

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995;

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

S. K.

Members of the Panel:

- Mr. Andrew Pinto, Chair
- Professor Bruno Magliocchetti, Faculty Panel Member
- Ms. Melany Bleue, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel for the University, and Mr. Danny Kastner
- Ms. Lucy Gaspini, Academic Affairs Officer, University of Toronto at Mississauga

- Mr. Max Shapiro, Legal Representative for the Student
- S. K., the Student, did not attend

Preliminary

- [1] The Trial Division of the University Tribunal was convened on June 18, 2008 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters*, 1995 (the “Code”) laid against the Student by letter dated May 14, 2007 from Professor Edith Hillan, Vice-Provost, Academic.
- [2] The Student did not attend the hearing.

Notice of Hearing and Charges

[3] The *Notice of Hearing*, dated May 20, 2008, informed the Student that a hearing before the Trial Division of the University Tribunal was scheduled for Wednesday June 18, 2008. At the beginning of the hearing, Mr. Shapiro informed the Tribunal that the Student was absent due to work commitments outside of Canada.

[4] The charges are as follows:

1. In or about August 2006, you did knowingly forge or in any other way alter or falsify an academic record, and/or did alter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a document purporting to be a certificate from the University of Toronto dated June 3, 1992, indicating that you have fulfilled the requirements of the University of Toronto and have been admitted to the degree of Bachelor of Science, contrary to Section B.1.3(a) of the *Code of Behaviour on Academic Matters, 1995* (“Code”).
2. In or about August 2006, you did knowingly forge or in any other way alter or falsify an academic record, and/or did alter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a document purporting to be a resume in which you claimed to have received an Honours Bachelor of Science, Computer Science, from the University of Toronto, 1992, and an Honours Bachelor of Arts, Commerce, University of Toronto, 1992, contrary to Section B.1.3(a) of the *Code*.
3. In the alternative, in or about August 2006 you did knowingly engage 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.1.3(b) of the *Code*.

[5] Particulars of the charges are as follows:

1. You were a student at the University of Toronto in Mississauga from the fall of 1989 to the winter of 1993.
2. In or about August 2006 you submitted a document to an employer and/or a potential employer that purported to be a certificate from the University of Toronto certifying that you have fulfilled the requirements of the University of Toronto and have been admitted under the authority of the Governing Council of the University of Toronto to the degree of Bachelor of Science.
3. In or about August 2006 you submitted a resume to an employer and/or a potential employer that claimed that you had received an Honours Bachelor of Science in Computer Science and an Honours Bachelor of Arts in Commerce from the University of Toronto in 1992.

4. Neither the degree certificate nor the resume reflected the information contained in your official University of Toronto transcript and academic record.
5. Rather, both documents that you created and/or submitted to an employer and/or a potential employer misrepresented, altered and falsified the information contained on your official University of Toronto transcript and academic record.

Agreed Statement of Facts

- [6] The panel was provided with an Agreed Statement of Facts, signed by the Student and Counsel for the University. In summary, the Student admitted that he submitted to a potential employer for the purpose of obtaining employment a forged University of Toronto degree certificate purporting to confer a Bachelor of Science degree on the Student on June 3, 1992 as well as a falsified curriculum vitae indicating that the Student's formal education consisted of an Honours Bachelor of Science, Computer Science, and an Honours Bachelor of Arts, Commerce.

Decision of the Tribunal

- [7] The panel noted that the Student had not been registered at the University for a number of years and, as such, must be considered a former student. In light of the circumstances, the panel sought clarification of its jurisdiction relative to former students.
- [8] Discipline counsel turned the panel's attention to Appendix A, Section 2(s) of the *Code*, which defines "student" for the purposes of the *Code* as
- "that type of member of the University who is currently or was previously
- i. engaged in any academic work which leads to the recording and/or issue of a mark, grade, or statement of performance by the appropriate authority in the University or another institution; and/or
 - ii. registered in any academic course which entitles the member to the use of a University library, library materials, library resources, computer facility or dataset; and/or
 - iii. a post-doctoral fellow"
- [9] Based on the Agreed Statement of Facts the Tribunal found the Student guilty of Charges #1 and #2. The University withdrew Charge #3.

Sanction and Reasons

- [10] The University presented to the panel a Joint Submission on Penalty, signed by the Student, which submitted that the appropriate penalty is:


1. the Tribunal recommend to the President that he recommend to the Governing Council that the Student be expelled from the University;
2. pending the decision of the Governing Council, that the Student be suspended from the University for a period of up to five years from the date of the hearing; and
3. that a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld.

- [11] The panel questioned the consequences of expulsion with respect to the Student's academic achievements while at the University. Counsel for the University and the Student responded that the credits earned by the Student will not be affected by the expulsion. The Student will be allowed to retain the credits earned during his period of study at the University.
- [12] Counsel for the University explained that the sanctions sought in this case were determined in accordance with previous Tribunal decisions. Counsel acknowledged that the Tribunal is not bound by precedent, but reminded the panel of the desirability and necessity of consistency in the application of justice. To that end, discipline counsel provided the panel with a Book of Documents containing past Tribunal decisions.
- [13] In reviewing the facts of the case, counsel for the University highlighted the seriousness of the misconduct, noting that forgery of a University degree certificate is the most egregious form of academic offence. Drawing on the language of past Tribunal decisions, discipline counsel emphasized the level of dishonesty and deliberation that characterizes this type of activity, which far exceeds "typical" acts of academic misconduct. The complete fabrication of one's academic achievement must garner consequences commensurate with the damage done to the University's ability to function as a degree-granting institution. Such behaviour, if left unchecked, compromises the value of a University of Toronto degree in the eyes of the outside world. Recognizing that fact, the Tribunal has routinely recommended expulsion in situations involving the forgery of a diploma. The fact that the parties have reached agreement on sanctioning reflects this consistency and attests to the appropriateness of the penalty.
- [14] Following the parties' submissions, the panel accepted the Joint Submission on Penalty. In accepting the joint submission, the panel noted that forgery is probably the most serious offence that a member of the University community can commit. The forgery of a University document requires a significant amount of deliberation. Moreover, the Student fabricated a resume listing not one but two bachelor degrees.
- [15] Although the Agreed Statement of Facts made note of some factors in the Student's personal life that tempted him to misrepresent his academic achievements, it is the opinion of this panel that the individual made a very, very poor decision in giving in to

that temptation. It is an unfortunate situation and leaves the Tribunal with no choice but to accept the Joint Submission on Penalty and to impose the following sanction:

1. the Tribunal recommend to the President that he recommend to the Governing Council that the Student be expelled from the University;
2. pending the decision of the Governing Council, that the Student be suspended from the University for a period of up to five years from the date of the hearing; and
3. that a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld

DATED at Toronto this 31st day of July, 2008.



Andrew Pinto, Tribunal Co-Chair