

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on May 16, 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:

THE UNIVERSITY OF TORONTO

- and -

Z [REDACTED] L [REDACTED]

REASONS FOR DECISION

Date of Hearing: October 17, 2016

Members of the Panel:

Mr. Michael Hines, Barrister and Solicitor, Chair
Professor Ernest Lam, Faculty Panel Member
Ms. Ashley Ramnaraine, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto, Mississauga
Ms. Laura Ferlito, Assistant Registrar, Academic Standards and Petitions, University of Toronto, Mississauga

In Attendance:

Ms. Tracey Gameiro, Associate Director, Office of the Appeals, Discipline and Faculty Grievances

Not in Attendance:

Mr. Z [REDACTED] L [REDACTED] (the "Student")

Charges and Hearing

This panel of the University Tribunal held a hearing on October 17, 2016 to consider the charges brought by the University of Toronto against Z■■■ L■■■ ("the Student") under the Code of Behaviour on Academic Matters, 1995,

Procedural Issues

1. The Student was charged with the Offences set out in Appendix A, attached. Essentially, they relate to the alleged falsification of academic transcripts and other academic credentials purportedly issued by the University concerning the Student. These were allegedly used by the Student in an attempt to gain admission to an educational institution in another country.
2. The Student did not appear at the hearing. The University requested an Order that the Hearing proceed in his absence, relying on the Affidavit of Virginia Fletcher, a law clerk employed by the law firm of Paliare Roland Rosenberg Rothstein LLP. This Affidavit satisfied the panel that all reasonable efforts had been made to locate the Student and bring to his attention the fact that he was facing prosecution in this Hearing. Accordingly, the Tribunal granted the requested Order. That Order is hereby confirmed.

Evidence and Findings

3. The University then led its evidence through the testimony of Laura Ferlito, Acting Assistant Registrar, Academic Standards and Petitions in the Office of the Registrar at the University's Mississauga Campus. The following facts were established to the Tribunal's satisfaction:
 - (a) The Student was enrolled at the University of Toronto Mississauga and was registered in courses from Fall 2009 through Winter 2012.
 - (b) In order to obtain academic qualification accreditation by an educational institution in a foreign country, the Student created, altered, falsified and circulated a degree certificate purporting to admit him to the University of Toronto degree of Bachelor of Business Administration on June 1, 2012, and provided that falsified document to that institution.
 - (c) He further provided to the institution, for the same purpose, a document entitled "Transcript of Consolidated Academic Record" which he represented to be an official transcript of his academic record. He knew or ought to have known that this document falsely represented his academic record in that it:

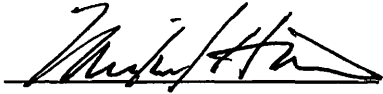
- (i) indicated that he had graduated from the University with an Honours Bachelor of Business Administration degree in 2012, when he had not;
 - (ii) misrepresented the grades that he earned in courses that he had completed;
 - (iii) misrepresented his sessional grade point averages;
 - (iv) misrepresented his cumulative grade point averages;
 - (v) listed courses in which he was never enrolled;
 - (vi) listed grades for courses he had not taken;
 - (vii) indicated he had been enrolled in the 2008 Fall and 2009 Winter terms when he was not;
 - (viii) misrepresented his academic status in the 2011 Winter term when he was on academic probation and the 2012 Winter term when he was suspended for one year.
4. Based upon these findings, the Tribunal entered a finding of guilty on Counts 1 and 2 of the Charges as set out in Appendix A.

Penalty

5. The University submitted that the offences as proven demonstrate the most serious lack of academic and personal integrity. They threaten the reputation of the University and the students who pursue their degrees honestly and diligently. The University sought a penalty that would include a recommendation from the Tribunal that the Student be expelled from the University.
6. The Tribunal is in full agreement with the University in terms of the gravity of the offences and the need to impose the most severe penalty available to it. Accordingly, we hereby order that:
- (a) The Student shall immediately be suspended from the University for a period of up to five years;
 - (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;
 - (c) A permanent notation be placed on the Student's academic record and transcript; and

- (d) This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto this 27th day of January, 2017.

A handwritten signature in black ink, appearing to read "Michael Hines", written over a horizontal line.

Michael Hines, Chair

APPENDIX A

UNIVERSITY OF TORONTO

Z [REDACTED] L [REDACTED] ([REDACTED])

CHARGES

Note: Wherever in the *Code of Behaviour on Academic Matters, 1995* ("Code") an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

1. In or about April and/or May, 2015, 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 purporting to admit you to the University of Toronto degree of Bachelor of Business Administration on June 1, 2012, contrary to Section B.I.3(a) of the *Code*.

2. In or about April and/or May, 2015, 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 entitled "Transcript of Consolidated Academic Record" that purported to be the official transcript of your academic record from the University of Toronto, contrary to Section B.I.3(a) of the *Code*.

3. In the alternative, in or about April and/or May, 2015, you knowingly engaged 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 in connection with the following documents, contrary to section B.I.3(b) of the *Code*:

- (a) a degree certificate purporting to admit you to the University of Toronto degree of Bachelor of Business Administration on June 1, 2012; and
- (b) a document entitled "Transcript of Consolidated Academic Record" that purported to be the official transcript of your academic record from the University of Toronto.

Particulars

1. You were a student at the University of Toronto Mississauga and you were registered in courses from Fall 2009 through Winter 2012.
2. In order to obtain academic qualification accreditation by the Ministry of Education in China you created, altered, falsified and/or circulated a degree certificate purporting to admit you to the University of Toronto degree of Bachelor of Business Administration on June 1, 2012, which you provided to the Chinese Service Center for Scholarly Exchange (CSCSE) as representing an authentic degree certificate in your name from the University of Toronto.
3. You further provided to the CSCSE, for the same purpose, a document entitled "Transcript of Consolidated Academic Record" which you represented to be an official transcript of your academic record. You knew that this document falsely represented your academic record in every way, including that it:
 - (a) indicated that you had graduated from the University with an Honours Bachelor of Business Administration degree in 2012, when you had not;
 - (b) misrepresented all of the grades that you earned in courses that you had completed;
 - (c) misrepresented your sessional grade point averages;
 - (d) misrepresented your cumulative grade point averages;
 - (e) listed numerous courses in which you were never enrolled;
 - (f) listed grades for courses you had not taken;
 - (g) indicated you had been enrolled in the 2008 Fall and 2009 Winter terms when you were not;

- (h) misrepresented your academic status in the 2011 Winter term when you were on academic probation and the 2012 Winter term when you were suspended for one year.