

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on May 16, 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 amended S.O. 1978, c. 88

BETWEEN:

UNIVERSITY OF TORONTO

- and -

K [REDACTED] U

Reasons for Decision

Hearing Date: August 1, 2018

Members of the Panel:

Ms. Cheryl Woodin, Chair

Professor Ernest Lam, Faculty Panel Member

Ms. Yusra Qazi, Student Panel Member

Hearing Secretary:

Ms. Krista Osbourne, Office of the Appeals, Discipline, Faculty Grievances

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenbert Rothstein LLP

In Attendance:

Ms. Lucy Gaspini, Manager, Academic Success & Integrity, Office of the Dean, UTM

Ms. Lisa Devereaux, Academic Integrity Officer, Academic Success & Integrity, Office of the Dean, UTM

Not in Attendance:

Mr. K [REDACTED] U, the Student

Introduction

1. The Trial Division of the University Tribunal was convened on August 1, 2018 to consider charges brought by the University of Toronto ("the **University**") against Mr. **U** ("the **Student**") under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 ("the **Code**").
2. The Student did not attend and was not represented. For reasons set out below the hearing proceeded in his absence after it was stood down for a period of approximately fifteen minutes.
3. The hearing proceeded on the basis of evidence submitted on behalf of the University.

The Charges and Particulars

4. The Charges and Particulars alleged against the Student are as follows:

Charges

5. In or about November 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 record, namely, a document which purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated November 3, 2016, contrary to section B.I.3(a) of the Code.
6. In the alternative, in or about November 2016, 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 November 3, 2016, contrary to Section B.I.3(b) of the Code.

Particulars

7. At all material times you have been a student at the University of Toronto Mississauga.
8. In or about the fall of 2016, 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 November 3, 2016.
9. The information contained in the Transcript of Consolidated Academic Record does not accurately reflect your academic record at the University; rather, as reflected in the table attached as Schedule 1 to these charges, it falsely (among other things):
 - (a) inflates your sessional, annual and cumulative grade point averages in each term;
 - (b) inflates the number of credits and the grades and marks earned;
 - (c) adds an additional course to the 2015 Fall term which you did not take;
 - (d) adds the entirety of the information listed in the 2016 Summer term when you were not enrolled in courses during that term; and
 - (e) misrepresents your status.
10. You forged this document and falsely represented your marks, grades, sessional grade point averages, cumulative grade point averages, and academic history and status.
11. You knew that this document was forged, altered, and/or falsified when you circulated it.

12. 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.

Service on the Student

13. In accordance with the University's Policy on Official Correspondence with Students, students enrolled at the University of Toronto are required to maintain current contact information in their Repository of Student Information ("ROSI") record, and to update that information if it changes.
14. Ms. Stephanie Vega, an Experiential Learning Officer with the Office of the University of Toronto's Mississauga Campus, has given evidence that on each of May 23, 29 and 30, 2017, she invited the Student, via his ROSI email address, to attend a Dean's meeting regarding the allegations that subsequently formed the basis for the University's charge.
15. On May 30, 2017, Ms. Vega called the Student on this ROSI telephone number and spoke with him directly. He was advised of a Dean's meeting scheduled for June 1, 2017 and confirmed that he would attend. He did not.
16. Ms. Vega made a number of subsequent attempts to reschedule this meeting, all of which were unsuccessful because the Student did not respond.
17. The evidence of Ms. Virginia Fletcher, a law clerk working with Ms. Harmer, reveals that the Student's ROSI email address was last accessed on July 17, 2017.
18. On May 16, 2018, the Student was served at his ROSI email address with charges issued by Professor Sioban Nelson. The Notice of Hearing was also couriered to his ROSI street address.
19. On July 9, 2018, the Student was served at his ROSI email address with a Notice of Hearing dated July 8, 2018. The Notice of Hearing was also couriered to the Student on July 11, 2018 and accepted on his behalf.

20. On June 15 and June 27, 2018, respectively, the University's counsel provided the Student with disclosure of the anticipated evidence of the University's witnesses and Disclosure Brief and sought to communicate with the Student regarding date.
21. There is no evidence that the ROSI email or street addresses listed for the Student were not valid.
22. The University's efforts to serve and communicate with the Student comply with both the Tribunal's Rules and the Statutory Powers Procedures Act.
23. The Student did not attend the Hearing.
24. On the basis of the evidence presented on behalf of the University, the Tribunal was satisfied that valid and proper service was effected and made an Order that the hearing should proceed in the Student's absence.

The Evidence

25. Evidence was submitted on behalf of the University through affidavits tendered by Michelle Cousins, an International Admissions Assessor in the Office of Admissions at York University, and Sana Kwar, Manager at the University of Toronto Transcript Centre in the Faculty of Arts and Science.
26. The evidence was admitted on the basis of Rule 61 of the Tribunal's Rules. The Tribunal had no questions for the affiants regarding their evidence.
27. Ms. Cousins gave evidence that York University received an application for admission from the Student on October 28, 2016. In support of his application, on November 7, 2016, he submitted a copy of a purported University of Toronto transcript issued to him as of November 3, 2016 (the Student's Transcript).
28. Ms. Cousins was not satisfied as to the authenticity of the transcript because the letterhead and title font did not match official University of Toronto Transcripts. Ms. Cousins then corresponded with Ms. Kwar who confirmed that the transcript

was not valid. Ms. Kavar provided Ms. Cousins with a University of Toronto issued transcript (the University's Transcript).

29. A comparison of the Student's Transcript and the University's Transcript reveals very significant alterations to the Student's Transcript. In particular, it:
 - (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 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 he actually took those courses;
 - (d) showed a total of 5.0 accumulated credits earned by the Student at the University of Toronto when in fact he had only earned 2.0 credits; and
 - (e) indicated that the Student's status in Winter 2016 was "In Good Standing" when in fact the Student was placed on academic probation in the Winter 2016 term because of his low marks.
30. Further, Ms. Kavar has verified that the University has no record of a transcript having been issued to the Student.

Decision of the Tribunal on the Charges

31. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
32. On the evidence presented, it is clear that the Student produced a transcript, which was significantly different in a number of respects from the one that actually records his results at the University. The differences were highly beneficial to the Student. The differences can only be explained as a deliberate attempt to

misrepresent, and grossly overstate, his academic progress in order to gain admission to another University.

33. The Tribunal is so satisfied and finds that the Student is guilty of charge #1.
34. Counsel for the University advised that if the Tribunal convicted the Student on charge #1, the Provost would withdraw charge #2 and this was done.

Decision of the Tribunal on the Penalty

35. The University sought the following penalty:
 - (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 Counsel 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.
36. The suspension is intended to cover the period between this decision and any expulsion.
37. An appropriate penalty is determined by reference to what are called the C factors (Case No. 1976/77-3, November 5, 1976), which are to achieve the goals of reformation, deterrence and protection of the public. Each case requires consideration of how and in what combination these factors will determine the result.

38. In this case, there are no mitigating factors relevant to the assessment of a penalty. The Student has not acknowledged his responsibility for serious misconduct. He has taken no steps to participate in this process. Indeed, it appears that, once he became aware of the University's process, beginning with the Dean's meeting, he attempted to avoid it.
39. The Student made limited progress towards attaining a degree while enrolled at the University. He is no longer enrolled at the University. In these circumstances, reformation is of limited relevance to the analysis.
40. The penalty must reflect the fact that the offence has undermined the integrity of the University on whose behalf it is purported to be issued and also threatens the credibility of those who receive a degree from the University.
41. The penalty must also recognize the potential prejudice to the University to whom it is submitted.
42. Strong denunciation of the conduct is required both to protect the credibility and academic quality of the institutions for the benefit of those who rely upon them.
43. The requested penalty is consistent with outcomes in similar circumstances in the last several years.
44. The penalty as requested by the University as set out above is granted.

Dated at Toronto this 30th day of October, 2018

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a long, horizontal, slightly wavy line that tapers off to the right.

Ms. Cheryl Woodin, Chair