

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on May 14, 2018.

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 am. S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

K■■■■ S■■■■

REASONS FOR DECISION

Hearing Date: July 31, 2018

Tribunal Members:

Ms. Dena Varah, Barrister and Solicitor, Chair
Professor Pascal van Lieshout, Faculty Tribunal Member
Ms. Alice Zhu, Student Member

Appearances:

Ms. Lily Harmer, Discipline Counsel, Paliare Roland Rosenbert Rothstein LLP
Ms. Jacqueline Cummins, Law Clerk, Paliare Roland Rosenbert Rothstein LLP
Ms. Christina Di Matteo, Academic Integrity Specialist, Faculty of Arts and Science
Mr. Brian Alexic, IT Support, Office of the Governing Council
Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals,
Discipline, Faculty Grievances

Not In Attendance:

Mr. K■■■■ S■■■■, the Student

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal (the "Tribunal") was convened on July 31, 2018 to consider charges advanced by the University of Toronto (the "University") against K■■■ S■■■ (the "Student") under the Code of Behaviour on Academic Matters (the "Code").
2. Disciple Counsel introduced evidence regarding the attempts by the University to serve the Student with the charges. There were numerous attempts over time via different methods of service.
3. On May 14, 2018, the University served the charges on the Student by email to k■■■.s■■■@mail.utoronto.ca, which is the email address he had provided to the University and ROSI.
4. In an Affidavit of Krista Osbourne, the University outlined the numerous ways in which they attempted to serve the Student with the Notice of Hearing, including:
 - (a) on June 29, 2018, service of the Notice of Hearing on the Student at the email address he had provided to the University and ROSI;
 - (b) on June 29, 2018, an additional attempt to serve the Student with the Notice of Hearing by Purolator at an address in Hong Kong, which was the address he had provided to the University and ROSI.
5. The Purolator contacted the Governing Counsel Administrative Assistant to reconfirm the mailing address as they could not locate the residence.

6. Ms. Virginia Fletcher, law clerk at the firm Paliare Roland Rosenberg Rothstein LLP ("Paliare Roland") swore another Affidavit to describe her efforts to schedule the Tribunal Hearing and to advise of the Student of the specifics regarding the Hearing.
7. Ms. Fletcher sent letters and enclosures to the Student by email at several different times.
8. She attempted to contact the Student at a phone number that corresponded with an address in Markham that he had registered on ROSI. She spoke with a woman on the phone who identified herself as the Student's mother. She left a message with the Student's mother asking him to call her. The Student did not return the call. She attempted to contact the Student again approximately two weeks later and received the message "the party you have reached is not accepting calls at this time".
9. Ms. Fletcher also received information on July 12, 2018 from Mike Wiseman, Acting Director, Information Security, Information Technology Services at the University that the email account for k■■■■.s■■■■@mail.utoronto.ca was last accessed on July 11, 2018 at 7:23 am and that the email was being forwarded to k■■■■.s■■■■@hotmail.com ("the Hotmail address").
10. Ms. Fletcher forwarded copies of her previous emails to the University address and copied the Hotmail address. On July 18, 2018, she received a response from the Hotmail address stating "FYI you emailed the wrong K■■■■ S■■■■".
11. On July 19, 2018, Christina Di Matteo confirmed that there was only one student by his name registered as a student at the University.

12. Discipline Counsel also introduced the affidavit of Jacqueline Cummins, law clerk at the firm Paliare Roland, which detailed additional attempts to reach the Student between July 18 and July 24, 2018.

13. Given this history, Discipline Counsel asked for an order that we proceed in the absence of the Student on the basis that valid service had been executed.

14. The Tribunal was satisfied that Discipline Counsel had taken appropriate steps to notify the Student of the Hearing.

15. The Tribunal proceeded in the absence of the Student.

PART 1 - THE CHARGES

16. The Student is charged with three offences under the *Code*:

1. In or about late 2017 and/or 2018 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 Certificate for the Degree of Honours Bachelor of Science dated November 8, 2016, contrary to Section B.1.3(a) of the *Code*.
2. In or about January, 2018 you knowingly forged or in any other way altered or falsified an academic record, and/or circulated or made use of such forged, altered or falsified record, namely, a document which

purported to be your Complete Academic History from the University dated January 17, 2018, contrary to Section B.I.3(a) of the Code.

3. In the alternative to paragraphs 1 and 2 above, in or around late 2017 and/or January, 2018 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 in connection with:

- a. a document which purported to be your Certificate for a Degree of Honours Bachelor of Science dated November 8, 2016;
- b. a document which purported to be your complete Academic History from the University dated January 17, 2018.

17. Discipline Counsel advised that if the Tribunal found the Student guilty of the first two offences the University would withdraw the third charge.

PART 2 - THE FACTS UNDERLYING THE CHARGES

18. The Student was enrolled as a student at the University between 2011 and 2016. He never obtained a degree certificate.

19. On January 11, 2018, Mr. Terry Johnston, Assistant Director at the University, Office of Convocation, received an email from Bharath Ramalingan at Blue Umbrella, an

employment agency in India, requesting a degree confirmation for a degree purportedly issued from the University to the Student.

20. By return email of the same day, Mr. Johnston advised that no degree had been granted by the University to the Student. Blue Umbrella responded by email attaching an electronic copy of an Honours Bachelors of Science degree purportedly conferred by the University to the Student on November 8, 2016 (the "Student Degree Certificate"). Mr. Johnston again confirmed that the degree had not been conferred on the Student by the University.

21. Mr. Johnston reviewed the Student's academic history and determined that he had only earned 18.5 credits, which are not enough credits to graduate. He also noted certain inaccuracies in the Student Degree Certificate.

22. On July 18, 2018, Mr. Johnston received a further email from Blue Umbrella attaching a copy of a document entitled "Complete Academic History", which purported to be the academic history of the student. By return email, he advised that he could only comment whether a degree had been granted, and that he would forward the email to the University's Transcript Centre.

23. Mr. Christina Matteo, Academic Integrity Specialist, testified before the Panel that she compared the Student's official academic history to the document provided to Mr. Johnston by Blue Umbrella. She confirmed that the alterations to the Student's academic history set out in Schedule 1 to the Charges are accurate. The changes are

extensive and include changes to the Student's sessional and cumulative GPA, to individual course marks, to the courses enrolled in and to the amount of credits earned.

PART 3 - DECISION ON CHARGES

24. The Tribunal was satisfied that the Student was guilty of the offence in the first two charges. As a result, the University withdrew the third charge.

25. Section B.1.3(a) of the *Code* provides that it is an offence to forge or alter an academic record or to utter, circulate or make use of a forged, altered or falsified record. It is the second half of this clause that is at issue. There was no evidence of who forged the degree, but that is not necessary evidence to establish the offence. It is clear that the Student circulated and made use of the forged degree in order to obtain employment. The Student therefore violated Section B.1.3(a) of the *Code*.

26. The same is true of the Student's use of his purported Complete Academic History. The Complete Academic History was altered extensively to improve the Student's GPA and increase the amount of credits earned. The facts establish the second charge.

PART 4 - SUBMISSIONS ON PENALTY

27. Discipline Counsel submitted that the appropriate sanction for a forged degree is:

- (a) Immediate suspension from the University for a period of up to five years;

- (b) that the Tribunal recommend to the President of the University that the President recommend to Governing Council that the Student be expelled from the University; and
- (c) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

28. Discipline Counsel provided the Tribunal with twelve cases involving forgery of an academic record or degree for submission to potential employers. In nine of the 12 cases, the sanction for the forged documents was expulsion from the University. In two, the Tribunal ordered a 5 year suspension, but in one the sanction was overturned and expulsion ordered by the Appeal Board.

PART 5 - THE DECISION ON PENALTY

29. The Student used a forged degree and academic record in order to obtain employment through Blue Umbrella, an employment agency. These actions were a deliberate attempt by the Student not only to obtain the benefit of a degree he did not earn, but also to obtain the benefit of a much improved grade point average.

30. The Panel accepts that the offence of a forged degree is amongst the most serious offence a student can commit. Forged diplomas and academic records negatively impact the entire University community. They undermine the credibility and standing of the institution and of their peers who are attempting to legitimately use their degrees.

31. In this case, the Student chose not to participate. He appears to have actively avoided numerous attempts of service and notification by the University. There is therefore no evidence of mitigating circumstances. Absent compelling mitigation circumstances in the face of such a serious offence, these offences call for the penalty of expulsion.

32. The Panel is satisfied that a recommendation of expulsion is the appropriate disposition in this case.

PART 6 - THE ORDER

33. The Panel ordered as follows:

- (a) the Tribunal proceed in the absence of the Student;
- (b) the Student is immediately suspended from the University for a period of up to five years;
- (c) the Tribunal recommend to the President of the University that the President recommend to governing council that the Student be expelled from the University; and
- (d) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

DATED at Toronto this *2th* day of *October*, 2018.

A handwritten signature in black ink, appearing to read 'Dena Varah', written above a horizontal line.

Dena Varah, Co-Chair