

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 3, 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:

UNIVERSITY OF TORONTO

- and -

J■■■■ L■■

REASONS FOR DECISION

Hearing Dates: March 9, 2018

Members of the Panel:

Ms. Sara Zborovski, Barrister and Solicitor, Chair
Professor Graeme Hirst, Faculty Panel Member
Mr. Daniel Lazzam, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland, Barristers
Ms. Sana Kavar, Manager, University of Toronto Transcript Centre

In Attendance:

Ms. Krista Osbourne, Administrative Clerk & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances (“ADFG”)
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council
Ms. Christina Di Matteo, Academic Integrity Officer, Office of Student Academic Integrity, Faculty of Arts & Science (“OSAI”)
Ms. Laurie O’Handley, Front-line Administrator, OSAI

Not in Attendance:

Ms. J■■■■ L■■, the Student

1. This panel of the University Tribunal held a hearing on March 9, 2018 to consider the charges brought by the University of Toronto (the “**University**”) against Ms. J■■■■ L■■ (the “**Student**”) under the Code of Behaviour on Academic Matters, 1995 (the “**Code**”).

A. Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 9:45 am on March 9th, 2018. At that time, Discipline Counsel advised that neither the Student nor a representative of the Student had responded to the Notice of Hearing.

3. Discipline Counsel made submissions on proceeding with the hearing in the absence of the Student. She advised the Tribunal that the following attempts had been made to provide notice of the charges and hearing to the Student:

- i. Between July 10 and August 10, 2017, the University attempted to contact the Student by email at her utoronto email address and to the Student’s gmail address that was provided when the Student applied to the University in 2013 regarding the allegation of academic misconduct. The Student did not respond to any of this correspondence. No “bounce back” message was received indicating that the email could not be delivered.
- ii. Assistant Discipline Counsel, Ms. Lie, was advised by Mike Wiseman, acting Director, Information Security, Information Technology Services at the University that the last login to the Student’s utoronto account was July 17, 2017 at 11:36 pm.
- iii. On October 3, 2017, the Office of The Vice-Provost, Faculty and Academic Life served the charges in this matter on the Student by email to the email address that the Student had provided in ROSI. No “bounce back” message was received indicating that the email could not be delivered.

- iv. On October 4, 2017, the Administrative Clerk and Hearing Secretary at the ADFG served the Student with a letter regarding the charges, together with copies of the charges, the Code of Behavior on Academic Matters, the Rules of Practice and Procedure and a pamphlet for Downtown Legal Services on her utoronto email account. No “bounce back” message was received indicating that the email could not be delivered.
- v. On October 23, 2017, Assistant Discipline Counsel’s assistant tried calling the Student at the most recent number provided in ROSI. The call went to voicemail and the greeting only identified the phone number. A message was left advising that the caller was trying to reach the Student regarding an important University matter. The caller requested a return call and left Assistant Discipline Counsel’s telephone number.
- vi. Later that afternoon, Assistant Discipline Counsel’s assistant received a “missed call” on her phone from the number at which she tried to contact the Student. The caller did not leave a message.
- vii. On October 25, 2017, Assistant Discipline Counsel’s assistant again called the Student’s number in ROSI. There was no answer and another message was left requesting a return call.
- viii. On October 26, 2017, Assistant Discipline Counsel’s office sent a package to the Student’s email address in ROSI which included a letter from Ms. Lie, a disclosure brief relating to the matter, another copy of the charges and a copy of the University’s Policy on Official Correspondence with Students. No “bounce back” message was received indicating that the email could not be delivered.
- ix. Also on October 26, 2017, Ms. Lie sent an email to the Student at the gmail address she provided when she applied to the University in 2013. Ms. Lie advised the Student that important correspondence and

information had been sent to her utoronto email account, and asking the Student to confirm her current contact information.

- x. On December 7, 2017, Ms. Lie sent an email to the Student's utoronto and gmail addresses proposing dates for the scheduling of the hearing. The Student replied to Ms. Lie from the gmail address as follows:

Hi Tina,

I'm available after Feb. 20.

Thank you.

Bests, [sic]

[Student]

- xi. Ms. Lie sent additional emails to the Student at both the utoronto and gmail addresses on December 11, 12 and 19, 2017 regarding the scheduling of the hearing. The Student did not respond to any of these emails and no "bounce back" message was received.
- xii. On December 19, 2017, the Administrative Clerk and Hearing Secretary at the ADFG served the Student with the Notice of Hearing for a hearing on Friday, March 9 at 9:45 am, together with a copy of her earlier correspondence and enclosures to both the utoronto and gmail accounts. On January 18, 2018, a revised Notice of Hearing was sent to the Student at her utoronto and gmail accounts. The only change to the Notice of Hearing was the identity of the faculty panel member. The Student did not respond to any of these emails and no "bounce back" message was received.
- xiii. On February 26, 2018 Ms. Lie sent another email to both the gmail and utoronto addresses reminding the Student of the hearing. Ms. Lie also attached another copy of the Revised Notice of Hearing.

- xiv. On February 26, 2018, Ms. Lie's assistant tried to call the Student again at the number in ROSI. This time she received an automated message indicating that the cellular number is not assigned.
 - xv. On March 2, 2018, the Administrative Clerk and Hearing Secretary at the ADFG sent the Student an email at her utoronto and gmail accounts reminding her of the upcoming hearing and requesting that she advise if there will be any attendees from her side. The Student did not respond to these emails and no "bounce back" message was received.
 - xvi. At no time were hard copies of the materials sent to the Student because there was no current mailing address in the Student's ROSI account.
4. As of the March 9th hearing date, the Student had not responded to any of the above-noted correspondence.
5. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the "**Act**") and Rule 17 of the University of Toronto Rules of Practice and Procedure (the "**Rules**"), where reasonable notice of an oral hearing has been given to a party in accordance with the Act and the party does not attend the hearing, the Tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.
6. The University requested that the Tribunal proceed with this hearing in the absence of the Student.
7. Pursuant to Rule 9, a Notice of Hearing may be served on a student by various means, including by sending a copy of the document by courier to the student's mailing address in ROSI or by emailing a copy of the document to the student's email address in ROSI.

8. The University's Policy on Official Correspondence with Students expressly states that students are responsible for maintaining a current and valid postal address and email account on ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.

9. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing.

10. Based on totality of the attempts made to provide notice to the Student, and given that the Student responded to Ms. Lie regarding her availability for the Hearing, the Tribunal concluded that the Student was given reasonable notice of the hearing in compliance with the notice requirements of the Act and the Rules.

11. The Tribunal therefore determined it would proceed to hear the case on its merits in the absence of the Student, and the hearing proceeded on the basis that the Student was deemed to deny the Charge made against her.

B. The Charge and Particulars

12. The Charges and Particulars were detailed in a letter dated October 3, 2017 and are set out below:

- i. In or around May 2017, 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 letter purportedly from Christine Roussel, dated May 2, 2017, that you submitted to The Australian National University (the "**Roussel Letter**"), contrary to section B.I.3(a) of the Code.
- ii. In the alternative, by submitting the Roussel Letter to The Australian National University in or around May 2017, 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.

- iii. In or around May 2017, 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 University of Toronto transcript, dated May 2, 2017, that you submitted to The Australian National University (the "**Purported Transcript**"), contrary to section B.I.3(a) of the Code.
- iv. In the alternative, by submitting the Purported Transcript to The Australian National University in or around May 2017, 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

- v. You were a registered student at the University of Toronto Faculty of Arts and Science, and were enrolled in courses at the University of Toronto, from Fall 2013 to Summer 2014.
- vi. By the end of Summer 2014, you had accumulated 3.0 credits. You have not obtained any credits from the University of Toronto since Summer 2014. You have not graduated from the University of Toronto.
- vii. In or around May 2017, you submitted the following documents to the Australian National University:
 - (i) The Roussel Letter, which was a letter dated May 2, 2017, purportedly from Christine Roussel (which identified Ms. Roussel as "Registration and Financial Aid Assistant" at the

University of Toronto St. George) addressed “To Whom it May Concern”. The Roussel Letter stated:

We apologize for any trouble that our mistake might have caused you. Recently, the electronic system and mailbox of our school have encountered technical problem; in addition, there is another student whose name is [Student] in the same grade, and the two students have very similar email addresses, student IDs, and selected courses. Therefore, some mistakes regarding the courses and GPA calculations appeared on the transcript we offered. We have now prepared the correct transcript for [Student]. We want to apologize again for the mistake, and thank you very much for your understanding.

- (ii) The Purported Transcript, was a University of Toronto transcript in your name, dated May 2, 2017. The Purported Transcript indicated, among other things, that you had attended the University of Toronto from Fall 2013 to Winter 2017 and were conferred an Honours Bachelor of Science degree in June 2017.
- viii. The Roussel Letter was forged, altered or falsified. It was not authored by Ms. Roussel or any representative at the University of Toronto.
 - ix. The Purported Transcript was forged, altered or falsified. It falsely represented your academic record at the University of Toronto, including:
 - (i) the courses and grades for the courses in which you were enrolled in Fall 2013 to Summer 2014;
 - (ii) that you had enrolled in courses from Fall 2014 to Winter 2017 and obtained grades for those courses; and
 - (iii) that you were conferred an Honours Bachelor of Science degree in June 2017.

- x. You submitted the Roussel Letter and the Purported Transcript to The Australian National University knowing that they contained false information, and that they had been forged, altered or falsified.
- xi. You submitted the Roussel Letter and the Purported Transcript to The Australian National University to support your application for graduate studies and to obtain an academic advantage.

C. The Evidence

13. The University called the evidence of Ms. Sana Kawar, Manager of the University's transcripts center. Ms. Kawar's duties include the responsibility for responding to requests for confirmation of transcripts. Ms. Kawar explained the process for third-party verification of transcripts.

14. Ms. Kawar advised the Tribunal that in this instance, Ms. Kawar received email correspondence dated June 2, 2017 from [REDACTED], an Admissions Officer from the Australian National University originally sent to Christine Roussel, the alleged author of the Roussel Letter. In that correspondence, Mr. [REDACTED] advised that the Australian National University had received an application from the Student for one of their postgraduate programs. Mr. [REDACTED] advised that the Student had provided the Roussel Letter and an academic transcript (the Purported Transcript) as part of her application package, and requested that Ms. Roussel confirm the accuracy of the Roussel Letter and Purported Transcript provided by the Student.

15. Ryan Woolfrey, Associate Registrar at the Faculty of Arts and Sciences investigated the information provided by Mr. [REDACTED] and confirmed that both the Roussel Letter and Purported Transcript that were provided to the Australian National University by the Student were fraudulent.

16. Mr. Woolfrey confirmed that no official transcript had been issued to the Student. He also reviewed the Student's registration history and confirmed that the Student had only

completed 3.0 Full Course Credits with the University. Based on these factors, it was determined that the Purported Transcript was fraudulent.

17. With respect to the Roussel Letter, Mr. Woolfrey noted that the footer of the letterhead lists the University's Scarborough address however the header of the letterhead notes the University's St. George campus. Based on these discrepancies with the letterhead and correspondence with Ms. Roussel's office, it was determined that the Roussel Letter was fraudulent.

18. Prior to responding to Mr. [REDACTED], Ms. Kavar confirmed (by way of google search) Mr. [REDACTED]'s identity and his affiliation with the Australian National University. By email dated June 6, 2017, Ms. Kavar wrote to Mr. [REDACTED] to advise as follows:

We have checked our electronic records based on the documents that you provided we cannot find any evidence that the transcript you have on file is a correct copy of [Student]'s academic record at the University of Toronto or any evidence of a degree having been granted by the University of Toronto to [Student]. This would suggest that the transcript you have on file is not a true copy of her University of Toronto transcript nor did our office (the University of Toronto Transcript Centre) issue any transcripts to [Student] or to any third party upon her request.

Furthermore, Ms. Roussel's office confirmed that they did not write the explanation letter that [Student] submitted along with the transcript to your institution.

19. In addition to providing the evidence of Ms. Kavar, the University provided the Tribunal with a copy of the Student's Registration History which shows that the Student was enrolled in classes with the University during the 2013 Fall Session and the 2014 Winter Session, with a total accumulated 3.0 credits earned.

20. The evidence provided by the University regarding the Student's enrollment and performance in classes at the University is markedly different than the information contained in the Purported Transcript, which indicates that the Student was conferred a full degree.

D. Decision of the Tribunal.

21. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that the academic offence charged has been committed by the Student.

22. The Student was charged with two offences under Section B.I.3(a) of the Code, which reads:

It shall be an offence for a [...] student [...] knowingly: to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form.

23. The Tribunal determined that the evidence clearly established that the Roussel Letter and Purported Transcript provided by the Student to The Australian National University were false.

24. Having concluded that the Roussel Letter and Purported Transcript were forgeries, and given that they were circulated and/or made use of by the Student, as evidenced by the fact that the Student provided them to The Australian National University in support of the Student's application for graduate studies, the Tribunal found it more likely that not that the Student was responsible for circulating and making use of the forged records.

25. The Tribunal found that the Student is guilty of two counts of forging or in any other way altering or falsifying an academic record, and/or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the Code.

E. Penalty

26. The matter continued with a hearing on the appropriate sanction. The University requested that the Tribunal make an order immediately suspending the Student for up to five years, and recommending to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.

27. The panel reviewed a number of Tribunal decisions presented by the University. These cases establish the importance of the University as an educational institution and as a degree-granting body, and emphasize that members of the public must be able to rely on degree certificates allegedly issued by the University as being accurate. These decisions establish that the forgery or falsification of an academic record, including a transcript, is an offence of the utmost seriousness because such falsification both undermines the credibility of the University and of other students who have legitimately earned their grades and degrees.

28. Additional considerations of the Tribunal included that the Student's conduct was premeditated and egregious, and that the Student did not respond to correspondence from the University or its counsel, nor did she attend the Hearing or send anyone on her behalf. As a result there were no mitigating circumstances for consideration.

29. The Tribunal deliberated and concluded that, under the circumstances, it was appropriate to make a recommendation for expulsion

F. Conclusion

30. The Tribunal orders that the Student is guilty of the academic offence of altering or falsifying two academic records, and/or uttering, circulating or making use of such forged, altered or falsified records, contrary to section B.I.3(a) of the Code;

31. The Tribunal orders that the following sanctions be imposed on the Student:

- i. The Student be immediately suspended from the University of Toronto for a period of up to 5 years from the date of the Tribunal's order 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
- ii. 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

32. The Tribunal also ordered, that the case be reported to the Provost for publication of a notice of this decision and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 8th day of May 2018

Ms. Sara Zborovski, Co-Chair

