

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 17, 2017,

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 -

J ■■■ F ■■■

REASONS FOR DECISION

Date of Hearing: March 6, 2017

Members of the Panel:

Ms. Amanda Heale, Chair
Professor Katherine Larson, Faculty Panel Member
Ms. Alanis Ortiz Espinoza, Student Panel Member

Appearances:

Mr. Robert Centa, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Ms. Emily Home, Articling Student, Paliare Roland Rosenberg Rothstein LLP

In Attendance:

Prof. Jonathan Freedman, Dean's Designate, Faculty of Arts and Science
Ms. Sana Kawar, Manager, Transcript Centre, University of Toronto
Ms. Tatiana Dobrovolska, Transcript Centre, University of Toronto

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals,
Discipline and Faculty Grievances
Mr. Sean Lourim, IT Support, Office of the Governing Council

Not in Attendance:

Mr. J ■■■ F ■■■, the Student

Introduction

1. A hearing before the University Tribunal (the "Tribunal") was convened on March 6, 2017 to consider the Charge (as defined below) against the Student, J ■■■ F ■■■ (the "Student").

The Charge

2. The charges against the Student (the "Charges") are as follows:
- (a) 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 which purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated June 3, 2015, contrary to section B.I.3(a) of the Code.
 - (b) In the alternative, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind, contrary to Section B.I.3(b) of the Code.

Particulars

3. The particulars of the offences charged are as follows:
- (a) As part of your admission to York University you provided a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated May 17, 2016.
 - (b) You forged this document and falsely represented your marks, grades, sessional grade point averages, cumulative grade point averages, and academic history and status.
 - (c) You knew that this document was forged, altered, and/or falsified when you circulated it.
 - (d) You had an obligation to provide accurate and truthful information and not to misrepresent your academic record. You had an obligation not to provide forged or falsified documents in support of your application.

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 following evidence of the service and attempted service of notice of the Charge and of the hearing upon the Student:
 - (a) The Notice of Hearing, together with an affidavit of service in which Ms. Krista Osbourne affirmed that she served the Notice of Hearing on the Student by email at the email address he had provided to the University of Toronto in ROSI, and had attempted to serve the Student by courier at the address he had provided to the University in ROSI, in each case on February 14, 2017;
 - (b) The Charges, together with an affidavit of service of Ms. Susan Murphy in which she swore that she served the Student with the Charges by email at the email address he had provided to the University in ROSI on January 17, 2017; and
 - (c) An email to Counsel from Mark Wiseman, Acting Director, Information Security, Information Technology Services, in which Mr. Wiseman confirmed to Counsel that the last time the email mailbox of the Student provided to the University in ROSI was accessed was March 5, 2017, being after the service by email of the Charges and the Notice of Hearing as indicated above.
6. 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 (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.
7. 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

8. Counsel for the University focused on the first charge, that the Student 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 which purported to be the Student's Transcript of Consolidated Academic Record from the University of Toronto dated June 3, 2015, contrary to section B.I.3(a) of the Code.

9. The Panel heard evidence from Ms. Kavar, Manager at the University of Toronto Transcript Centre in the Faculty of Arts and Science. Ms. Kavar is one of four employees at the Transcript Centre, which provides services to students upon their request, including issuing transcripts. Ms. Kavar often receives calls from institutions seeking to verify a record, particularly if the record was provided to the student rather than directly to the institution.

10. Ms. Kavar gave evidence that she received an email on September 19, 2016 from Ms. Cousins, her counterpart at York University, seeking to verify a purported transcript (the "challenged transcript") that had been provided to York University by the Student. Ms. Kavar then retrieved the Student's actual academic record from ROSI and compared it to the challenged transcript received from Ms. Cousins. The Panel was presented with the challenged transcript along with a copy of the Student's official transcript as issued by the Transcript Centre.

11. The Student's registration history, student number, date of birth and Ontario Education Number appearing on the challenged transcript were identical to his actual academic record. However, more courses and sessions appeared on the challenged transcript than the actual record, and the grades, sessional grade point averages and cumulative grade point average appearing on the challenged transcript did not reflect the Student's actual academic record. In particular, the challenged transcript presented more courses, and higher grades and GPAs, than the Student's actual transcript. Ms. Kavar gave evidence that no student at the University had an academic record that "matched" the courses and grades reflected on the challenged transcript.

Decision

12. The evidence leads the Panel to conclude on a balance of probabilities that the Student 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 which purported to be the Student's Transcript of Consolidated Academic Record from the University of Toronto dated June 3, 2015, contrary to section B.I.3(a) of the Code.

Penalty

13. Counsel for the University made submissions as to the appropriate sanction. Counsel sought a penalty of a suspension of the Student from the University for up to five years and a recommendation to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.

14. The offence in this case is very serious. It is critical to the integrity of the University and its reputation that others can rely upon the official academic records that it provides. For this reason, the University and the Tribunal have historically taken falsified transcript cases very seriously. The Tribunal has generally imposed a recommendation of expulsion in such cases in the absence of mitigating circumstances and/or a joint submission on penalty made by the University and the Student. Counsel for the University presented the Panel with fourteen Tribunal decisions made in the last decade in respect of falsified academic records in which a recommendation of expulsion was made or the student's degree was revoked. In each such case, expulsion or revocation was recommended despite the fact that the offence was, as it is here, the student's first.

15. In this case, the Student failed to participate in the process or to offer any response in order to mitigate or explain his conduct. As such, the Panel was not made aware of any factors – such as the Student's character, a low likelihood of repetition, or mitigating circumstances – that might militate in favour of a lesser sanction.

16. The Panel accordingly determined that the sanction requested by the University was appropriate, and made the following Order:

- a) The hearing may proceed in the Student's absence;
- b) The Student is guilty of 1 count of knowingly forging, altering, or falsifying, an academic record, or uttering, circulating, or making use of such an academic record, contrary to section B.1.3(a) of the *Code of Behaviour on Academic Matters*;
- c) The Student shall immediately be suspended from the University for a period of up to five years;
- d) 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
- e) 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 29th of May, 2017,



Ms. Amanda Heale, Chair