

Case No.: 913

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL**

IN THE MATTER OF charges of academic dishonesty filed on January 16, 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

A [REDACTED] P [REDACTED]

REASONS FOR DECISION

Hearing Date: October 16, 2017

Members of the Panel:

Mr. Paul Michell, Chair
Professor Dionne Aleman, Faculty Panel Member
Mr. Ramz Aziz, Student Panel Member

Appearances:

Ms. Lily I. Harmer, Assistant Discipline Counsel for the University, Paliare Roland Barristers
Dr. Kristi Gourlay, Manager and Academic Integrity Officer, Office of Student Academic Integrity, University of Toronto
Mr. Jackson Foreman, Law Student, Downtown Legal Services, for the Student

In Attendance:

Ms. A [REDACTED] P [REDACTED], the Student
Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

A. Charges and Hearing

1. This panel of the University Tribunal held a hearing on October 16, 2017 to consider the charges brought by the University of Toronto against A■■■■ P■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995*.

2. The charges were set out in a letter to the Student dated January 16, 2017:

1. In or about July 2016, 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 academic record, including a degree certificate, in an application that you submitted to a prospective employer, contrary to section B.I.3(a) of the *Code*.
2. In or about July 2016, 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 academic record, namely, the education information contained in a LinkedIn profile that you maintained, contrary to section B.I.3(a) of the *Code*.
3. In or about July 2016, you engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind:
 - (i) in submitting an application to a prospective employer falsely claiming to have earned an Honours Bachelor of Science from the University, contrary to section B.I.3(b) of the *Code*;
 - (ii) in submitting a false degree certificate; and
 - (iii) in maintaining a public LinkedIn profile in which you falsely claimed to hold a Doctor of Philosophy degree and an Honours Bachelor of Science from the University.

3. The Student is an undergraduate at the University of Toronto in the Faculty of Arts & Science. She first enrolled at the University in 2003.

4. The Student attended the hearing. She was represented by Jackson Foreman of Downtown Legal Services.

B. Agreed Statement of Facts and Guilty Plea

5. Ms. Harmer and Mr. Foreman provided the Tribunal with an agreed statement of facts and a joint book of documents on liability. The Student pleaded guilty to charges 1 and 2. The Provost advised that if the Tribunal were to accept the guilty plea, charge 3 would be withdrawn.

6. The Student has not enrolled in courses at the University since the Winter 2013 term. By that point, she had earned 19.5 academic credits, and had a cumulative grade point average of 1.72. To graduate from the University, students must meet eligibility requirements, including having 20 credits and a cumulative grade point average of at least 1.85.

7. In July 2016, Terry Johnson, Assistant Director, Office of Convocation, received a request from an employment screening company seeking to verify a degree that the Student had submitted in support of a job application. The University's records indicated that it had not granted a degree to the Student. A week later, the screening company sent Mr. Johnson an electronic copy of an Honours Bachelor of Science degree certificate from the University in the Student's name dated June 8, 2009. As discussed below, the degree certificate was a forgery.

8. The Office of Student Academic Integrity conducted an online search. The Student's LinkedIn profile (visited on July 28, 2016) stated that she had:

- obtained a "University of Toronto Doctor of Philosophy (PhD), Health Policy & Management, Health Economics 2009-2013"
- obtained a "University of Toronto Honours Bachelor of Science, Biological Chemistry, Philosophy of Bioethics 2003-2008"
- started to work in July 2016 as a laboratory solutions specialist at Abbott Laboratories, a global healthcare company, where her role was to "lead the sales

organization in complex consultative selling engagements where laboratory work flow analysis and future work flow redesign may be required”

- previously worked as associate sales director, Canada for Quidel Corporation from July 2013 to January 2016, focusing on the “hospital, private reference laboratory, and public health laboratory markets with an emphasis on the marketing and product launches of novel molecular and point of care fluorescence assays and automation within the infections disease markets”
- held jobs from 2007 to 2016 in the healthcare field.

9. On July 28, 2016, the website of Quidel, a California-based diagnostic healthcare manufacturer, identified the Student, with a “PhD” after her name, as associate director, international sales, Canada.

10. On July 28, 2016, Professor Don Dewees, Dean’s Designate for Academic Integrity, wrote to the Student, advising that he had received a report alleging that she had committed an academic offence by providing a document purporting to be a University degree certificate to the employment screening company in support of a job application. He asked the Student to attend a Dean’s meeting to discuss the allegations.

11. On August 2, 2016, the Student asked to postpone the meeting until the next week.

12. By August 4, 2016, the Student’s LinkedIn profile had been changed to delete references to her holding degrees from the University.

13. On November 18, 2016, the Student attended a meeting with Professor John Britton, the Dean’s Designate. The meeting took place consistent with the requirements of the *Code*. At the meeting, the Student read a prepared statement. She also admitted that:

- (a) she had interrupted her university studies to care for an ill family member and to work full-time to help to support her family;
- (b) in July 2016 she had been unemployed for six months after losing her job due to downsizing;
- (c) she supplied the false degree certificate to Abbott, who offered her a job; and
- (d) upon receipt of the July 28, 2016 letter from Professor Dewees, she immediately wrote to Abbott to explain what she had done and to withdraw from her employment position with them.

14. The Student admitted that although she has never earned a degree from the University, she knowingly:

- (a) forged, altered and falsified the degree certificate in its entirety;
- (b) falsely claimed in her LinkedIn profile that she had earned an Honours BSc and a PhD in Health Policy & Management, Health Economics from the University; and
- (c) falsely represented that she held a PhD on her former employer's website.

15. The Student also admitted that she knowingly:

- (a) forged, altered and falsified her academic achievements at the University by claiming to have earned an Honour BSc and a Ph.D. in order to assist her to obtain employment and/or enhance her employment status;
- (b) forged the degree certificate and falsified information on LinkedIn and with her former employer about her academic credentials, contrary to section B.I.(3)(a) of the *Code*; and

- (c) falsely claimed in her LinkedIn profile that she had earned both an Honours BSc and a PhD in Health Policy & Management, Health Economics from the University.

16. The Tribunal reviewed the agreed statement of facts and joint book of documents. After confirming with the Student that she understood the terms of the agreement, the Tribunal deliberated. We then reconvened the hearing, and advised the parties that we accepted the agreed statement of facts and the Student's guilty plea. The Tribunal indicated that it was satisfied that on a balance of probabilities, the elements of charges 1 and 2 had been proven.

17. In light of the Tribunal's findings on charges 1 and 2, the University withdrew charge 3.

C. Penalty

18. There was no joint submission on penalty. The Provost called no further evidence.

19. The Student sought to admit into evidence a November 25, 2016 letter from Professor Britton to Vice-Provost Sioban Nelson. (The letter is dated 2015, but it was common ground at the hearing that this was a mistake, and that the correct date should have been 2016). The Student sought to have the letter admitted because it set out Professor Britton's views about the Student's explanation, including the statement that she had read at the meeting with him earlier that month. The Provost objected to the admission of the letter.

20. The Tribunal heard argument on this preliminary issue. After deliberation, we decided to admit the letter into evidence, but to defer our decision as to the weight to be given to it. We also advised the Student that although we had decided to admit the letter, in our view the letter could not in itself be a mechanism by which she could prove the truth of the statement she made at the November 2016 meeting with Professor Britton. We advised the Student that although she was

under no obligation to give evidence at the hearing, the letter was not a route by which she could lead evidence of mitigating circumstances.

21. In light of this, the Student decided to testify. Mr. Foreman led her evidence. She was then cross-examined by Ms. Harmer. The Student led no further evidence. We address the relevant portions of the Student's evidence below.

22. The parties then made oral submissions. The Provost sought an order recommending that the Student be expelled. The Student sought a five-year suspension. We adjourned to deliberate, and then advised the parties that we would reserve our decision on sanction.

23. On the preliminary issue, we conclude that although the November 25, 2016 letter is admissible, it carries little weight in our determination of the appropriate sanction. At its highest, the letter records Professor Britton's account of some aspects of his meeting with the Student, including her explanation for her conduct, his appreciation of her candour, his view that the matter should be referred to the Tribunal, and his hope that the Tribunal would take into consideration evidence of mitigating factors. However, we do not share the Student's view that the letter shows that Professor Britton questioned the Student (let alone cross-examined her) about her explanation. Nor does it state that he believed her explanation. He may or may not have done so: the letter does not say. Even if it had done so, that would not bind the Tribunal. This is no criticism of Professor Britton: his letter is simply a transmittal letter in which he described the events of his meeting with the Student and some observations about the case. It goes no further. Even if Professor Britton had indicated that he believed her explanation, the letter could not be a substitute for the Student leading evidence of mitigating circumstances before us.

24. We now turn to our decision on the appropriate sanction. This is a difficult case. Indeed, the panel is not unanimous in its decision on sanction. Our dissenting colleague's reasons follow our decision below. The choice is between the two most serious sanctions the Tribunal can order. The Student has admitted to having committed more than one serious offence. She faces the headwind of cases over the past four years that have held that the offences she has admitted to (misrepresentation of academic qualifications and forgery of a degree certificate) are among the most serious academic offences. A recommendation of expulsion is common, even where (as here) the student has no prior offences.

25. Mr. Foreman, for the Student, sought to distinguish these cases as having involved few or no mitigating factors for the panel to consider where a recommended expulsion is in play. There is some force to this submission. In many of these cases, the student was either absent or else put forward no evidence of mitigating circumstances. Here, by contrast, the Student was present, had cooperated, and gave evidence of mitigating circumstances. We address that evidence below.

26. On the other hand, most of the cases that the Student relied on to support the imposition of a five year suspension rather than a recommendation of expulsion involved joint submissions on penalty: *Mr. R* [Case No. 2001/0202; February 26, 2002]; *Y.Z.* [Case No. 687; July 16, 2013]; and *N.R.* [Case No. 714; October 11, 2013]. As noted above, there was no such joint submission here. In our view, that limits their application.

27. Mr. Foreman took a different approach to a fourth case. In *A.L.* [Case No. 606; February 14, 2012], the Trial Division imposed a five year suspension in a serious case of forgery. On appeal [Case No. 606; October 10, 2012], the Appeal Division allowed the Provost's appeal and imposed a recommendation of expulsion. The student's application for judicial review of the

Appeal Division's decision was dismissed by the Divisional Court: *L [REDACTED] v. University of Toronto*, 2014 ONSC 644 (Div. Ct.). Mr. Foreman argued that although a recommendation of expulsion had been the appropriate disposition in that case, the circumstances there had been substantially more serious than those here. Thus, he argued, it was not appropriate to impose the same sanction on the Student here, since her misconduct was not as serious as that of the student in *A.L.*

28. We are not persuaded by this submission. Although a recommendation of expulsion is the most severe sanction that the Tribunal can impose, it does not follow that this sanction is appropriate only for the most egregious version of a serious offence, with the implication that it is necessarily disproportionate to impose the same sanction for a less egregious version of a similar offence. The most serious sanctions should normally be reserved for the most serious offences. But that does not mean that they must be reserved for only the most outrageous circumstances involving the most serious offences. Put another way, imposing the sanction of a recommendation of expulsion on the Student does not mean that she is in the same boat as the most egregious example of a student who has also been subject to the same sanction. Depending on the evidence underlying the *Mr. C* factors, where the offences are sufficiently severe, it may be appropriate to recommend expulsion even where the student did not misconduct him or herself during the disciplinary process. In this, we appear to part company with our colleague (paras. 51 and 59 below).

29. In essence, the Student's argument is that imposing the most severe sanction in this case ignores evidence of mitigating circumstances. Implicit in this argument is that if the Tribunal were to impose the most severe sanction here, it would remove any incentive for students

charged with forgery and misrepresentation offences to plead guilty, co-operate, or express regret. Indeed, it could be argued that it is the Provost's interest to maintain such an incentive.

30. We do not accept this argument.

31. First, in general, the incentive for students to cooperate, participate, attend, give evidence, or plead guilty is that such conduct is evaluated and weighed in the Tribunal's review of the *Mr. C* factors, discussed below. It is not for the Tribunal to manage the negotiation process between the Provost and students, or to tell the Provost or students what position to take in those negotiations or before us. Mitigating conduct by students tends to incline the Tribunal to impose a reduced penalty, but it is one factor among others that the Tribunal must consider.

32. Second, on the facts of this case, the incentive argument might have more force if the Student had pleaded guilty to a single offence. But the Student pleaded guilty to distinct offences. First, she misrepresented her educational qualifications to one employer (Quidel) by claiming to hold a PhD from the University which she had not earned, or indeed even enrolled in. When she later applied to work for another employer (Abbott), she falsely claimed (as she confirmed in cross-examination) that she held both an Honours BSc and a PhD from the University. She broadcast these misrepresentations more generally through her LinkedIn profile, which her employer and others could access: that is the offence to which she pleaded guilty. Second, she went so far as to forge, alter and falsify a University degree certificate and submit it to a screening company retained by her would-be employer to support her false claim to hold that degree.

33. The Student did not commit these serious offences all at once. They were separate offences committed at separate times. The Student's evidence was that once she started to lie

about her qualifications, the situation “snowballed,” and she felt that she had to continue to lie about her qualifications (and eventually, forge a degree certificate) to keep the initial ruse alive. Her misrepresentations about her qualifications are bad enough. They are compounded by the forgery, which is itself recognized as being among the gravest offences: *e.g.*, *J.Z.* [Case No. 928; June 5, 2017] at para. 19; *S.K.* [Case No. 492; July 31, 2008] at para. 13.

34. The offences here were distinct. The Student’s “snowball” explanation seeks to blur this reality by suggesting that once the first offence was committed, her subsequent actions were part of a single course of conduct designed to keep her initial lie alive. We disagree. As in *D.D.* [Case No. 593; September 3, 2010] at para. 10, this was not a case of a single “spur of the moment” but ill-advised decision. No doubt the “snowball” here gathered size and speed as it rolled downhill, but the Student could have stopped it at any time. Had she done so earlier, and particularly, before she forged a degree certificate, she may well have had a more compelling case to make before us. There was nothing inevitable about forging a degree certificate. By contrast, our colleague largely accepts the “snowball” theory as part of his discussion (paras. 54-55 below) of extenuating circumstances.

35. A telling detail, in the Tribunal’s view, is that the Student went so far as to fabricate a detailed (and apparently plausible) title for her fictitious PhD thesis and post it on her LinkedIn profile. As with the forgery of the degree certificate, that is quite inconsistent with the Student’s “snowball” theory. It suggests to us a very calculated effort by the Student to deceive.

36. Many of the recommendation of expulsion cases that the Provost relied on before us refer to evidence which might have been available had the students in those cases attended the hearing and led evidence about mitigating factors. The panels in those cases recognized (albeit

rhetorically in some instances) that if the student had attended the hearing and had led evidence, that may well have weighed in his or her favour: *e.g.*, *K.N.* [Case No. 899; August 21, 2017] at para. 7; *S.R.* [Case No. 833; April 27, 2016] at para. 33; *T.A.* [Case No. 726; April 8, 2014] at para. 11. It is common for panels to lament that a student's absence from the hearing has deprived them of useful evidence that might have been helpful to the student's case. Here, of course, the Student *did* attend the hearing, *did* plead guilty, *did* agree to a statement of facts on liability, and *did* give evidence of mitigating circumstances. That must count for something. But what?

37. The difficulty for the Student is that there are forgery cases where a recommendation of expulsion has been held to be the appropriate sanction even where the student participated in the hearing, cooperated with the Provost, and showed remorse. For example, in *M.K.* [Case No. 491; November 5, 2008], the panel recommended expulsion despite the student's participation in the process and guilty plea. In that case, counsel for the Student made the same argument outlined above: that a recommendation of expulsion should not be the automatic sanction for forgery (para. 36). However, the panel there did not think they were imposing an automatic sanction, and neither do we. (Unlike our dissenting colleague, we do not view *M.K.* as a case involving a "lack of mitigating circumstances" (para. 57 below). Rather, the panel there simply held, as we do here, that the mitigating circumstances were insufficient to outweigh the other factors). In *A.A.L.* [Case No. 590; August 10, 2010] at para. 18, the panel recommended expulsion in similar circumstances, and noted (para. 15) that this sanction was consistent with prior forgery cases. By contrast, the handful of cases where a recommendation of expulsion has not been made have either arisen in the context of a joint submission on penalty (as noted above) or (like *S.D.* [Case

No. 406; May 1, 2007]) involved a student who had already obtained a degree, where different considerations may apply.

38. Ultimately, our conclusion is that the appropriate sanction is to recommend that the Student be expelled. We explain the reasons for that conclusion below. Our answer to the rhetorical question posed in para. 36 above is that the Student’s willingness to cooperate with the Provost, admit guilt, attend the hearing, agree to a statement of facts, or give evidence of mitigating circumstances *do* count for something: but they must be weighed and evaluated in the context of the other factors to determine the appropriate sanction. The effect they will have necessarily varies with the circumstances.

39. Counsel for the parties addressed the *Mr. C.* [Case No. 1976/77-3; Nov. 5, 1976] factors. Organizing the evidence around these factors, we reach the following conclusions:

- ***Nature of the offences.*** The case law is almost uniform in emphasizing the seriousness of misrepresenting academic qualifications and forgery of a degree certificate. In particular, forgery is “probably the most serious offence”: *S.K.*, *supra* at para. 14, and “an offence of the utmost seriousness”; *Y.X.* [Case No. 866; November 4, 2016] at para. 14; see also *J.Z.*, *supra* at para. 19; *D.D.* at para. 9. The offences here were deliberate. A recommendation of expulsion is typical: *C.A.* [Case No. 828; April 11, 2016] at para. 19; *A.A.L.*, *supra* at para. 15. This factor favours the sanction sought by the Provost.
- ***General deterrence.*** Not only are the cases clear about the nature of the offence: they also emphasize the importance of general deterrence. First, these offences show the most serious lack of academic and personal integrity: *K.N.*, *supra* at para. 7. Second, forgery and misrepresentation are often difficult to detect. Employers should not have to feel obliged to contact the University (let alone pay an outside service) to verify the University credentials of job applicants. Third,

the Tribunal must penalize and deter students from falsely claiming to hold University degrees and forging degree certificates. Otherwise, a sort of academic Gresham's law may take hold. The Tribunal must send a strong message to other students about the consequences of being found guilty of these offences. This factor weighs heavily in favour of a recommendation of expulsion.

- ***Harm to the University.*** These offences cause great harm to the reputation of the University. They undermine the trust that employers have in the University. They also harm other students who obtain legitimate degrees but must compete with those who falsely claim to hold degrees from the University and forge degree certificates: *A.G.* [Case No. 933; October 6, 2017] at para. 7; *C.M.J.* [Case No. 904; October 5, 2017] at para. 27. This factor adds further weight to a recommendation of expulsion as the appropriate sanction.
- ***Student's character.*** The Tribunal notes that the Student admitted guilt, cooperated with the Provost, and expressed remorse for her offences, both at the meeting with the Dean's Designate and again before the Tribunal. Before us, she appeared generally contrite, although at times in cross-examination she sought to downplay her agency in her decisions. For example, when asked why she had falsely claimed to hold two University degrees, she deflected these questions, responding that she felt she already had adequate experience and qualifications for the positions she had applied for. To her credit, the Student wrote to Abbott promptly to admit that she had lied about holding degrees from the University and to withdraw from consideration for employment. However, we note that her letter to Abbott is silent about the forged degree certificate. Although the Student appears to have learned from what has no doubt been an unpleasant experience, in our view she was reluctant to accept full responsibility for her actions and the harm they have caused. To that extent, we may differ from Professor Britton's views as set out in his November 2016 letter. But as noted above, that letter has little impact on our decision. Our mandate is to evaluate the Student's character based on all of the evidence before us. Overall, this factor weighs in the Student's favour, but as we set out below, in our view the weight to be given to it is limited.

We find our colleague's comparison (para. 50) to *N.R.*, *supra* inapposite, since unlike here (as we note at para. 26 above), that case involved a joint submission on penalty.

- ***Likelihood of repetition.*** This factor concerns specific deterrence: is the Student likely to reoffend? These were the Student's first offences. The commission of more than one offence is not encouraging, and may suggest a predilection, particularly where, as noted above, the offences were calculated. The Student says that she wants to return to the University after a five-year suspension and complete her degree. We accept this, and agree with our colleague (para. 52) that we should express no view on the likelihood of the Student completing her degree given her academic standing. Ultimately, however, there is only limited evidence before us that would permit us to meaningfully assess this factor. Unlike our colleague (para. 52), we accord little weight to it.
- ***Extenuating circumstances.*** The Student gave evidence of extenuating circumstances. She testified that her father suffered a heart attack, and that she interrupted her studies to take care of him. She then took a job at a company called Phoenix, later moving to Quidel. Along with an older brother, she supported her family, including four younger siblings. She took courses at the University on a part-time basis during this period. She lost her job at Quidel in late 2015, and was off work for six months. This led to financial and personal pressures. She also spoke about her own health challenges and the difficulties of a long commute. These pressures, she said, made her desperate for the Abbott job. She falsely claimed to hold two degrees from the University when she applied to Abbott, and "stupidly" forged a degree certificate to satisfy a background check for the screening company that Abbott retained. But long before she applied to Abbott, the Student had already lied to Quidel ("I overindulged myself") about holding a PhD. When asked on cross-examination why she had lied about holding a PhD, she said this was part of the "snowball" effect. But if so, then the snowball had started to roll long before she applied to Abbott. We find that although the Student was remorseful, and that there are some extenuating circumstances, she

has not fully grappled with the extent of her misconduct and the harm it has caused. We are sympathetic to the Student's situation, but unlike our dissenting colleague, we do not view the extenuating circumstances here as being "exceptional," "sever[e]," or "extreme" (paras. 43, 56). On balance, this factor weighs against a recommendation of expulsion.

40. The Tribunal's task is to evaluate and weigh these factors. That is a highly fact-dependent exercise. Our colleague takes a different view as to how the factors should be weighed on the facts of this case, but we share the same analytical framework. In the final analysis, we conclude that on the evidence the first three factors outweigh any mitigating factors, making a recommendation of expulsion the appropriate sanction.

41. While we are not bound by previous decisions, in our view the case law suggests that these factors should be weighed accordingly. This might have been a different case if the Student had been guilty of only one offence. But the combination of false claims to hold University degrees *and* forgery of a degree certificate is, in these circumstances, simply too serious to permit any other result: *J.O.* [Case No. 870; October 31, 2016] at paras. 78-81. In our judgment, the mitigation factors here are insufficient.

D. Conclusion on Penalty

42. For these reasons, the Tribunal holds that the following sanction be imposed on the Student:

- (a) a recommendation to the President of the University that he recommend to the Governing Council that the Student be expelled from the University;
- (b) a suspension from the University for up to five years from the date of these reasons, and that a corresponding notation be placed on her transcript; and

- (c) this decision 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 Student's name withheld.

Dated at Toronto, this 15th day of January, 2018.



Paul Michell, Chair

Professor Dionne Aleman, Faculty Panel Member

- (c) this decision 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 Student's name withheld.

Dated at Toronto, this 15th day of January, 2018.

Paul Michell, Chair

A handwritten signature in blue ink, appearing to read 'Dionne', with a long horizontal flourish extending to the right.

Professor Dionne Aleman, Faculty Panel Member

REASONS FOR DISSENT

43. The Student's case presents a scenario which, upon its face, is not entirely unique: egregious academic misconduct in the context of exceptional personal circumstances. Rarer, however, is the gravity of the circumstances under which she made her decisions to commit academic dishonesty. My chief concerns relate to the weighing of the *Mr. C.* factors; specifically, that the Student's extenuating circumstances, admission of wrongdoing, expression of remorse, and cooperation with the disciplinary process warrant greater consideration. Indeed, it is difficult to imagine personal circumstances more exceptional than those facing the Student.

Consequently, a sanction of expulsion would mean that a student who commits forgery under exceptional extenuating circumstances, admits wrongdoing, expresses remorse and who cooperates with the disciplinary process would have little hope of continuing their university education. That cannot be right. As I detail below, a five-year suspension would be more appropriate given the severity of the circumstances facing the Student when she made her choices.

Nature of the offences

44. Fraud and forgery are among the most serious of academic misconduct offences: *Y.Z.* [Case No. 687; July 13, 2013] at para. 7. Consequently, a sanction must be proportionate to the severity of the offence.

45. The extent of the forgery was not insignificant. There is little doubt that the Student's conduct was wilful and deliberate. The calculation, scope and protracted nature of the forgery in question warrants that it be given no less weight. There was clear intent to deceive, which I do not dispute.

46. The Student's false claims regarding her degrees, and forged degree certificate would weigh this factor in favor of expulsion, e.g. *J.O.* [Case No. 870; October 31, 2016] at paras. 78-80. I would weigh this factor in favour of expulsion.

General deterrence

47. A penalty must be of sufficient severity as to discourage future offenders. Consequently, the seriousness of an offence as grave as forgery would be readily be communicated by expulsion. However, an appropriately lengthy suspension would also be effective deterring prospective offenders. A period of five years would likely be highly damaging to a student's academic and professional career. The stigma alone would rival that of expulsion. Additionally, a suspension would incentivize an offender to cooperate and reconcile with the university and the external party with whom they have acted dishonestly. I would weigh this factor in favour of a five-year suspension.

Harm to the University

48. Forgery and false representation of a degree are undoubtedly offences that are detrimental to the University: *Y.Z.* [Case No. 687; July 13, 2013] at para. 22. I do not dispute the severity of the harm done not only to the University, but those who have earned legitimate degrees as well as other candidates for the positions the Student has occupied. I would weigh this factor in favour of expulsion.

Student's character

49. Making determinations regarding a student's character and integrity is a difficult exercise, Dishonesty in the context of recruitment is especially egregious: *Y.Z.*, *supra* at para. 9. Here, the calculated effort of the false representation, as seen from the forged degree certificate and the representation on LinkedIn, reflects poorly on the student's character.

50. However, this was the Student's first offence. Her situation is similar to that of *N.R.* [Case No. 714; October 11, 2013], where a student had one credit remaining till graduation and received a five-year suspension for false representation. Like *N.R.*, the Student acknowledged her wrongdoing at the earliest possible opportunity – after being caught. Similarly, the Student was quick to admit fault, and took the additional step of admitting her wrongdoing to her employer, who rescinded the job offer. The Student also cooperated throughout, plead guilty, attended the hearing and provided evidence – unlike *A.L.* [Case No. 606; February 14, 2012] where the student was eventually expelled for forgery. I found her expression of remorse to be genuine, albeit defensive.

51. The Student's conduct can be contrasted with *A.L.*, who was expelled for forgery. *A.L.* ignored the opportunity to rectify their conduct after the first time they were caught, and opted to “fabricate excuses” *A.L.* at para. 45. Additionally, *A.L.*'s conduct was of an escalating nature, where they were provided fair warning and an opportunity to do the right thing, but they did not: *A.L.* at para. 62. The Student did not attempt to cover up her actions after the investigation began. She proactively wrote a letter to her employer admitting wrongdoing. Granted, her decision to do so may have been with a view to control the fallout of being caught. Regardless, she did not attempt to conceal or justify her behavior with fabricated excuses. In doing so, she acted with integrity. These considerations weigh in favour of a five-year suspension.

Likelihood of repetition

52. This was the Student's first offence. While her current GPA is below the graduation requirement, we must be careful not to assume she will not cross the threshold while satisfying the remainder of her credit requirements. The Student lost her job as a result of her behavior, and has compromised her career. She has the opportunity to learn from the conviction, and in my view, is unlikely to repeat again. The remainder of her ability to earn a livelihood remotely similar to the one she previously enjoyed depends on it. A suspension would grant her some hope of a reasonably prosperous life, ending the cycle of suffering that began with her family setback which led to her errors in judgment. Consequently, this factor weighs in favour of a 5-year suspension.

Extenuating circumstances

53. Although she neared the completion of her undergraduate degree, the Student interrupted her university to care for an ill family member, who was the breadwinner of the family. Being elder to most of her siblings, she had no choice but to work full-time to make ends meet. When joining Quidel, she falsely represented her academic credentials, which were then listed on her employer's website. The Student says she did so to secure employment, and felt that she was justified to do so as she had nearly completed her degree. She continued to work until 2016 when she lost her job due to downsizing, and was unemployed for six months. Having responsibility of her family, she says she felt pressured to make false representations regarding her academic credentials as other employees at her level had a university degree, and she felt justified in doing so based on her work experience. A doctorate degree was not required for the position, and the Student characterized her decision to claim she had a doctorate degree as "stupid". It is not the Tribunal's place to question the Student's choices regarding her family. However, we must be

cognizant of the context in which she made her decision to commit forgery and falsely represent her credentials.

54. The Student's position when faced with the prospect of financially supporting her family was not an enviable one. Driven by a desire to support her family, she did what she thought was necessary to secure employment. After her initial misrepresentation to Quidel, I do not think it was possible to renege on her credentials with subsequent employers – the so-called “snowball effect”. The illness of her father and the needs of the family were omnipresent during her employment. Based on the Student's evidence, at no point did the mitigating circumstance ameliorate or expire. To admit wrongdoing would be to lose employment, having adverse effects not only on the Student, but her family as well. After advertising her credentials to the world via LinkedIn, she could not simply appear one day without an undergraduate or doctorate degree that she claimed to have earned previously without serious reputational repercussions. The speed with which information is transmitted, and the permanence of a person's online activity in the digital age make online misrepresentation difficult to rectify.

55. After her first false representation to Quidel, what would a person be reasonably expected to do in the Student's circumstances? The family relied on her financially. Should she quit? Would she then be expected to approach the university and admit her wrongdoing? Once advertised as a doctoral graduate to one employer, how could she expect to retract her designation for a subsequent position? In that context, she had limited options but to continue with her false representation to Abbott Laboratories, at least with respect to her undergraduate degree. From her testimony, she seems to be motivated by a sense of duty to maintain her status as a breadwinner for the family, without having the luxury of opting for the higher road.

56. The Student's circumstances thus represent the extreme end of extenuating circumstances a student can experience: a family tragedy, the disruption of her education, unexpected financial responsibility, and a misrepresentation to fulfill said responsibility - notably one that she could not easily rectify without harm to her loved ones.

57. In *A.L.*, the Tribunal held that "each case must be judged on its own facts and every student is entitled to have their personal circumstances considered" at para 5. In the context of her personal and familial circumstances, a sanction of expulsion, even for an offence as serious as forgery seems disproportionate. A five-year suspension would have similar deterrent effect, without penalizing a student with exceptional personal circumstances, who has admitted fault, expressed remorse and cooperated with the disciplinary process. Further, I must distinguish the Student's case from *M.K.* [Case No. 491; November 5, 2008] where the lack of mitigating circumstances would justify a sanction of expulsion over suspension.

58. There is a concern is that if expulsion is not possible in this case of forgery, it would not be possible in any case. I do not ascribe to this view. Barring extenuating circumstances, expulsion would be a likely outcome in cases of forgery: *S.D.* (Case No. 406 May 2007) at para. 54. A sanction of suspension must be cautiously applied, strictly limited to cases where a student experienced circumstances at least as grave as those facing the Student, admitted wrongdoing, expressed remorse and cooperated with the disciplinary process.

59. For these reasons, I would add greater weight to the Student's extenuating circumstances. If we dismiss the Student's circumstances, we are suggesting that her case is no different than *A.L.*'s where the student did not adduce evidence, express remorse or admit wrongdoing during the investigation [at para 45]. Such a decision would reflect poorly on notions of justice and

fairness so core to our institutional values. These considerations weigh this factor in favour of a five-year suspension.

B. Conclusion on Penalty

60. A message must be sent to students and the public that forgery and false representations are unacceptable. As stated in *S.R.* [Case No. 833; April 27, 2016] at para. 6, “employers must be able to rely on representations made by University of Toronto students and graduates”.

61. A five-year suspension would be the highest penalty short of expulsion that the panel could recommend. It falls within the range of reasonable sanctions due to its severity, deterrence effect, and capacity to reform.

62. I would hold that the following sanction be imposed on the Student:

- (a) a suspension from the University of Toronto from the day the Tribunal makes its order for five years
- (b) this decision 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 Student’s name withheld.

Dated at Toronto, this 16 day of January, 2018.



Ramz Aziz, Student Panel Member