

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 23, 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 -

K [REDACTED] N [REDACTED]

REASONS FOR DECISION

Date of Hearing: May 17, 2017

Members of the Panel:

Mr. Michael Hines, Barrister and Solicitor, Chair

Dr. Joel Kirsh, Faculty Panel Member

Mr. David Kleinman, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers

Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough

Dr. Curtis Cole, Registrar and Assistant Dean, Enrolment Management, University of Toronto Scarborough

In Attendance:

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

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

Mr. Clara Ryu, Law Student, Downtown Legal Services (Observer)

Mr. Robert Sniderman, Law Student, Downtown Legal Services (Observer)

Not in Attendance:

Ms. K [REDACTED] N [REDACTED] (the "Student")

Charges and Hearing

This panel of the University Tribunal held a hearing on May 17, 2017 to consider the charges brought by the University of Toronto (the "University") against K [REDACTED] N [REDACTED] ("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 her absence, relying on the Affidavits of Janice Patterson, a legal assistant employed by the law firm of Paliare Roland Rosenberg Rothstein LLP, and Krista Osbourne, Administrative Clerk and Hearing Secretary, Appeals Discipline and Faculty Grievances, employed in the Office of the University's Governing Council. These Affidavits satisfied the Panel that all reasonable efforts had been made to locate the Student and bring to her attention the fact that she was facing prosecution in this Hearing.
3. Indeed, over a period extending from July 14 through July 24, 2016, the Student exchanged emails with the Office of Academic Integrity (the "Office") with a view to arranging a meeting with the Dean's Designate to discuss the allegations that had been raised against her. Thereafter, and despite the further considerable efforts of the Office, the Office of the University's Governing Council and Assistant Discipline Counsel to reach the Student through the same means, she inexplicably failed to respond. The correspondence of July, 2016 demonstrates that, at a minimum, the Student was aware that serious allegations were being raised against her. Accordingly, the Tribunal granted the requested Order. That Order is hereby confirmed.

Evidence and Findings.

4. The University then led its evidence through the testimony of Dr. Curtis Cole, Registrar and Assistant Dean, Enrolment Management, at University of Toronto Scarborough. The following facts were established to the Tribunal's satisfaction:
 - (a) The Student was a registered student at the University of Toronto Scarborough ("UTSC") and was enrolled in courses at UTSC from Winter 2006 to Summer 2008.

- (b) By the end of Summer 2008, she had accumulated 14.0 credits. She did not obtain any credits from the University of Toronto after Summer 2008. She had not graduated from the University of Toronto.
- (c) In or around May 2016, the Student submitted an academic history purportedly from the University of Toronto to a university in a foreign country in support of her application for admission to that university's graduate school (the "Purported Transcript").
- (d) The Purported Transcript was forged, altered or falsified. It falsely represented the Student's academic record at the University of Toronto, including by indicating that:
 - (i) she had graduated from the University of Toronto with a Bachelor of Arts – Specialist in Political Science and Economics for Management Studies degree in June 2009;
 - (ii) she had enrolled in the following courses and obtained the following credits and grades in Fall 2008:

2008 Fall – Bachelor of Arts						
Sessional GPA 3.67 Cumulative GPA 3.48						
Crs Code	Title	Wgt	Mrk	Grd	CrsAvg	
ECM C31H 3	Economics of the Public Sector: Taxation	0.5	82	A-	C+	
ECM C66H 3	Economic Development	0.5	85	A	B-	
POL C66H 3	Public Policy Making	0.5	78	B+	C+	
PSY A 02H3	Introductory Psychology: Part II	0.5	81	A-	C+	
Credits Earned: 2.00						

- (iii) she had enrolled in the following courses and obtained the following credits and grades in Winter 2009:

2009 Winter – Bachelor of Arts					
Sessional GPA 3.60 Annual GPA 3.62 Cumulative GPA 3.50					
Crs Code	Title	Wgt	Mrk	Grd	CrsAvg
ECMC32H 3	Economics of the Public Sector: Expenditures	0.5	88	A	C
ECMC27H 3	Classics in the History of Economic Thought	0.5	80	A-	B-
POLC67H3	Public Policy in Canada	0.5	76	B	C-
PSYB30H3	Personality	0.5	80	A-	B-
Credits Earned: 2.00					

- (e) She submitted the Purported Transcript to the foreign university knowing that it contained false information, and that it had been forged, altered or falsified.
- (f) She submitted the Purported Transcript to the university to support her application for graduate studies and to obtain an academic advantage.
5. 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

6. The University sought a penalty that would include a recommendation from the Tribunal that the Student be expelled from the University.
7. Discipline Counsel reviewed with the panel the considerations that have been consistently taken into account by Panels over the past forty years (see *Mr. C v. University of Toronto, Case No.: 1976/77-3, November 5, 1976*). Counsel also made the following observations regarding those considerations, with which we agree:
- (a) *The character of the student* – The Student did not testify in our case. The only material evidence we have is that she was capable of the offences of which she has been found guilty. This factor does not weigh in her favour.

- (b) *The likelihood of repetition of the offence* – Having demonstrated the capability of committing these offences on one occasion, the Student bears the onus of satisfying the Tribunal that she would not re-offend. This is particularly so in this case, where the offence (submitting falsified records to another institution) is so unlikely to be detected by the University. While the Student has no prior disciplinary convictions, she did not testify before us. It is therefore impossible to form a meaningful assessment of the impact this episode has had upon her. She has not demonstrated contrition. She has not participated in the disciplinary process and/or acknowledged her wrongdoing despite having received notice of the allegations against her. This factor does not weigh in her favour.
 - (c) *The nature of the offence(s) committed* - The offences as proven demonstrate the most serious lack of academic and personal integrity. This factor weighs strongly against the Student.
 - (d) *The existence of extenuating circumstances* – None have been established. This factor does not weigh in the Student's favour.
 - (e) *The detriment to the University caused by the offence(s) committed* – The forgery and falsification of records of academic achievement and their submission to other institutions of higher learning threaten the reputation of the University and the students who pursue their degrees honestly and diligently. This factor weighs strongly against the student.
 - (f) *The need for general deterrence* - The recent, very similar case of *Z. L. (Case No.: 867, January 24, 2017)* concerning the submission of falsified academic records supports the view that the behaviour of the Student is not unique to her, and therefore requires the strongest possible deterrent response.
8. As in *Z.L., supra*, 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, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:
- (a) The Student shall be immediately suspended from the University for a period of up to 5 years from May 17, 2017 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

- (c) That 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 21st day of August, 2017.

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

Michael Hines, Chair