

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 18, 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 S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

D [REDACTED] T [REDACTED] (the "Student")

REASONS FOR DECISION

Date of Hearing: April 16, 2019

Members of the Panel:

Ms. Amanda Heale, Chair
Professor Julian Lowman, Faculty Panel Member
Mr. Rory Smith, Student Panel Member

Appearances:

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

Hearing Secretary:

Mr. Christopher Lang, Director, Office of the Appeals, Discipline and Faculty Grievances, University of Toronto
Ms. Jennifer Dent, Associate Director, Office of the Appeals, Discipline and Faculty Grievances, University of Toronto

Not in Attendance:

The Student

Introduction

1. A hearing before the University Tribunal was convened on April 16, 2019 to hear the Charge (as defined below) against the Student. The Student did not attend. By way of the ASF (as defined below), the Student agreed that he did not wish to attend or participate further in the proceedings, requested that the University Tribunal proceed in his absence, and waived his right to any further notice of the proceedings. In the ASF, the Student indicated his understanding that, in his absence, the University Tribunal might find that he had committed an act or acts of academic misconduct, and impose sanctions, as well as that the University Tribunal would not be bound by the terms of the JSP (as defined below). The panel was therefore satisfied that the hearing could proceed in the Student's absence, and made an order accordingly.

The Charge

2. The charge against the Student (the "Charge") was that the Student 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 22, 1983, contrary to section B.I.3(a) of the *Code of Behaviour on Academic Matters, 1995* (the "Code").

Particulars

3. The particulars of the offence charged are as follows:

4. The Student was a registered student in the Faculty of Arts, University of Toronto, from Fall 1980 to Winter 1981. He earned 1.0 credits. He did not graduate from the University of Toronto.

5. The Student circulated and made use of a document that purported to be his degree certificate from the University of Toronto dated June 22, 1983.
6. The Student forged this document and falsely represented his academic history and status.
7. The Student knew that this document was forged, altered, and/or falsified when he circulated or made use of it.
8. The Student had an obligation to provide accurate and truthful information and not to misrepresent his academic record.

Agreed Statement of Facts

9. The hearing proceeded on the basis of an Agreed Statement of Facts (the "ASF"). The parties also presented a Joint Book of Documents (the "JBD") that is referred to in the ASF. A summary of the agreed facts follows.
10. The Student first registered as a student at the University of Toronto in Fall 1980. Since that time he has earned 1.0 credit. At all material times, he remained a student member of the University. A copy of the Student's academic record was included in the JBD at Tab 2.
11. The Student admits that, as part of an application for employment, he knew or ought to have known that he submitted a resume that stated that he had graduated from the University of Toronto. Subsequently, the Student knew or ought to have known that he submitted a forged degree certificate that purported to confirm his graduation from the University of Toronto.
12. The Student pleaded guilty to the Charge.

Findings on Charges

13. Following deliberations and based on the ASF and the JBD, the Panel concluded that the Charge had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student.

Penalty

14. The University and the Student made a Joint Submission on Penalty (the "JSP").

15. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:

- (a) A suspension for five years from the date of the Tribunal's order;
- (b) A recommendation to the President that he recommend to Governing Council that the Student be expelled from the University; and
- (c) That this 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.

16. The offence in this case is very serious. It is critical to the integrity of the University and its reputation that others can rely upon the official academic records that it provides. For this reason, the University and the Tribunal have historically taken falsified degree certificate cases very seriously. The Tribunal has generally imposed a recommendation of expulsion in such cases in the absence of mitigating circumstances and/or a joint submission on penalty made by the University and the Student. Counsel for the University presented the Panel with numerous Tribunal decisions in respect of falsified academic records in which a recommendation of expulsion was made. In this case, the Student did participate in the process, including submitting in the JSP that the Tribunal should impose a recommendation of expulsion.

17. In the Panel's view, the joint submission in this case is reasonable, in particular in light of the seriousness of the offence.

Order

18. For the foregoing reasons, the University Tribunal ordered:

- (a) that the hearing may proceed in the Student's absence;
- (b) that the Student is found 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*;
- (c) that the Student shall immediately be suspended from the University for a period of up to five years;
- (d) 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
- (e) that 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, this 16th of July, 2019,



Ms. Amanda Heale, Chair