

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on April 30, 2019,

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.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

J [REDACTED] R [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Date: August 27, 2019

Members of the Panel:

Mr. R.S.M. Woods, Barrister and Solicitor, Chair

Dr. Ian Crandall, Faculty Panel Member

Madison Bruno, Student Panel Member

Appearances:

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

Hearing Secretary:

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

Not in Attendance:

The Student

The Charge

1. On April 30, 2019, the University of Toronto (the “**University**”) laid the following charge (the “**Charge**”) against J■■■■ R■■■ (the “**Student**”) under the *Code of Behaviour on Academic Matters, 1995* (the “**Code**”):

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 June 11, 2018, contrary to section B.I.3(a) of the Code

The Hearing

2. The Tribunal heard the Charge on August 27, 2019. The University was in attendance, but even after waiting 15 minutes the Student failed to appear.

Ability to Proceed in the Student’s Absence

3. As a result of the Student’s failure to attend the hearing, we started the hearing by considering whether or not we could proceed in the Student’s absence.

4. Mr. Centa on behalf of the University submitted that the University Tribunal *Rules of Practice and Procedure* (the “**Rules**”) entitled the Tribunal to proceed since the Student had been provided with adequate notice of the hearing. In support of that position he provided the Tribunal with the affidavit of Krista Osbourne sworn August 9, 2019, and the affidavit of Sharon Hawley sworn August 20, 2019.

5. Ms. Hawley is Mr. Centa’s assistant. Her affidavit included a letter dated April 30, 2019 from Melissa Clark, a staff member in the Office of Appeals, Discipline and Faculty Grievances, to the Student which provided the Student with a copy of the Charges. Ms. Hawley’s evidence was that she had been copied on the email sending the letter to the Student’s email address at the University. She also stated that she had sent an email to the Student on behalf of Mr. Centa on May 16, 2019. The email was sent to the same email address as Ms. Clark’s letter. Mr. Centa’s

email provided the Student with a link to the package of documents providing the Student with disclosure about the Charge.

6. Ms. Osbourne is the Administrative Clerk and Hearing Secretary in the Appeals, Discipline and Faculty Grievances portfolio of the Office of the Governing Council. She provided evidence of the documents she had sent to the Student. Ms. Osbourne indicated that on July 8, 2019 she had sent a copy of the Notice of Hearing advising the Student that the charges against him would be heard by the Tribunal on August 27, 2019 and the address of the place at which the hearing would take place to the Student at his email address and mailing address in the Repository of Student Information (“**ROSI**”).

7. Ms. Osbourne indicated that she had provided a Revised Notice of Hearing to the Student’s email and mailing address in ROSI on July 23, 2019. She had also couriered a copy of the Revised Notice of Hearing to the Student’s mailing address on July 24, 2019. She sent the Revised Notice of Hearing after the student member of the Tribunal named in the original Notice of Hearing was unable to attend and replaced by Ms. Bruno. The date and place of the hearing remained unchanged.

8. Based on the evidence provided to us by the University we were satisfied that the Student had received adequate notice of the hearing and that pursuant to Rules 9(b), 13, 14 and 17 of the *Rules* we had the ability to proceed with the hearing in the Student’s absence. We therefore proceeded to hear and consider the University’s evidence.

Evidence and Submissions on the Merits

9. In support of its allegations against the Student, the University tendered an affidavit from Silvia Rosatone, the Director of the University’s Office of Convocation. Ms. Rosatone’s evidence was that on July 17, 2018 Argentina Miguel from Integrated Screening Partners (“**ISP**”) submitted a confirmation of degree request to the Office of Convocation in respect of the Student through the University’s Confirmation of Degree website. The Confirmation of Degree website allows third parties to verify the credentials of graduates of the University and minimizes the risk of credential fraud. As part of her request, Ms. Miguel provided the Student’s name and date of birth.

10. In response to Ms. Miguel's inquiry, on July 18, 2018, the Confirmation of Degree website advised her that according to its records no degree had been granted by the University to the Student.

11. On August 1, 2018, Ms. Miguel emailed the Office of Convocation, asking if it could follow up on the request. She indicated that the Student had provided a copy of the diploma and asked if it was possible to verify whether it was authentic. She attached to her email a copy of the diploma provided by the Student, noting that it looked "kind of different from the ones we use to received [sic] on our verifications."

12. The degree certificate provided by Ms. Miguel indicated that the Student had received an Honours Bachelor of Science degree of June 11, 2018. Ms. Rosatone's evidence was that based on her check of the University's academic records, the University had not granted the Student a degree. This was corroborated by the Student's academic record which showed that while the Student had attended the University and completed some courses towards an Honours Bachelor of Science degree, no degree had been granted.

13. Counsel for the University submitted based on the evidence before it, the Tribunal should find the Student guilty of the Charge. Counsel submitted that it was clear that the evidence clearly showed that the Student had not graduated and therefore was not entitled to a degree certificate. The Student must have known that.

Decision on the Merits

14. The University has the burden of establishing on the balance of probabilities using clear and convincing evidence that the Student committed the academic offence with which he or she has been charged. In this case, that requires the University to establish that the Student knowingly forged or in any other way altered or falsified any academic record, or uttered, circulated or made use of any such forged, altered or falsified record, whether the record was in print or electronic form

15. Based on the evidence before us, we are satisfied that the University has discharged its burden. The evidence establishes that a forged degree certificate in the Student's name was provided to ISP. While we have no direct evidence that the Student personally forged the degree

certificate, in the absence of any evidence to the contrary, we are prepared to draw the inference from the evidence before us that the Student had knowingly forged the degree certificate and supplied it to ISP. We therefore found the Student guilty of the Charge.

Evidence and Submissions on Penalty

16. The University did not lead any new evidence on the issue of penalty. Its Counsel submitted that we suspend the Student for a period of five years and recommend to the President of the University that he recommend to the Governing Council that the Student be expelled.

17. In its previous decisions, this Tribunal has noted the seriousness of a charge that a student forged a degree certificate. For example, in *S.K.* [Case No. 492, July 31, 2008] the Tribunal stated that forgery is “probably the most serious offence” and “an offence of the utmost seriousness”. Similar statements can be found in other cases dealing with forged degree certificates.

18. Other recent cases confirming the seriousness of the offence of forging academic records include *S. L. J.* [Case No. 970, December 17, 2018], and *Z.Q.* [Case No. 989, May 1, 2019]. As set out in those and other cases, the usual penalty in forged degree certificate cases is a lengthy suspension and a recommendation that the President recommend expulsion, even in cases where the student has no prior record of academic misconduct.

Decision on Penalty

19. There can be no question that forging and circulating a degree certificate is an extremely serious offence. Forged certificates damage the University’s reputation, undermine the trust prospective employers and other academic institutions have in the University and its students, and harm students who have earned their degrees by forcing them to compete for positions against students who have not earned the qualifications they claim to hold.

20. There is no evidence before the Tribunal of any factor mitigating against the imposition of a penalty consistent with the penalties imposed by the Tribunal in similar cases. The Student had the opportunity to attend the hearing and provide such evidence but chose not to attend. In the absence of any such evidence we are left to apply the general principles set out in the previous decisions of this Tribunal.

21. After considering the evidence and principles, we have decided to suspend the Student from the University immediately for a period of five years and to recommend to the President that he recommend that the Governing Council expel the Student.

22. We also order that this case be reported to the Provost for publication of a notice of this decision and the sanctions imposed, with the name of the Student withheld.

Dated: November 26, 2019



Mr. Seumas Woods, Chair