

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on May 12, 2016,

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:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] X [REDACTED]

REASONS FOR DECISION

Hearing Date: August 30, 2016

Members of the Panel:

Mr. Paul Morrison, Chair
Dr. Pascal van Lieshout, Faculty Panel Member
Ms. Sue Mazzatto, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. Terry Johnston, Assistant Director, Office of Convocation
Mr. Tom Percy (via teleconference), owner, AuraData

In Attendance:

Ms. Lucy Gaspini, Manager Academic Integrity & Affairs Office of the Dean, University of Toronto – Mississauga
Ms. Krista Osbourne, Administrative Assistant, Office of Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council
Ms. Amanda Heale, (Observer, New University Tribunal Chair)

Not in Attendance:

Ms. Y [REDACTED] X [REDACTED], (the "Student")

1. A hearing before the University Tribunal (the "Tribunal") was convened on August 30, 2016 to consider the Charge against the Student, [REDACTED] X [REDACTED] (the "Student").

The Charge

2. The University brought the following charge against the Student.

1. On or about July 27, 2015, 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, namely, a degree in your name purportedly from the University of Toronto, contrary to Section B.I.3(a) of the *Code*.

3. The Statement of Charges contained Particulars of the Charge, as follows:

2. At all material times you were a student at the University of Toronto, Mississauga.

3. On July 27, 2015, the University of Toronto, Office of Convocation received a confirmation of degree request from AuraData, an education verification service. The request provided the following information:

Graduate Information:

Given Name:	Y [REDACTED]
Surname:	X [REDACTED]
Month and day of birth:	January, 15
Year of graduation:	2015
Title Credential:	Bachelor
Title:	Bachelor of Commerce

4. The University of Toronto, Office of Convocation matched the name and month and day of birth to you. However, you had not been conferred a degree by the University of Toronto. On July 28, 2015, the Office of Convocation advised AuraData that no degree had been granted to you.

5. On July 30, 2015, AuraData sent the Office of Convocation an electronic copy of a degree (the "Degree"). The Degree had your name and indicated that you had obtained a Bachelor of Commerce degree on June 3, 2015.

6. The Degree was forged. You have not graduated from the University of Toronto.

7. You forged or in any other way altered or falsified, and/or uttered, circulated, or made use of the Degree, including by providing it to AuraData or a client of AuraData for degree verification purposes.

Process

4. The Student did not appear at the hearing. Counsel for the University applied for an Order that the hearing proceed in the absence of the Student.
5. Counsel for the University submitted the Affidavit evidence of Janice Patterson, a legal assistant at Paliare Roland Rosenberg Rothstein LLP ("Paliare Roland"); of Krista Osbourne, the Administrative Assistant, Appeals, Discipline and Faculty Grievances, Office of the Governing Council of the University; and Ray Patykewich, an agent for Donaldson Law Clerk Services Inc. The evidence of these three individuals provided considerable detail as to service and attempted service of Notice of the Charges and of the Hearing upon the Student. Counsel for the University relied upon sections 9 and 17 of the Rules of Practice and Procedure of the University (the "Rules") and upon sections 6 and 7 of the *Statutory Powers Procedure Act* of Ontario as authority for the Tribunal to proceed in the absence of the Student, in light of the service and attempted service upon the Student as reflected in the evidence.
6. The Panel was satisfied that it was entitled to proceed in the absence of the Student and issued an Order to that effect.

The Evidence

7. AuraData is a company that provides education verification services. Mr. Tom Percy is the owner of AuraData. On July 27, 2015, AuraData sent an e-mail to the University requesting confirmation that a Bachelor of Commerce degree had been granted by the University to the Student. AuraData was seeking such verification on behalf of a foreign bank based in Beijing, China.
8. Terry Johnston is the Assistant Director of the Office of Convocation for the University. Among other functions, his office verifies and certifies the granting of degrees by the University. He received the above request from AuraData and investigated whether such a degree, or any degree, had been granted by the University to the Student. The University's records indicated that the Student had been enrolled at the University, initially with majors in Economics and Statistics. Thereafter, she transferred to a General B.A. program, and thereafter transferred to a Bachelor of Science program. Her transcript was entered as part of Exhibit 4 at the hearing. It

confirmed that her status was in good standing at the University, but that no degree in Commerce, nor any degree, had ever been granted to the Student by the University.

9. AuraData requested that the University double-check the Student's records and, for that purpose, forwarded a copy of what purported to be a Bachelor of Commerce degree from the University dated June 3, 2014, apparently granted to the Student.

10. Mr. Johnston double-checked the University's records, as requested. This confirmed his earlier finding that no degree had ever been granted by the University to the Student. He responded accordingly to AuraData. Thereafter, having received what appeared to be a false degree in the name of the Student, he referred the matter to Academic Discipline of the University.

Decision

11. Counsel for the University submitted that the evidence indicated on a balance of probabilities that the Student had provided the false degree to AuraData's client, a Beijing-based bank, likely for purposes of seeking employment. The Beijing-based bank consulted a background checker to verify the degree. That company, in turn, consulted AuraData. As above recited, AuraData's contact with the University confirmed that a degree had never been granted by the University to the Student.

12. On the basis of the evidence, the Panel concluded that the copy of the degree in the name of the Student provided to the University by AuraData was a forgery. As such, the Panel was satisfied that the Charge was proven and entered a finding of guilt.

Penalty

13. Counsel for the University made submissions in support of the University's request that the penalty include a recommendation that the Student be expelled from the University. Counsel referred to and relied upon a consistent line of case law that in the case of conviction on a charge of forgery or falsification of an academic record, the Tribunal should, absent exceptional circumstances, recommend expulsion. The Panel was referred to Appendix C to the *Code of Behaviour on Academic Matters*, i.e., the Provost's Guidance on Sanctions. The Provost's Guidance confirms that in the case of forgery or falsification of an academic record, the Provost will ask the Tribunal to recommend expulsion.

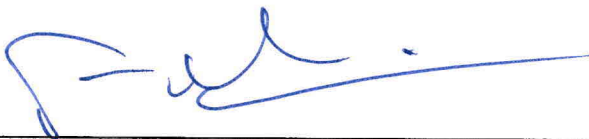
14. The Panel appreciates the importance of the University as an educational institution and as a degree-granting body. Members of the public must be able to rely on transcripts and degree certificates apparently issued by the University as accurate. The teaching and learning relationship reflected by the University's programs must be honoured and protected. As a result, the Panel accepts that forgery or falsification of an academic record is an offence of the utmost seriousness. The falsification of an academic record not only undermines the credibility of the University, but also that of other students who have legitimately been granted degrees.

15. Accordingly, the Panel issued the following Order.

Order

1. **THAT** the Student is guilty of forging or in any other way altering or falsifying an academic record, and/or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the *Code*;
2. **THAT** the following sanctions shall be imposed on the Student:
 - (a) the Student be immediately suspended from the University of Toronto for a period of up to 5 years from the date of this order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on her academic record and transcript; and
 - (b) the Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
3. **THAT** this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

DATED at Toronto, this 4th day of November, 2016.



F. Paul Morrison, Chair