

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 31, 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:

THE UNIVERSITY OF TORONTO

– AND –

S [REDACTED] G [REDACTED] (the “Student”)

Hearing Date: July 22, 2020 (via Zoom)

Members of the Panel:

Ms. Omo Akintan, Chair
Professor Mike Evans, Faculty Panel Member
Ms. Alena Zelinka, Student Panel Member

Appearances:

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

Hearing Secretary:

Ms. Krista Kennedy, Hearings Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

The Student

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on July 22, 2020. The Student was charged on October 31, 2019 as follows:

Charge 1: On or about July 2, 2019, you did knowingly forge or in any other way alter or falsify an academic record, and/or did utter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely a University of Toronto transcript of consolidated academic record as of June 22, 2019 (“Transcript”) which you submitted to Carleton University, contrary to section B.I.3(a) of the *Code*.

Charge 2: In addition and/or in the alternative, on or about July 2, 2019, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code*, in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the *Code*, by submitting the Transcript to Carleton University.

Service on Student

2. The Notice of Electronic Hearing was served on the Student by email dated July 9, 2020 and sent to the Student's utoronto email address.
3. On July 6, 2020, Ms. Jacqueline Cummins, Law Clerk to Ms. Lily Hamer, Assistant Discipline Counsel advised the ADFG Office that the Provost and the Student requested that the hearing proceed electronically. The Student was copied on the email. Based on the joint request, the hearing was ordered to proceed electronically, via Zoom.
4. In advance of the hearing, Assistant Discipline Counsel filed a Joint Book of Documents ("JBD") which included an Agreed Statement of Facts signed by the Student and Assistant Discipline Counsel.
5. Pursuant to the order, the hearing proceeded electronically, via Zoom, on July 22, 2020 at 5:15 pm.
6. The Student did not attend the hearing held on July 22, 2020.
7. The Panel was satisfied that valid and proper service was effected on the Student pursuant to the *Rules* and that the Hearing could proceed in the absence of the Student.

Facts

8. The evidence in this case was tendered by way of Agreed Statement of Facts accompanied by a Joint Book of Documents which was introduced by the University at this Hearing.
9. The Agreed Statements of Facts included the following:
 - (a) [The Student] first registered as a student at the University of Toronto, Faculty of Arts and Science in Winter 2017. At all material times, he remained a student at the University. A copy of [the Student's] academic record dated July 6, 2020, is included in the JBD at **Tab 3**;
 - (b) The Transcript Centre issues transcripts to students upon request and responds to requests from third parties, such as other academic institutions, seeking to verify academic records from the University of Toronto;
 - (c) On July 12, 2019, Kevin Goodchild at the University of Toronto Transcript Service received an email inquiry from Caroline Karasiuk, an Admissions Officer at Carleton University seeking verification of a University of Toronto transcript submitted by the Student ("CU Transcript");
 - (d) Ms. Karasiuk identified differences between the CU Transcript and transcripts Carleton University typically received from the University of Toronto. Those differences included the fact that the CU Transcript was issued to the Student rather than to Carleton University, and that the blue color and smaller size of the font were different from what she was used to seeing in transcripts from the University of Toronto. Those differences caused her to question the authenticity of the CU Transcript;
 - (e) Mr. Goodchild accessed the Student's ROSI¹ information to compare the Student's academic record to the purported transcript submitted to Carleton University;

¹ University's database known as the "Repository of Student Information"

- (f) A comparison of the transcripts revealed that all but one of the grades on the CU Transcript had been inflated.
10. In comparing the purported transcript submitted to Carleton University and the Student's actual transcript (attached as Exhibits to Ms. Kawar's Affidavit), it is obvious that the Student circulated and made use of a falsified document contrary to Section B.I.3(a) of the *Code*.
11. Based on the evidence, including the student's admission that he did knowingly forge or in any other way alter or falsify and academic record, the Student is found guilty of Charge 1.
12. The University has withdrawn the alternative Charge 2.

Penalty

13. The University sought the following penalty:
- (a) that the Student be immediately suspended for a period not to exceed 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; and
 - (c) 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.
14. In determining penalty, the Panel is directed to consider the goals outlined in the seminal *C* decision (Case No. 1976/77-3, November 5, 1976): reformation, deterrence and protection of the public. None of these three goals has priority over the other but the Panel may consider how the facts of each case may demand that one has more relevance over the other.
15. Forgery is widely recognised as a most serious academic offence. The reasons why forgery is deserving of the most serious of sanctions are succinctly outlined in *S.W.* [Case No. 948, April 16, 2020] as follows:

forgery or falsification of academic records is among the most serious academic offences....Such misconduct undermines the integrity of the University's academic mission. It misrepresents a student's accomplishments. If undetected, it may result in the student obtaining a benefit which he or she does not deserve, deprive another more deserving student of that benefit, and tarnish the reputation of the University, and by extension, that of other students, alumni and faculty...

Second, forgery may be difficult to detect...

Third, by its nature, forgery is only rarely an offence that can occur through a student's inadvertence or even mere negligence. It is usually the product of planning and knowing participation, not a moment of weakness or poor judgment.

16. The extent of the forgery in this case is particularly egregious. Twenty-four of the twenty-five grades on the Student's transcript were inflated. In multiple instances, marks were inflated by 30% or more. The result of the forgery is that the picture, of the Student's academic achievements and performance, painted by the CU Transcript bore no resemblance whatsoever to the student's actual record.
17. In an age in which academic institutions (and society) rely more heavily on technology and digital communication, including administering examinations and tests virtually, trustworthiness and integrity become even more critical.
18. In this case, the Panel acknowledges that the Student admitted wrongdoing which, in the ordinary course, might be a mitigating factor. However, in this case, the evidence of forgery is so apparent that the Student's mere admission is of little consequence. A simple comparison of the two transcripts reveals the substantial discrepancy. It is worth noting that all twenty-four marks that were changed were inflated, an outcome that could only have benefited the Student. It is also worth noting that the doctored transcript looked so genuine that a less astute observer might have missed it in which case the Student would

have profited from his misconduct against both academic institution and others who rely on transcripts as evidence of academic performance.

19. The Student has offered no explanation for his behaviour and has offered no evidence to support a determination that he is reformed or capable of being rehabilitated. Admitting dishonesty when confronted with almost unequivocal evidence of dishonesty does not excuse the underlying dishonesty or give comfort that such behaviour will not be repeated.
20. The penalty must reflect the egregiousness of this type of misconduct. Such misconduct deserves strong denunciation so as to protect the credibility, integrity and reputation of academic institutions and the interest of those who rely on them including the University's students, alumni, faculty as well as employers and society as a whole.
21. The goal of general deterrence and, more so, public protection is paramount in this case and requires that the Panel recommend the expulsion of the Student to preclude re-enrolment and to clearly indicate that the University exercises oversight over such misconduct even after a Student leaves the University.
22. A review of recent decisions reveals a near consensus that a suspension of up to five years and a recommendation for expulsion is the appropriate penalty in these cases, even for a first offence. (Most notably: *J.L.* [Case No. 959, September 19, 2018]; *K.L.* [Case No. 979, October 30, 2018]; *C.S.* [Case No.954, July 31, 2018]; *Z.C.* [Case No. 932, November 10, 2017])
23. Given due consideration to the facts and the case law, the Panel accepted the University's submission and granted the following penalty:
 - I. **THAT** the Student shall be immediately suspended from the University for a period not to exceed to five years.
 - II. **RECOMMENDS** to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.

III. **ORDERS THAT** this case shall 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.

24. In particular, the suspension of the Student for *up to 5* years is indicated not because a shorter period of suspension may be appropriate but because the suspension may become moot should expulsion be granted before the 5-year period elapses.

25. An Order with the above relief was signed by the Panel effective July 22, 2020.

Dated at Toronto, this 20th day of October 2020



Omo Akintan, Chair