

**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 am. S.O. 1978, c. 88

B E T W E E N:

**THE UNIVERSITY OF TORONTO**

- and -

**K ■ Q ■ (the “Student”)**

**Reasons for Decision**

**Hearing Dates:** March 27, 2019 and July 26, 2019

**Members of the Panel:**

Ms. Cheryl Woodin, Chair  
Professor Kenneth Derry, Faculty Panel Member  
Mr. Andrew Opper, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

Ms. Jennifer Dent, Associate Director, Office of the Appeals, Discipline, Faculty  
Grievances

**Not in Attendance:**

The Student

## Introduction

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. The Student was unrepresented and did not attend the meeting. The hearing was adjourned pending supplementary submissions. On May 3, 2019 the University provided supplementary submissions to demonstrate the Student was provided with reasonable notice of the hearing.
3. On July 4, 2019 the panel released a decision (attached as Appendix A) confirming that reasonable notice of the hearing had been provided to the Student and that the hearing would proceed in the Student's absence.
4. The Trial Division of the University Tribunal reconvened on July 26, 2019 in the Student's absence.

## The Charges and Particulars

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

### Charges

1. In or about December 2017 and/or January 2018 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 certificate for the degree of Honours Bachelor of Science dated June 18, 2008, contrary to section B.I.3(a) of the *Code*.
2. In the alternative, in or about late 2017 and/or January 2018 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, contrary to section B.I.3(b) of the *Code*, in connection with a document which purported to be your certificate for the degree of Honours Bachelor of Science dated June 18, 2008.

**Particulars:**

3. At all material times you have been a student at the University of Toronto (“University”).
4. In or about late 2017 and/or January, 2018 you provided to the Canadian Consulate in Shanghai, a document that purported to be a degree certificate confirming that you had fulfilled the requirements of the University of Toronto and admitting you to the degree of Honours Bachelor of Science with Distinction, dated June 18, 2008 (“Degree Certificate”).
5. Contrary to the information contained in the Degree Certificate:
  - (a) you have not fulfilled the requirements for admission to a degree from the University,
  - (b) you are not eligible to receive and have not received a degree from the University, and
  - (c) in particular you have not received the Degree Certificate from the University.
6. You provided the forged, altered and falsified Degree Certificate knowing that it was forged, altered, and/or falsified when you circulated it by providing it to the Canadian Consulate.
7. 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 to the Canadian Consulate.

## The Evidence Related to the Charges

6. Evidence was submitted on behalf of the University through affidavits tendered by Jacqueline Cummins, Law Clerk at Paliare Roland Rosenberg Rothstein LLP (“Paliare Roland”), and Sana Kavar, Manager at the University of Toronto Transcript Centre in the Faculty of Arts and Science.
7. 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.
8. Ms. Kavar gave evidence that on January 4, 2018, the University received a request from the Canadian Consulate in Shanghai, China (the “Consulate”) to verify the authenticity of an Honours Bachelor of Science degree granted to the Student dated June 18, 2018.
9. The Consulate was not satisfied as to the authenticity of the transcript because the colour of the seal and the signatures were not the same as other University of Toronto degrees.
10. Ms. Kavar responded to the Consulate on the same day to request the date of birth for the Student. The Consulate provided the date of birth and Ms. Kavar accessed the Student’s ROSI account.
11. The ROSI showed that the Student:
  - (a) first registered with the University of Toronto Mississauga in 1<sup>st</sup> Year Studies in Computer Science in the 2003 Fall term;
  - (b) was enrolled in courses between the 2003 Fall term and the 2005 Fall Term;
  - (c) was granted late withdrawal without academic penalty in the 2006 Winter term;
  - (d) enrolled in classes again the 2009 Fall and 2010 Winter terms, still in 1<sup>st</sup> Year studies in Computer Science;
  - (e) was place on academic probation at the end of the 2010 Winter term;

- (f) had not enrolled at the University in any term since the end of the 2010 Winter term; and
  - (g) had earned a total of 4.0 credits with a cumulative grade point average of 1.04.
12. At the time that the Student represented he had achieved a degree from the University, he had not even earned the four credits he ultimately completed.
  13. There is no University evidence to support the representation made by the Student that he had ever been awarded an Honours Bachelor of Science Degree from the University of Toronto. The clear and uncontroverted evidence disproves this representation.
  14. Ms. Kavar correctly determined that the University had never conferred a degree on the Student. The University in turn advised the Consulate of this fact.

#### **Decision of the Tribunal on the Charges**

15. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
16. On the evidence presented, it is clear that the Student knowingly produced a forged and fraudulent degree to the Canadian Consulate in Shanghai, China purporting to be a certificate for the degree of Honours Bachelor of Science dated June 18, 2008. In light of the evidence regarding the Student's actual academic standing with the University, this can only be explained as a deliberate attempt to misrepresent, and grossly overstate, his academic progress.
17. The Tribunal is so satisfied and finds that the Student is guilty of charge #1.
18. 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

19. 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 Council 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.
20. The suspension is intended to cover the period between this decision and any expulsion confirmation.
21. An appropriate penalty is determined by reference to what are called the *Mr. 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.
22. The penalty must reflect the fact that the offence had the capacity to undermine the University's integrity and, as a result, the credibility of those who receive a degree from the University.
23. The University asserts that forged transcripts are a growing concern and that it is important that students (former, current and future) be aware of the consequences of this conduct which, if not sanctioned, has the effect of undermining the very core of how the university recognizes academic accomplishment and signals its intention to protect the integrity of its degrees to the world.
24. Strong denunciation of the conduct is therefore required.

25. The Student made limited progress towards attaining a degree while enrolled at the University and is no longer enrolled at the University. In these circumstances, reformation of this Student is of limited relevance to the analysis.
26. 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 although there is a reasonable basis to conclude he was aware that the University had been put on notice of the offence committed by virtue of communication he received from the Consulate as set out in our reasons of July 4, 2019.
27. The requested penalty is consistent with the developed body of uniform decisions from this Tribunal for similar offences in which there are no extenuating circumstances which might justify a different penalty.
28. The penalty as requested by the University as set out above is granted.
29. The case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto this 1<sup>st</sup> day of November, 2019



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Ms. Cheryl Woodin, Chair

# APPENDIX A

Case No.: 993

## 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*,

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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