

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic misconduct made on April 26, 2012;

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 -

Y [REDACTED] ([REDACTED] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: September 24, 2012

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair
Professor Karen Dion, Department of Psychology, University of Toronto,
Scarborough, Faculty Panel Member
Mr. Yingxiang Li, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. John Koziar, Legal Case Worker, Downtown Legal Services

In Attendance:

Dr. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts
and Science
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Preliminary

- [1] The Trial Division of the University Tribunal was convened on September 24, 2012 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated April 26, 2012 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP"), copies of which are attached to these Reasons as Appendix "A" and "B" respectively.

Hearing on the Facts

- [3] The charges against the Student were 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 labelled "Registration History" 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.

Discipline Counsel provided an overview of the ASF.

- [4] The Student, via the ASF, entered a guilty plea to charge 1.

Decision of the Tribunal on Charges

- [5] 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 charge 1. Consequently, the Student stood convicted on charge 1.

Penalty

- [6] The matter then continued with a hearing into the appropriate sanction. As noted above, the University and the Student filed a JSP attached to these Reasons as Appendix B.
- [7] Discipline counsel noted that transcript forgery is among the most serious of academic misconduct offences. However, the Student cooperated from the outset of the discipline process and that the misconduct in question

had transpired very quickly. The JSP proposed, *inter alia*, a five-year suspension from the University. Discipline Counsel also presented a number of Tribunal decisions and submitted that the penalty in the JSP was consistent with those decisions.

[8] The Student read from a statement and expressed contrition regarding his conduct. Counsel for the Student did not elaborate on the Student's statement.

[9] The panel noted that the misconduct herein involved the Student providing a falsified academic transcript to an employer. Employers and other third parties must be able to rely on University transcripts as accurate in order to make objective hiring decisions. The Student's misconduct strikes at the very integrity of the recruitment process. The misconduct has the potential, as it did here, of not only having an undeserving candidate receive a job offer, but, in effect, taking that job offer away from more deserving candidates. The Student's cooperation in the discipline process throughout provided an optimistic indicator that the Student's relationship with the University could still be restored. The panel concluded that the penalty proposed in the JSP was consistent with the serious nature of the Student's misconduct and that there was no principled reason to reject it.

[10] In light of the facts of this case, the admission of guilt by the Student, and the joint submission regarding penalty, the Tribunal accepts the JSP and imposes the following sanction:

1. THAT Mr. Z█████ be suspended from the University from September 24, 2012, to September 23, 2017;
2. THAT the sanction shall be recorded on Mr. Z█████'s academic record and transcript from the date of this order until September 23, 2019; and
3. 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 at Toronto, this 16th day of July, 2013.



Andrew Pinto, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL

IN THE MATTER OF charges of academic dishonesty made on April 26, 2012;

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*

BETWEEN:

THE UNIVERSITY OF TORONTO

– AND –

Y [REDACTED] ([REDACTED]) Z [REDACTED] ([REDACTED])

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”) under the *Code of Behaviour on Academic Matters* (“Code”). For the purposes of this hearing, the Provost and Y [REDACTED] ([REDACTED]) Z [REDACTED] (“Mr. Z [REDACTED]”) have prepared this Agreed Statement of Facts (“ASF”) and a joint book of documents (“JBD”). The Provost and Mr. Z [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence before 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.

A. Notice of hearing, charges and guilty plea

2. Mr. Z [REDACTED] admits that on August 10, 2012, he received a notice of hearing for September 24, 2012, and that he received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

3. Mr. Z█████ admits that he received a copy of the charge filed by the Provost, which is found in the JBD at Tab 2. Mr. Z█████ waives the reading of the charge filed against him, and hereby pleads guilty to charge #1.

4. At all material times, Mr. Z█████ was a registered student at the University of Toronto. A true copy of his academic record, dated September 19, 2012, is found in the JBD at Tab 3.

B. Admissions

5. In Winter 2012, Mr. Z█████ applied for a position as a Risk Management Intern at Swiss Re, a large re-insurance firm ("Company"). He submitted a cover letter and resume. He did not submit a transcript at the time of his application, as he was not required to do so.

6. Mr. Z█████ received an interview with the Company. During that interview, the Company told him that the successful candidate would have a grade point average ("GPA") of 3.5 or higher. Mr. Z█████ knew that he did not have a GPA of 3.5 or higher. Mr. Z█████ was invited for a second interview. Mr. Z█████ received an offer of employment.

7. On March 29, 2012, Jennifer M. Menezes, Assistant Vice President, Human Resources, sent an employment letter to Mr. Z█████. Later that evening, Mr. Z█████ signed the employment letter and returned it to Ms. Menezes. As part of accepting the job offer, the company required Mr. Z█████ to consent to the disclosure of personal information for a background check, which he did.

8. On March 30, 2012, at 06:51, Ms. Menezes wrote to Mr. Z█████ and stated "In order to complete your file kindly send me a copy of your transcripts as well."

9. Four hours later, at 11:04, Mr. Z█████ wrote an e-mail to Ms. Menezes stating "Hi Jenny, the transcript is attached in PDF document". A copy of the document submitted by Mr. Z█████ is included in the JBD at Tab 4.

10. Meanwhile, at 10:09, on March 30, 2012, Mr. Z█████'s roommate, Jeffrey Jin Kang, sent an e-mail to Ms. Menezes. Mr. Kang had also applied for the job that had been offered to Mr.

Z█████. Mr. Kang advised Ms. Menezes that Mr. Z█████ did not have a GPA of 3.50 and that he had misrepresented his GPA to the Company.

11. After receiving the e-mail, Ms. Menezes contacted the Career Services Office at Rotman and then sent Mr. Z█████'s "transcript" to Rotman. The Rotman staff checked Mr. Z█████'s official record and concluded that he had altered some grades as well as his grade point averages.

12. Tiffany Smye, assistant director, career services at Rotman, contacted Mr. Z█████ and asked him to meet with her on Friday afternoon. Mr. Z█████ attended the meeting and admitted that he had provided a forged or falsified transcript to the Company. At the end of the meeting, Mr. Z█████ voluntarily sent a copy of his official transcript to the Company. Mr. Z█████ apologized to the Company for misleading them and for any inconvenience that he had caused. After receiving the official transcript, the Company revoked the job offer.

13. On April 11, 2012, Mr. Z█████ met with the Dean's Designate for Academic Integrity through the Office of Student Academic Integrity in the Faculty of Arts and Science. Mr. Z█████ admitted that he had provided an altered transcript to Swiss Re. Mr. Z█████ stated that he knew he was misleading Swiss Re by allowing his name to stand as a candidate for the position knowing that he did not have a cumulative GPA of 3.5 or better. However, he stated that he had no intention of providing a forged or falsified document to the Company when he first applied for the job. He was surprised to receive the job offer and panicked when Ms. Menezes required him to submit a transcript.

14. On April 23, 2012, the Dean's Designate for Academic Integrity forwarded the case to the Provost to consider laying a charge under the *Code*. A copy of that letter is included in the JBD at Tab 5.

15. Mr. Z█████ admits that he forged and falsified his academic record in at least 23 ways. He increased the marks and letter grades in 6 courses that he completed. He increased every sessional and cumulative grade point average that he had earned from 2010 Summer onward. He hid the fact that he had taken ECO 326 and received a final grade of 54%.

16. Mr. Z [REDACTED] admits that he knowingly forged and falsified his academic record and that he circulated and made use of the forged or falsified academic record. Mr. Zhang admits that he made the following falsifications to the academic record that he sent to the Company:

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Term	Course	Mark		Grade		Sessional GPA		Cumulative GPA		Annual GPA	
		Actual	Fasified	Actual	Falsified	Actual	Falsified	Actual	Falsified	Actual	Falsified
2010 S						3.50	3.66	3.60	3.65		
	ECO221	71	78	B	B-						
2010 F						2.43	3.57	3.26	3.63		
	RSM220	70	80	B-	A-						
	RSM230	73	79	B	B+						
	RSM332	73	81	B	A-						
	ECO328	54	Deleted	D	Deleted						
2011 W						3.14	3.60	3.22	3.62	2.82	3.59
	RSM221	70	80	B-	A-						
	RSM222	70	85	B-	A						
2011 F						3.18	3.43	3.22	3.58		
	RSM 60	76	77	B	B+						
	RSM436	74	76	B	B						
	RSM437	78	80	B	A-						

17. Mr. Z [REDACTED] acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so having obtained the advice of legal counsel and having done so.

Signed on September 12, 2012.

[REDACTED]
Y [REDACTED] Z [REDACTED]

Signed on September 24, 2012.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

Agreed Statement of Facts

APPENDIX B

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on April 26, 2012

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 -

Y [REDACTED] ([REDACTED] Z [REDACTED] ([REDACTED]

JOINT SUBMISSION ON PENALTY

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and Y [REDACTED] ([REDACTED] Z [REDACTED] ("Mr. Z [REDACTED]") have prepared this Joint Submission on Penalty.
2. Mr. Z [REDACTED] has prepared a personal statement to the Tribunal, which is attached to this JSP.
3. The Provost and Mr. Z [REDACTED] submit that, in all the circumstance of his case, it is appropriate that the University Tribunal impose the following sanctions on Mr. Z [REDACTED]:
 - (a) a five-year suspension from the University to commence on the day the Tribunal makes its order; and
 - (b) a notation of the sanction on his academic record and transcript, for a period of seven years to commence on the day the Tribunal makes its order.

4. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

5. Mr. Z [REDACTED] acknowledges that he has signed this joint submission on penalty freely and voluntarily, knowing of the potential consequences he faces. He acknowledges that the University of Toronto has advised him to obtain independent legal advice before signing this joint submission on penalty and that he has done so.

Signed on September 24, 2012.

[REDACTED SIGNATURE]

Y [REDACTED] Z [REDACTED]

Signed on September 21, 2012.

[Handwritten Signature]

Robert A. Centa
Assistant Discipline Counsel
University of Toronto