

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed 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.

BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

A [REDACTED] B [REDACTED]

REASONS FOR DECISION

Hearing Date: March 17, 2017

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair
Professor Kathi Wilson, Faculty Panel Member
Ms. Natasha Ramkissoon, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Emily Home, Student-at-Law, Paliare Roland Barristers

In Attendance:

Professor Donald Dewees, Dean's Designate for Academic Integrity
Dr. Kristi Gourlay, Manager and Academic Integrity Officer, Office of Student Academic Integrity
Sana Kavar, Manager, University of Toronto Transcript Centre
Ms. Krista Osbourne, Administrative Clerk & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not in Attendance:

Mr. A [REDACTED] B [REDACTED], the Student

Preliminary

- [1] The Trial Division of the University Tribunal was convened on March 17, 2017 to consider charges under the University of Toronto ("the University") *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated January 17, 2017 from the Vice-Provost, Faculty & Academic Life of the University of Toronto.
- [2] The Student did not attend the hearing; nor did a representative attend on the Student's behalf.

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 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.
 - 2. 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 of charges

- (a) As part of your application for a scholarship with the Saudi Arabian Cultural Bureau, you provided a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated June 3, 2015.
- (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.
- [4] The first issue that the Panel dealt with was whether the Student had been provided adequate notice of the hearing and whether the hearing could proceed in his absence.
- [5] Discipline Counsel noted that the University's Book of Documents included an Affidavit of Service from Susan Murphy who indicated that, on January 17, 2017, she served the Student with the charges via e-mail, which e-mail was the e-mail address the Student had provided to the University in ROSI.
- [6] Krista Osbourne, the Administrative Clerk and Hearing Secretary for the Office of Appeals, Discipline and Faculty Grievances, also provided an Affidavit of Service indicating that, on February 22, 2017, she served the Student with the Notice of Hearing via e-mail. On February 23, 2017, she served the Student with the Notice of Hearing by sending a copy by Purolator to the last known address that the Student had provided to the University in ROSI.
- [7] Mike Wiseman, the University's Acting Director, Information Security, Information Technology Services, provided an e-mail indicating that the last time the Student's e-mail address was accessed was March 12, 2017, which implied that the e-mail address was actively being used on a date after the charges and Notice of Hearing had been sent to that e-mail address.
- [8] The Tribunal observed that section 9 of the Tribunal's Rules of Practice and Procedure permit, *inter alia*, service of charges and notices of hearing via e-mail to the student's e-mail address contained in ROSI.
- [9] The Tribunal was satisfied that the Student had been provided reasonable notice of the charges and the hearing, and that the hearing could proceed in the Student's absence.
- [10] Discipline Counsel provided a brief overview of the charges. The Student was alleged to have provided a fraudulent document to the Saudi Arabian Cultural Bureau (SACB) purporting to be his transcript of academic record from the University.
- [11] The University called one witness, Ms. Sana Kavar, the Manager of the University's Transcript Centre. She has been employed by the University

for 38 years. The Transcript Centre issues transcripts upon request to locations all over the world and has regular dealings with the SACB.

- [12] The witness reviewed correspondence between the Transcript Centre and the SACB, and the Student and the SACB. The witness explained that due to financial holds being placed on the Student's record, an official transcript could not be provided to the SACB until the holds were cleared. However, the Transcript Centre could and did provide an academic record to the SACB which contained the same information as a transcript, but did not constitute an official transcript.
- [13] The witness testified that, upon her review of the document submitted by the Student to the SACB purporting to be an official transcript, she knew right away that the document was fraudulent. Among other discrepancies, the signature on the Student's document did not correspond to that of the University official who regularly signs transcripts. The words on the document "Faculty of Arts and Science Statement of Results" do not appear on an authentic transcript; and, most importantly, the courses and grades listed on the Student's document bore no resemblance to the Student's actual academic record. Also, the document indicated that the Student had been on academic probation when that was not even possible given his academic status. All in all, the Student's document was a wholesale misrepresentation of the Student's actual academic record at the University.
- [14] Discipline Counsel submitted that the Student had falsified and misrepresented his academic record to the SACB. This was not an act that could have been done via inadvertence.

Decision of the Tribunal on Charges

- [15] Following deliberation, based on the witness' uncontradicted evidence and a review of the documents, the Tribunal concluded that the Student was guilty on charge 1. The University withdrew charge 2 which was brought in the alternative. Consequently, the Student stood convicted on charge 1.

Penalty

- [16] The matter then continued with a hearing into the appropriate sanction.
- [17] The University requested, given the gravity of the offence that, *inter alia*, the Tribunal recommend to the University's President that the Student be expelled.

- [18] Discipline Counsel noted that, although the Student had no prior discipline history, transcript forgery is treated extremely seriously by the Tribunal. The University is part of a network of global institutions that rely on each other for the integrity of their transcript documentation. The Student's misconduct was flagrant and deliberate and may not have been detected but for the events in question and the diligence of the University's Transcript Centre. There was also no mitigating evidence offered by the Student who did not attend the hearing, though properly notified.
- [19] Discipline Counsel presented the panel with a document summarizing similar cases as contained in the University's Book of Authorities. In the majority of cases, even where there was no prior offence, the Tribunal recommended the student for expulsion for transcript forgery.
- [20] Here, the Tribunal determined that the Student had created an entirely fictitious document made to look like an official University transcript and sent it to the SACB. The fraudulent document was a complete distortion of the Student's actual academic achievement and status. The Student, though provided a fair opportunity to attend the hearing did not do so and there was no mitigating evidence. The University's request on sanction was consistent with the Tribunal's jurisprudence.
- [21] In light of the facts of this case, the submissions of Discipline Counsel, and a review of the available authorities, the Tribunal orders as follows:
1. The hearing may proceed in the Student's absence;
 2. 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*;
 3. The Student shall immediately be suspended from the University for a period of up to five years;
 4. 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
 5. 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 13th day of June, 2017.



Andrew Pinto, Co-Chair