

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

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

**B E T W E E N:**

**UNIVERSITY OF TORONTO**

- and -

L [REDACTED] D [REDACTED]

**DECISION and REASONS**

**Date of Hearing:** August 23, 2018

**Members of the Panel:**

Ms. Amanda Heale, Chair  
Professor Gabe D'Eleuterio, Faculty Panel Member  
Mr. Andrey Lapin, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

**In Attendance:**

Ms. Lucy Gaspini, Director, Academic Success and Integrity, University of Toronto

**Hearing Secretary:**

Ms. Christopher Lang, Director, Appeals, Discipline and Academic Grievances, University of Toronto

**Not in Attendance:**

Mr. L [REDACTED] D [REDACTED], the Student

## Introduction

1. A hearing before the University Tribunal (the "Tribunal") was convened on August 23, 2018 to consider the Charge (as defined below) against the Student, L [REDACTED] D [REDACTED] (the "Student").

## The Charge

2. The charges against the Student (the "Charges") are as follows:
- (a) That the Student 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 a degree certificate from the University of Toronto dated June 3, 2015, contrary to section B.I.3(a) of the Code.
  - (b) In the alternative, that the Student 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*

3. The particulars of the offences charged are as follows
- (a) The Student was a registered student in the University of Toronto Mississauga from Fall 2012 to Winter 2015. The Student earned no credits. The Student did not graduate from the University of Toronto.
  - (b) As part of the Student's application for a qualification evaluation with the Chinese Center for Scholarly Exchange ("CSCSE") he provided a document that purported to be his degree from the University of Toronto dated June 3, 2015.
  - (c) The Student forged this document and falsely represented his academic history and status.
  - (d) The Student knew that this document was forged, altered, and/or falsified when he circulated it.
  - (e) The Student had an obligation to provide accurate and truthful information and not to misrepresent his academic record. The Student had an obligation not to provide forged or falsified documents in support of his application.

## Process

4. The Student did not appear at the hearing. Counsel for the University applied for an order that the hearing proceed in the absence of the Student.
  
5. Counsel for the University submitted the following evidence of the service and attempted service of notice of the Charge and of the hearing upon the Student:
  - (a) The Charges, together with an affidavit of service of Ms. Susan Murphy in which she swore that she served the Student with the Charges by email at the email address he had provided to the University in ROSI on June 14, 2018.
  
  - (b) The Notice of Hearing, together with an affidavit of service in which Ms. Tracey Gameiro affirmed that she served the Notice of Hearing on the Student by email at the email address he had provided to the University of Toronto in ROSI on July 13, 2018.
  
  - (c) An affidavit of Ms. Virginia Fletcher, a law clerk with the firm Paliare Roland Rosenberg Rothstein LLP, in which she swore as follows:
    - (i) Students at the University of Toronto are required to maintain current contact information in their ROSI records and to update their records when this information changes. The University's Policy on Official Correspondence with Students (the "Policy") provides that failure to maintain and advise the University of a current and valid postal and email address may result in missing important information and will not be considered an acceptable rationale for failing to receive official correspondence, and students are expected to monitor and retrieve their mail and email on a frequent and consistent basis, including responsibility for ensuring that University email sent to their University-issued email accounts is received and read.
  
    - (ii) As of June 27, 2018 and July 18, 2018, the Student had not provided his current/future address on ROSI.
  
    - (iii) She was advised that the Office of Academic Integrity at the University of Toronto Mississauga campus had emailed the Student at the email address he had provided to the University of Toronto in ROSI (the "Utoronto Address") on multiple occasions in March, May and June of 2017 attempting to schedule a Dean's meeting to discuss allegations of academic misconduct, and that the Student did not respond.

- (iv) She was advised that the Office of Academic Integrity had also attempted to reach the Student by telephone at the phone number he had registered in ROSI as effective during part of the period of his registration as a student, on multiple occasions in March and June of 2017, and was unsuccessful in these attempts.
- (v) She was advised that the Student did not attend any Dean's meeting.
- (vi) She sent a letter from Ms. Harmer to the Student on or about June 20, 2018, providing a summary of the anticipated evidence of the University's witnesses, with enclosures, by email at the Utoronto Address, did not receive a "bounceback" to the email message, and did not receive any response from the Student.
- (vii) On or about July 5, 2018, she wrote to the Student by email at the Utoronto Address to deliver the affidavit of Sana Kawar and propose scheduling the tribunal hearing on August 23, 2018, did not receive a "bounceback" to the email message, and did not receive any response from the Student.
- (viii) On July 6, 2018, she inquired of Mike Wiseman, Acting Director, Information Security, Information Technology Services at the University of Toronto, and was advised, that the Utoronto Address was last accessed on July 17, 2017, and that email was being forwarded to [REDACTED] [com](#) (the "QQ Address").
- (ix) On July 19, 2018, she forwarded copies of her previous emails to the Student at his Utoronto Address to the QQ Address, and received an automated reply email from the QQ Address that, based on a "Google Translate" translation, she understood to say that the Student was on vacation and would reply to the email after the holiday.
- (x) On July 13 and July 19, 2018, Tracey Gameiro of the Office of the Governing Council sent emails to the Student at the Utoronto Address, copying Ms. Fletcher. She was advised by Ms. Gameiro that Ms. Gameiro received an automated reply from the QQ Address to each of these emails, which were identical to the message that had been received by Ms. Fletcher.

6. Counsel for the University relied upon sections 9 and 17 of the *Rules of Practice and Procedure of the University* (the “Rules”) and upon sections 6 and 7 of the *Statutory Powers Procedure Act* (Ontario) as authority for the Tribunal to proceed in the absence of the Student, in light of the service and attempted service upon the Student as reflected in the evidence.

7. The Panel was satisfied that it was entitled to proceed in the absence of the Student and issued an order to that effect. In this regard, the Panel did not rely on the “Google Translate” translation of the automated reply from the QQ Address. Rather, in the circumstances and in light of the Policy of the University on official correspondence with its students, the Panel found that there was sufficient evidence of service and attempted service to proceed in the absence of the Student.

### The Evidence

8. Counsel for the University focused on the first charge, that the Student 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 a degree certificate from the University of Toronto dated June 3, 2015, contrary to section B.I.3(a) of the Code.

9. Counsel for the University proposed to submit evidence by way of the affidavit of Ms. Sana Kawar, relying on Rule 61 of the Rules of Practice and Procedure. Ms. Kawar was not in attendance. Rule 62 requires a deponent to attend a hearing if an adverse party wishes to cross-examine on an affidavit. The affidavit of Ms. Kawar had been sent to the Student and he did not respond, nor did he attend the hearing. As such, counsel sought to introduce the affidavit as evidence in the hearing, and the Panel consented to its introduction.

10. The Panel heard evidence from Ms. Kawar, Manager at the University of Toronto Transcript Centre in the Faculty of Arts and Science. Ms. Kawar is one of four employees at the Transcript Centre, which provides services to students upon their request, including issuing transcripts. Ms. Kawar often receives calls from institutions seeking to verify a record, particularly if the record was provided to the student rather than directly to the institution.

11. Ms. Kawar affirmed that on October 28, 2016, she was copied on an email from Zhu Lei, Overseas Academic Credential Evaluation Office, CSCSE) inquiring about the validity of two degrees, issued to the Student and to another student otherwise unrelated to this proceeding (the “Second Student”). Attached were copies of two diplomas and signed declarations. One of these (the “Challenged Diploma”) purported to be a Bachelor of Commerce diploma granted to the Student on June 3, 2015, together with a signed declaration providing a date of birth, student number, programme of study, and period of study. The other (the “Second Diploma”) purported to be a diploma granted to the Second

Student, together with a signed declaration. Ms. Kavar reviewed the University's records for the Student and the Second Student, and determined that the Second Diploma was authentic and true, but that the Challenged Diploma was false. She reviewed the Student's ROSI record, and determined that the Student was never eligible to receive a degree from the University, and no degree was conferred on the Student by the University. Ms. Kavar affirmed that she sent a reply email to CSCSE on October 28, 2016 advising that no degree had been granted by the University to a student matching the information provided and that the Challenged Diploma was not a copy of a valid University of Toronto diploma.

12. Copies of the Challenged Diploma and the Student's ROSI record were attached to Ms. Kavar's affidavit. The name, student number and birth day and month provided in the signed Declaration included with the Challenged Diploma were identical to those appearing on the Student's ROSI record. (A student's birth year does not appear on the ROSI record.)

### Decision

13. The evidence leads the Panel to conclude on a balance of probabilities that the Student 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 a degree certificate from the University of Toronto dated June 3, 2015, contrary to section B.1.3(a) of the Code. The second charge was therefore withdrawn by the University.

### Penalty

14. Counsel for the University made submissions as to the appropriate sanction. Counsel sought a penalty of a suspension of the Student from the University for up to five years and a recommendation to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.

15. The offence in this case is very serious. It is critical to the integrity of the University and its reputation that others can rely upon the official academic records that it provides. For this reason, the University and the Tribunal have historically taken falsified degree certificate cases very seriously. The Tribunal has generally imposed a recommendation of expulsion in such cases in the absence of mitigating circumstances and/or a joint submission on penalty made by the University and the Student. Counsel for the University presented the Panel with fifteen Tribunal decisions made in the last five years in respect of falsified academic records in which a recommendation of expulsion was made or the student's degree was revoked. In all but one such case, expulsion or revocation was recommended despite the fact that the offence was, as it is here, the student's first.

16. In this case, the Student failed to participate in the process or to offer any response in order to mitigate or explain his conduct. As such, the Panel was not made aware of any

factors – such as the Student’s character, a low likelihood of repetition, or mitigating circumstances – that might militate in favour of a lesser sanction.

17. The Panel accordingly determined that the sanction requested by the University was appropriate, and made the following order.

Order

The University Tribunal orders that:

18. That the hearing may proceed in the absence of the Student;

19. That the Student is guilty of one count of forgery, contrary to sections B.1.3(a) of the *Code of Behaviour on Academic Matters*;

20. That the Student be immediately suspended from the University for a period of up to five years;

21. The Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University;

22. That a permanent notation shall be placed on the Student’s academic record and transcript; and

23. This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 22<sup>nd</sup> day of November, 2018,

  
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Ms. Amanda Heale, Chair