

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on April 26, 2017.

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995* ("Code")

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 (the "University")

- AND -

Z██████████ C██████████ (the "Student")

REASONS FOR DECISION

Hearing Date: October 5, 2017

Panel Members:

Mr. Christopher Wirth, Barrister and Solicitor, Chair
Dr. Chris Koenig-Woodyard, Faculty Panel Member
Ms. Natasha Ramkissoon, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, University of Toronto

In Attendance:

Ms. Tracey Gameiro, University of Toronto, Associate Director, Office of Appeals, Discipline and Faculty Grievances
Ms. Christina da Rocha-Feeley, Director of Operations, Office of the Governing Council (Observer)
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council
Ms. Christina Di Matteo, Academic Integrity Officer, Faculty of Arts and Science
Ms. Anna Shevchenko, Academic Integrity Officer, Faculty of Arts and Science

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on October 5, 2017. The Student was charged with the following academic offences filed with the Provost on April 26, 2017:
 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 August 4, 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, in connection with a document which purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated August 4, 2015, contrary to Section B.I.3(b) of the Code.

Particulars of charges

- (a) As part of your application for admission to York University you provided a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated August 4, 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.
2. The Student did not attend the hearing which proceeded in her absence. The Panel was satisfied that the Student had been served with the charges and the Notice of Hearing in accordance with the University Tribunal's Rules of Practice and Proceeding and was content that the hearing proceed in her absence.

The Evidence

2. An Agreed Statement of Fact ("AGF") and Joint Book of Documents ("JBD") were entered into evidence. They provided as follows:
- 1. This matter arises out of charges of academic misconduct filed on April 26, 2017 by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). The Provost and Z■■■■■■■■■■ C■■■■■■■■■■ (the "Student") have prepared this Agreed Statement of Facts ("ASF") and a Joint Book of Documents ("JBD"). The Provost and the Student agree that:
 - (a) each document contained in the JBD may be admitted into evidence for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.
 - 2. The Student admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at **Tab 1**.

3. The Student admits that she received a copy of the notice of hearing in this matter and that she has received reasonable notice of this hearing. A copy of the notice of hearing is included in the JBD at **Tab 2**.
4. The Student has chosen not to attend this hearing or to have a legal representative attend on her behalf, and wishes it to proceed in her absence with no further input into the hearing other than this Agreed Statement of Facts, and a Joint Submission on Penalty which she has also executed. A copy of an email from the Student to Lily Harmer dated August 18, 2017, confirming her position not to contest the Charges and to have no further input into the matter in writing or in person is included in the JBD at **Tab 3**.
5. The Student waives the reading of the charges filed against her, and pleads guilty to charges #1 and #2.
6. From Fall 2011 to Winter 2015, the Student was a student at the University of Toronto, St. George campus (the "University"). In summer 2012 the Student was placed on academic probation, followed by a one year academic suspension at the end of the Winter 2013 term because she was unable to achieve and maintain a cumulative GPA above 1.5. The Student returned to the University in the Fall 2014 term, but was again placed on a three year academic suspension at the end of the 2015 Winter term. As of Winter 2017, the Student had accumulated 5 academic credits at the University, with a CGPA of 0.80. A copy of the Student's current academic record ("ROSI Transcript") is included in the JBD at **Tab 4**.
7. On March 30, 2015 the Student submitted an application for admission to York University ("York U"). As part of her application process she was required to submit a transcript of her academic record to York U.
8. On June 8, 2015 the Student submitted an electronic copy of a University of Toronto transcript to York U Office of Admissions ("York U Transcript 1"). The York U Transcript 1 indicated that it was a record as of May 17, 2015, and that it

was issued to the Student at a [REDACTED] address, student # [REDACTED]. A copy of the YorkU Transcript No. 1 is included in the JBD at **Tab 5**.

9. In July, 2015, the Student was offered admission to York U, but was notified in her admission package that she was required to submit an original transcript directly from the University of Toronto Transcript Centre (U of T Transcript Centre”) to meet the conditions of her offer.
10. The Student was admitted to York U and began taking classes there in the Fall 2015 term, with the understanding that she would arrange to have her transcript from the University of Toronto sent directly from the U of T Transcript Centre to York U. She did not attempt to fulfill this condition until January 9, 2017, when she submitted a transcript purporting to be from the University of Toronto dated August 4, 2015 (“York U Transcript 2”). The York U Transcript 2 was the same as York U Transcript 1 except that it was addressed to York U Office of Admissions, and was a record as of August 4, 2015. A copy of York U Transcript 2 is included in the JBD at **Tab 6**.
11. The York U Transcript 2 stated at the bottom of the first page: *“This transcript is official only if bearing the Registrar’s Signature and Printed on Security Paper”*. The York U Transcript 2 was not printed on security paper. It was printed on regular stock paper.
12. The York U Transcript 2 was contained in an envelope purporting to be from the U of T Transcript Centre (“Envelope”). The Envelope had a stamp on the front which stated: “This is an official transcript only if it is received in an envelope which has been signed and sealed by the University of Toronto Transcript Centre”. The Envelope was sealed with a sticker with U of T Transcript Centre printed on it; however, it was not date-stamped and there was no signature on the envelope. A copy of the Envelope is included in the JBD at **Tab 7**.

13. York U was not satisfied as to the authenticity of the York U Transcript 2 because of the lack of a signature on the flap of the Envelope, the lack of security features, the quality and colour of the print, and the weight of the paper.
14. On or about January 13, 2017, Sana Kavar, manager at the U of T Transcript Centre for the Faculty of Arts & Science, received an email request from Michelle Cousins, International Admissions Assessor at York U. Ms. Cousins asked Ms. Kavar to review an attached transcript received from the Student to verify its validity. The attachments to the email were the York U Transcript 2 and the Envelope. A copy of the email from Ms. Cousins together with its attachments is included in the JBD at **Tab 8**.
15. The York U Transcript 2 was not a valid University of Toronto transcript, and had not been sent to York U by the U of T Transcript Centre. Similarly, the Envelope was not sent by the U of T Transcript Centre to York U. A copy of the actual envelope used by the U of T Transcript Centre is included in the JBD at **Tab 9**.
16. Both of the York U Transcript 1 and the York U Transcript 2 (collectively “York U Transcripts”) were different from the Student’s actual ROSI Transcript in that the York U Transcripts:
 - (a) listed much higher grades and grade point averages (“GPA”) than the Student’s actual grades and GPAs;
 - (b) listed a number of courses that the Student n had never taken at the University of Toronto;
 - (c) moved some courses that the Student did take into different terms from the terms in which she actually took those courses;
 - (d) showed a total of 11.5 accumulated credits earned by the Student at the University of Toronto when in fact she had only earned 5.0 credits; and
 - (e) indicated that the Student’s status was consistently “In Good Standing” and that she was enrolled in courses in each of the fall and winter terms

from 2011 Fall to 2015 Winter, when in fact the Student was placed on academic probation in the 2012 Summer term, suspended for one year following the Winter 2013 term, and suspended for three years following the 2014 Fall term because of her low marks.

Included in the JBD at **Tab 10** is a chart comparing the details of the Student's actual ROSI Transcript to the York U Transcripts.

17. Records maintained by the U of T Transcript Centre reflect the following:
 - (a) there was no record of a transcript issued directly to York U for the Student;
 - (b) any transcripts ordered by the Student were issued directly to the Student;
 - (c) the Student ordered a transcript on April 20, 2013 which was couriered to her at [REDACTED] on April 22, 2013; and
 - (d) the Student ordered a transcript on February 26, 2015 which was couriered at her request to 23 Sheppard Ave East, #1602, Toronto on February 27, 2015.
18. The Envelope is different from U of T Transcript Centre envelopes in that there is a slight difference in the "O" and "R" of the word "Toronto" in both font and formatting.
19. The Student is no longer a student at York U.
20. The Student did not respond to invitations to attend a dean's meeting.
21. The Student admits that she knowingly:
 - (a) forged, altered or falsified her academic record in the form of York U Transcript 2, contrary to s. B.I.3(a) of the *Code*; and

- (b) uttered, circulated or made use of the York U Transcript 2 by submitting it to York U, contrary to s. B.I.3(a) of the *Code*.

22. The Student acknowledges that:

- (a) the Provost has advised her of her right to obtain legal counsel; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

University's Submissions

- 3. The University submitted that the evidence clearly established that the Student had committed the academic offense charged.

Standard of Proof

- 4. The onus is on the University to establish based upon clear and convincing evidence on a balance of probabilities that the academic offence charge has been committed.

Decision of the Tribunal

- 5. Based on the evidence, including the ASF, JBD and the Student's admissions, the Student was found guilty of forging, altering, fabricating, uttering and circulating the transcript of her academic record contrary to section B.I.3(a) of the *Code*, namely Charge 1 as set out above.
- 6. The University then withdrew Charge 2.

Reasons for Decision

- 7. The Panel was satisfied that the evidence submitted before it as set out above, clearly established that the Student had knowingly forged, altered and falsified her academic record in the form of her York U Transcript 2 and that she had uttered, circulated and made use of the York U Transcript 2 by submitting it to York University.

Accordingly, the Panel was satisfied based upon clear and convincing evidence on a balance of probabilities that the Student had committed an academic offense contrary to section B.I.3(a) of the *Code*.

Penalty

8. A joint submission on penalty ("JSP") by the University and the Student was entered into evidence. The JSP provided as follows:
 1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and the Student have prepared this Joint Submission on Penalty ("JSP").
 2. The Provost and the Student submit that, in all the circumstances of this case, the University Tribunal should impose the following sanctions on the Student:
 - (a) an immediate suspension from the University to commence on the day the Tribunal makes its order for a period of up to five years;
 - (b) a recommendation that the Student be expelled from the University, which recommendation shall be made by the Tribunal to the President for recommendation by him to the Governing Council; and
 - (c) a permanent notation of the sanction on her academic record and transcript.
 3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the Student withheld.
 4. The Student acknowledges that:
 - (d) she is signing this JSP freely and has been given the opportunity to obtain independent legal advice before signing this JSP, and that she has chosen not to obtain legal counsel; and

- (e) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces and knowing that the Tribunal is not bound by this JSP and has the discretion to impose a different penalty.

The University's Submissions

- 9. The University did not lead any additional evidence with respect to penalty and submitted that the following penalty should be imposed:
 - (a) That the Student be immediately suspended from the University for a period of up to five years;
 - (b) That the Tribunal recommend to the President of the University that he recommend to the Governing Council that the Student be expelled from the University;
 - (c) That a permanent notation shall be placed on the Student's academic record and transcript; and
 - (d) That this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.
- 10. In the University's submission, the foregoing penalty accorded with other decisions of this Tribunal in similar circumstances.

Penalty Decision

- 11. After deliberations, the Tribunal accepted the JSP and ordered as follows:
 - (a) **THAT** the Student be immediately 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) **THAT** a permanent notation shall be placed on the Student's academic record and transcript; and
- (d) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

12. An Order was signed at the hearing by the Panel to this effect.

Reasons for Penalty

13. The parties had provided the Panel with a JSP. Having considered the penalty which was proposed by the JSP, the Panel finds that the penalty being proposed was not so disproportionate to the offence that it would be contrary to the public interest of justice and bring the administration of justice into disrepute to accept it. To the contrary, the Panel was satisfied that this penalty was appropriate given the C [REDACTED] factors (Case No. 1976/77-3, November 5, 1976), and was in accordance with other decisions of this Tribunal in similar circumstances. Accordingly, as the Panel was satisfied that the penalty proposed by the JSP fell within an appropriate range, the panel accepted the penalty proposed by the parties in the JSP.

Dated at Toronto, this ^{10th} day of November, 2017



Christopher Wirth, Chair