absence of the Mr. A [REDACTED];
2. **THAT** Mr. A [REDACTED] is found guilty of 3 counts of academic misconduct, contrary to the *Code of Behaviour on Academic Matters*;

3. **THAT** Mr. A [REDACTED] be suspended from the University for a period of up to 5 years from the date of this order;
4. **THAT** the Tribunal recommends to the President that he recommend to Governing Council that Mr. A [REDACTED] be expelled from the University;
5. **THAT** a permanent notation be placed on Mr. A [REDACTED]'s academic record and transcript; and
6. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with Mr. A [REDACTED]'s name withheld.

Dated at Toronto, this 8th day of April, 2014.



Andrew Pinto, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on September 9, 2013 and revised on September 17, 2013

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*

NO. 1

BETWEEN:

THE UNIVERSITY OF TORONTO THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

- and -

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This Exhibit is produced by
the The University
.....
T [redacted] A [redacted] [redacted] s 20 day of November, 2013.
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AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost" and the "University") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of this hearing, the Provost and T [redacted] A [redacted] ("Mr. A [redacted]") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Mr. A [redacted] agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and

- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.
2. Mr. A [REDACTED] admits that he received a copy of the charges filed by the Provost. The charges, as revised and delivered on September 17, 2013, are included in the JBD at Tab 1. Mr. A [REDACTED] waives the reading of the charges filed against him and pleads guilty to all 3 charges.
 3. Mr. A [REDACTED] admits that he received the notice of hearing, which is included in the JBD at Tab 2. He acknowledges that he received reasonable notice of the hearing.
- A. Honours Bachelor of Business Administration – Charges 1 and 2**
4. Mr. A [REDACTED] is a student at the University of Toronto Scarborough within the meaning of the *Code*. At various times between Fall 2002 and Winter 2010, Mr. A [REDACTED] registered for courses and he has earned a total of 15.50 academic credits. A copy of Mr. A [REDACTED]'s academic record dated July 17, 2013, is included in the JBD at Tab 3.
 5. Mr. A [REDACTED] has never been eligible to receive a degree of any kind from the University.
 6. On or about March 31, 2013, Mr. A [REDACTED] applied for a job at PepsiCo Canada ("Company"). He submitted a cover letter and resume in support of his application for employment. A copy of the cover letter is included in the JBD at

Tab 4 and a copy of the resume is included in the JBD at Tab 5. In his cover letter and his resume, Mr. A [REDACTED] indicated that he had received from the University:

- (a) an Honours Bachelor of Business Administration; and
- (b) a Master of Business Administration degree with a dual specialization in Finance and Marketing.

7. At about the same time, and in support of his application for employment, Mr. A [REDACTED] submitted to the Company a document that purported to be a copy of a degree certificate from the University. The degree certificate was dated June 15, 2004, and purported to certify that Mr. A [REDACTED] had fulfilled the requirements of the University and had been admitted to the degree of Honours Bachelor of Business Administration. A copy of the purported degree certificate is included in the JBD at Tab 6.
8. The Company retained the services of BackCheck to verify the academic credentials of the candidates for employment.
9. In July 2013, BackCheck contacted the Office of Convocation at the University to confirm the authenticity of the degree certificate submitted by Mr. A [REDACTED]. The Office of Convocation had no record of Mr. A [REDACTED]'s graduation, because he had never graduated from the University. A copy of the correspondence between the Office of Convocation and BackCheck is included in the JBD at Tab 7.

10. With respect to the cover letter, resume, and degree certificate, Mr. A [REDACTED] admits that he knowingly:

(a) created and circulated these documents to the Company knowing that they did not accurately reflect the information contained in his official academic record at the University; and

(b) falsified his academic record, and altered, circulated or made use of such falsified academic records.

11. With respect to the degree certificate he submitted to the Company, Mr. A [REDACTED] admits that he forged that document knowingly and circulated that forged document to the Company.

B. *The meeting with the Dean's Designate*

12. On August 26, 2013, Mr. A [REDACTED] met with Prof. Wayne Dowler, Dean's Designate for academic integrity at the University of Toronto Scarborough. Mr. A [REDACTED] admits that Prof. Dowler provided the warning that was required to be given to him under the *Code*.

13. During that meeting, Mr. A [REDACTED] admitted that he committed the academic offences described above.

C. *Acknowledgments*

14. Mr. A [REDACTED] acknowledges that:

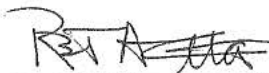
- (a) the Provost has advised Mr. A [REDACTED] of his right to obtain legal counsel and that Mr. A [REDACTED] has obtained legal advice or has deliberately waived his right to do so; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces; and
- (c) that the Provost has made no representations to Mr. A [REDACTED] regarding what penalty the Provost may ask the Tribunal to impose in the circumstances of this case.

Signed on October , 2013

T A [REDACTED]

November 18

Signed on October , 2013



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

- (a) the Provost has advised Mr. A [REDACTED] of his right to obtain legal counsel and that Mr. A [REDACTED] has obtained legal advice or has deliberately waived his right to do so; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces; and
- (c) that the Provost has made no representations to Mr. A [REDACTED] regarding what penalty the Provost may ask the Tribunal to impose in the circumstances of this case.

Signed on ^{November}~~October~~ 13, 2013

[REDACTED]
A [REDACTED]

Signed on October , 2013

Robert A. Centa
Assistant Discipline Counsel
University of Toronto