

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on December 17, 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 ■ Q ■ (the "Student")**

**Reasons for Decision Re: Hearing in Student's Absence**

**Hearing Date:** March 27, 2019

**Members of the Panel:**

Ms. Cheryl Woodin, Chair

Professor Kenneth Derry, Faculty Panel Member

Mr. Andrew Opper, Student Panel Member

**Hearing Secretary:**

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals, Discipline, Faculty Grievances

**Appearances:**

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

**Not in Attendance:**

the Student

1. The Trial Division of the University Tribunal was convened on March 27, 2019 to consider charges brought by the University of Toronto ("the **University**") against the Student under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 ("the **Code**").
2. On December 17, 2018, the Student was charged under the *Code* with knowingly forging or in any other way altering or falsifying an academic record and/or uttering, circulating or making use of such academic record (the "**Charges**") in connection with a degree certificate dated June 18, 2008 in his name, purporting to grant him an Honours Bachelor of Science degree from the University (the "**Degree**").
3. The Charges arose following a request to the University on January 4, 2018 from the Canadian Consulate in Shanghai, China to verify the authenticity of the Degree, which had been provided to the Consulate by the Student.
4. The Student did not attend the hearing and was not represented.
5. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing.
6. In this case the hearing was adjourned to permit the University to provide additional evidence and make supplementary submissions regarding steps taken to provide the Student with notice of the hearing. Supplementary submissions were received on May 3, 2019. They included an Affidavit of Jacqueline Cummins.
7. With the benefit of those submissions, the panel has determined that the hearing should proceed on the next reasonably available date without further notice to the Student.

## Service on the Student

8. A hearing of this Tribunal was convened on March 27, 2019, to address the Charges. A Notice of Hearing was sent to the parties from the Office of Appeals, Discipline and Faculty Grievances on March 13, 2019 in accordance with the requirements of section C.II.(a)(4) of the *Code* and Rules 9(c) and 14 of the Tribunal's *Rules of Practice and Procedure* (the "**Rules**").
9. The Student attended the University from the fall of 2003 until he withdrew in the winter 2006 term. He next enrolled in courses in the fall of 2009. The last term in which he attended classes was the 2010 Winter term.
10. 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.
11. The University's *Policy on Official Correspondence with Students* came into effect on September 1, 2006, before the Student stopped attending the University.
12. Pursuant to Rule 9 of the *Rules*, a Notice of Hearing may be served on a student by various means, including by sending a copy of the document by courier to the student's mailing address in ROSI or by emailing a copy of the document to the student's email address in ROSI.
13. The University complied with Rule 9.
14. In addition, the University attempted to communicate the hearing date to the Student using a "gmail" address which he had provided to the University on August 1, 2007 when he submitted a form to request to re-activate his student record.
15. The University has also advised that the Canadian Consulate in Shanghai communicated to the Student that it needed to verify the Degree with the University. The Student withdrew his request to the Canadian Consulate in

Shanghai before the Consulate's inquiry was completed. The Student was therefore on notice of the Consulate's intention to communicate with the University about the degree which is the subject of these charges.

16. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the "**Act**") and Rule 17 of the *Rules* where reasonable notice of an oral hearing has been given to a party in accordance with the Act or the Rule, as the case may be, and the party does not attend the hearing, the Tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.
17. The University has requested that the Tribunal proceed with this hearing in the absence of the Student.
18. Based on the totality of the attempts made to provide notice to the Student, the Tribunal has concluded that the Student was given reasonable notice of the hearing. The University's efforts to serve and communicate with the Student comply with both the *Rules* and the *Act*. The hearing shall proceed in the Student's absence without further notice to the Student.

Dated at Toronto this 4<sup>th</sup> day of July, 2019



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Ms. Cheryl Woodin, Chair