

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 27, 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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

Z [REDACTED] Q [REDACTED]

REASONS FOR DECISION

Hearing Date: February 20, 2019

Members of the Panel:

Ms. Sana Halwani, Chair

Professor Georges Farhat, Faculty Panel Member

Ms. Shirley Deng, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Krista Osbourne, Administrative Clerk & Hearing Secretary, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Mr. Z [REDACTED] Q [REDACTED] the Student

Charges and Procedural History

1. The Trial Division of the Tribunal held a hearing on February 20, 2019 to address the following charge brought by the University of Toronto (the “University”) against Z■■■ Q■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”):
 - a. 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 a degree certificate from the University of Toronto dated April 10, 2015, contrary to section B.i.3(a) of the Code.

I. Notice

2. The Student was not in attendance at the hearing and, as a result, Mr. Centa addressed the issue of notice. An affidavit of Lucy Gaspini, Director of Academic Success and Integrity at the University of Toronto-Mississauga (“UTM”), was presented that outlined the various efforts to make contact with the Student to discuss how a fraudulent University of Toronto diploma bearing his name came to be circulated. Ms. Gaspini’s evidence was as follows:
 - a. On September 14, 2017, Michelle Kraus, Assistant Registrar with the UTM’s Office of the Registrar, attempted to contact the Student at his University of Toronto email address to discuss a diploma received by the University. On October 3, 2017, Ms. Kraus sent the Student a follow-up email requesting that he respond to her initial email. Ms. Kraus did not receive a response to either of her emails and requested that Ms. Gaspini’s office take carriage of the investigation.
 - b. On March 13, March 19 and March 22, 2018, Alexandra Di Blasio, Academic Integrity Assistant, emailed the Student inviting him to discuss the diploma at a meeting with a Dean’s representative on April 3, 2018. After receiving no response to her emails, Ms. Di Blasio emailed the Student on March 23, 2018 informing him that his meeting on April 3, 2018 was cancelled due to his failure to respond. Ms. Di Blasio did not receive a response to any of her emails.

- c. On June 26, 2018, Muhammad Siddiqui, Academic Integrity Assistant, emailed the Student requesting that he respond to emails from UTM and informing him that UTM had placed two holds on his record. Mr. Siddiqui did not receive a response to his email.
3. The Panel was also provided with the Affidavits of Service of Melissa Clark, for the Notice of Hearing and Revised Notice of Hearing. Ms. Clark's evidence was that she served the Student with these Notices by email to the email address provided to the University in ROSI on January 16 and February 13, 2019, respectively. She also attempted to serve the Student with the original Notice by courier to the address provided by the Student on ROSI on January 17 and 18, 2019 but there was no answer at the residence.
4. Upon review of the evidence, and upon considering Rules 9(b), 13, 14 and 17 of the *University Tribunal Rules of Practice and Procedure*, the Panel was satisfied that notice had been adequately provided to the Student and decided to proceed with the hearing despite his absence.

II. Summary of Evidence

5. The evidence of the University on the charge was presented by way of affidavit of Silvia Rosatone, Director at the University of Toronto's Office of Convocation. The Office of Convocation is responsible for the logistical details of University of Toronto convocation ceremonies. The office is also responsible for the reissue of degrees and diplomas, issuing certification of degree letters, as well as the verification of the graduation status of University of Toronto alumni.
6. The Student was a registered student at UTM, and had registered for a handful of courses between 2011 and 2013, but never fulfilled his graduation requirements and never received a degree from the University of Toronto.
7. In August 2017, Auradata Inc. ("Auradata") contacted the Office of Convocation seeking to verify a degree parchment purportedly issued by the University of Toronto.
8. Auradata offers degree verification services for graduates of Canadian post-secondary institutions. Auradata's clients are primarily employers, human resource professionals,

recruiters, education institutions, and credit grantors seeking confirmation of a candidate or student's accreditation.

9. Auradata submits Confirmation of Degree requests on behalf of its clients based on information that has been provided to its clients by a job candidate or student. If there is no corresponding record at the University of Toronto, Auradata will alert its clients.
10. The University accepts third-party requests to confirm degrees through its Confirmation of Degree Website. The form on the website requests that third parties provide as much information as possible about the graduate including: given name, surname, month and day of birth, year of graduation. Requesters are required to provide their first and last name, an e-mail address, and to pay a fee for the search results.
11. On August 15, 2017, an Auradata representative submitted a Confirmation of Degree request for a job applicant with the Student's name. Terry Johnston, then the Assistant Director at the Office of Convocation, responded to Auradata on August 16, 2017 confirming that the University of Toronto did not grant a degree to a student with that name.
12. On August 24, 2017, Auradata emailed Mr. Johnston and requested that he again verify whether a job applicant with the Student's name and birthdate received a degree from the University of Toronto. In support of her request, Auradata provided Mr. Johnston with the birthdate of the job applicant and attached what purported to be a copy of a degree parchment that was allegedly issued by the University of Toronto on April 10, 2015.
13. Mr. Johnston replied to Auradata that same day and indicated that the degree parchment was not authentic. The Student's ROSI record shows that the Student did not receive a degree from the University of Toronto on April 10, 2015, or on any other date.
14. When the Panel questioned whether it was possible that an individual other than the Student could have submitted the record to Auradata, the Panel was advised by Mr. Centa that the University only has one record matching that name and birthdate. On

that basis, Mr. Centa made submissions that it was overwhelmingly more likely that the Student was responsible for submitting the record to Auradata, rather than an imposter or other third party.

III. Finding on Charges

15. Following deliberation and based on the affidavit evidence and the documents in the University's Book of Documents, the Panel concluded there was clear and convincing evidence that, on a balance of probabilities, that
 - a. the record submitted to Auradata, namely a document which purported to be a degree certificate from the University of Toronto dated April 10, 2015, was falsified; and
 - b. that the Student had made use of the falsified degree certificate.
16. Although the Panel could not know whether the Student had himself falsified the certificate (as he could have elicited the help of another person), it was clear that the Student had circulated or made use of the falsified record. The charge was therefore proven, and the Panel found the Student guilty.

IV. Finding on Penalty

17. Appendix C of the *Code* states that, absent exceptional circumstances, the Provost will request that the Tribunal recommend a student be expelled where the student has forged or falsified an academic record, including a transcript or unofficial report of grades.
18. Accordingly, the University requested the following penalty
 - a. A recommendation to the President to recommend to the Governing Council that the Student be expelled;
 - b. An immediate suspension of up to five years pending the decision on expulsion; and
 - c. Reporting the case 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. .

19. Mr. Centa provided the Panel with a series of similar cases to consider. While the Panel is not bound by any of these decisions, they are helpful in assisting the Tribunal in treating like cases alike.
20. Aside from the *Mr. C.* case (*Case No.: 1976/77-3, November 5, 1976*), which sets out the factors to be considered in penalty, all of the cases provided to us by Mr. Centa involved a falsified academic record. In all of these cases not involving a Joint Submission on Penalty (“JSP”), an expulsion was recommended.
21. In addition, even in some cases where a JSP was submitted, the Panel still recommended expulsion. This result is a function of the seriousness of the offence of forging academic records, and the detrimental impact this kind of behaviour has on the reputation and integrity of the University. As stated in *University of Toronto and Ms. R.W. (Case No.: 502, April 18, 2008)*,

Members of the public, other degree-granting institutions, companies and other employers rely on transcripts and degree certificates for what they represent. ... The falsification of documents not only undermines the credibility of the University but also all other students who achieve their degrees legitimately.¹

22. Mr. Centa relied in particular on the recent case of *A.P. (Case No.: 913, January 16, 2018)*. In that case, the Student admitted the offence quickly and cooperated in the hearing including by cooperating in the submission of an Agreed Statement of Facts. The Student also provided evidence of mitigating circumstances. Despite this cooperation and participation, the Panel in *A.P.* recommended expulsion. The comments of the Panel in that case on (i) the serious nature of the offence, (ii) the importance of general deterrence, and (iii) the harm to the University occasioned by such offences, are all directly applicable here (see para. 39).
23. Unlike in that case, the Student in this case has not participated at any stage of the process. The Student has therefore not shown any remorse, not presented any character evidence and not raised any mitigating factors to warrant a more lenient sanction. Indeed, the Student has seemingly not been engaged in any way with the University since 2013.

¹ *University of Toronto and Ms. R.W. (Case No.: 502, April 18, 2008)* at para 16.

24. The general approach of the Tribunal has been to impose a recommendation of expulsion when the offence is as serious as the use of a falsified degree and when there are no mitigating circumstances.
25. The Panel also considered the fact that this is the Student's first offence. However, given the seriousness of the offence and the complete lack of engagement in the discipline process, the Panel decided that a recommendation of expulsion was appropriate in this case and consistent with the previous decisions of this Tribunal. As such, the Panel accepted the University's recommendations on penalty.

V. Decision of the Panel

26. At the conclusion of the hearing on penalty, the Panel conferred and made the following order:
- a. The Student is guilty of 1 count of knowingly forging, altering, or falsifying, an academic record, or uttering, circulating, or making use of such an academic record, contrary to section B.i.3(a) of the *Code of Behaviour on Academic Matters*;
 - b. The Student shall immediately be suspended from the University for a period of up to five years;
 - c. 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
 - d. 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, May 1, 2019



Sana Halwani, Chair