

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 16, 2021,

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 -

F ■■■ S ■■■■

REASONS FOR DECISION

Date of Hearing: November 8, 2021, via Zoom

Members of the Panel:

Mr. Bernard Fishbein, Chair

Professor Georges Farhat, Faculty Panel Member

Mr. Karim Wanes, Student Panel Member

Appearances:

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

Mr. William Webb, Co-counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

Mr. F ■■■ S ■■■■, the Student

1. This is the decision after an electronic hearing with respect to charges brought by the Provost of the University of Toronto (hereafter either “the Provost” or “the University”) under the *Code of Behaviour on Academic Matters, 1995* (“the Code”) against F ■■■ S ■■■ (“the Student”). The Student did not attend the hearing and counsel for the University provided us with an email chain with the Student that confirmed that he was aware of the hearing but chose not to attend. The Panel was satisfied that the hearing could proceed in the absence of the Student in the circumstances here.

A. The Charges and Particulars

2. By letter dated September 16, 2021, the Student was informed of the charges against him and the particulars of those charges, which were as follows:

Charges:

1. 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 transcript and academic history from the University of Toronto bearing student number 993137175, contrary to section B.I.3(a) of the Code.
2. You knowingly falsified an academic record, and and/or uttered, circulated or made use of such a falsified record by claiming to have graduated from the University of Toronto, contrary to section B.I.3(a) of the Code.

Particulars:

- (a) You have been a registered student in the University of Toronto Scarborough since Fall 2004. You earned 18.5 credits. You did not graduate from the University of Toronto.
- (b) At all material times, you were a student member of the University of Toronto and subject to the Code.
- (c) On or before September 5, 2018, you knowingly circulated to Mintz, an education verification company, and others, and made use of a document that purported to be a transcript and academic history from the University of Toronto bearing student number 993137175. This document was forged, altered, or falsified and misrepresented your true academic history.

- (d) On or before September 5, 2018, you falsely claimed to Mintz, an education verification company, and others, that you graduated from the University of Toronto in Summer 2009 with a Bachelor of Business Administration with a major in marketing.
- (e) You knew that these documents were forged, altered, and/or falsified when you circulated or made use of them.
- (f) You knew that you were misrepresenting yourself as a graduate of the University of Toronto when that was not true.
- (g) You had an obligation to provide accurate and truthful information and not to misrepresent your academic record.

B. The Evidence

3. Prior to the hearing the Student and the University had entered into an Agreed Statement of Facts (“ASF”). The ASF provided:
 1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the Provost of the University of Toronto (the “Provost”) and [the Student] have prepared this Agreed Statement of Facts (“ASF”). The Provost and [the Student] agree that:
 - (a) each document attached to the ASF may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document’s contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Charges and guilty plea

2. This hearing arises out of charges of academic misconduct filed by the Provost on September 16, 2021. A copy of the charges is attached to the ASF at Tab 1.
3. [The Student] acknowledges that he received a copy of the charges, waives the reading of the charges, and pleads guilty to charges #1 and 2.

B. *Academic record*

4. [The Student] first registered as a student at the University of Toronto Scarborough in Fall 2004. Since that time he has earned 18.0 credits and has never graduated from the University. [The Student] has not been registered in courses since Winter 2009. At all material times, he remained a student member of the University. A copy of [the Student's] true academic record is attached to the ASF at Tab 2.

C. *Facts relating to offence*

5. [The Student] admits that, as part of an application for employment, he represented that he had graduated from the University of Toronto in Summer 2009 with a Bachelor of Business Administration with a major in marketing.
6. On September 5, 2018, the Office of Convocation received an email from Pierre Ben Said, an investigator with Mintz, an education verification service in Quebec. Mintz asked the Office of Convocation to confirm that [the Student] had graduated from the University of Toronto in Summer 2009 with a Bachelor of Business Administration with a major in marketing. Mr. Ben Said indicated that “the result was negative on the website” when he attempted to confirm that [the Student] had graduated using the tool on the website of the Office of Convocation. A copy of this email chain, and the attachment is attached to the ASF at Tab 3.
7. Before the University responded, Mr. Ben Said then sent another email attaching an unofficial transcript provided by [the Student] as part of his application for employment. A copy of this email and its attachment is attached to the ASF at Tab 4.
8. The unofficial transcript misrepresented [the Student's] academic record and indicated that he passed three courses that he had actually failed. The chart below compares the marks on the transcript Mr. Ben Said sent to the university with [the Student's] actual academic record.

	Mintz transcript	Actual transcript
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Course	Mark	Grade	Mark	Grade
MGTB03H3 Management Accounting	59	C	29	F
MGTB09H3 Principles of Finance	70	B	13	F
MGTC74H3 Analysis for Decision-Making	71	B	11	F

9. On September 6, 2018, the University advised Mr. Ben Said that, according to its records, no degree had been granted to [the Student]:

According to our records, no degree has been granted by the University of Toronto to [the Student]. Please note that, at the University of Toronto, a degree is not considered to be conferred until the date of convocation. Specific information, including dates of enrolment or a student's academic history i.e. majors, minors, grades, courses taken, or academic standing, may only be obtained from an official transcript, which must be ordered from the University of Toronto Transcript Centre <http://www.transcripts.utoronto.ca>.

10. [The Student] states that his prospective employer learned that had misrepresented to them that he had graduated from the University when he had not done so. Because of this misrepresentation, the prospective employer chose not to hire him.

D. Admissions

11. [The Student] admits that, in his application for employment, he knowingly misrepresented his academic record by stating that he had graduated from the University when he knew that statement was false. He admits that he also knowingly misrepresented his academic record in his application for employment by altering and falsifying an unofficial copy of his transcript and by circulating that altered and falsified transcript as part of his application for employment.
12. [The Student] acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does having had the opportunity to seek the advice of counsel.

13. [The Student] confirms that the Provost has made no representations to him about the penalty she will seek at the Tribunal.
4. The University submitted that in view of the contents of the ASF, and in particular, the admissions of the Student contained therein, the University had satisfied the onus on it to establish the violation of the Code by the Student. In the event, the Panel found the Student guilty on the first charge, the University would withdraw the second charge.

C. Decision of the Panel on Charges

5. The Panel withdrew to consider the submissions of the University. The Panel unanimously found the Student guilty of the first charge. The University withdrew the second charge.

D. Submissions on Sanction

6. Prior to the hearing the University and the Student had also entered into a Joint Submission on Penalty (“JSP”):

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the “Provost”) under the Code of Behaviour on Academic Matters (“Code”). For the purpose of the sanction phase of the hearing, the Provost and [the Student] have prepared this Joint Submission on Penalty (“JSP”).
2. [The Student] understands that the University Tribunal may depart from the recommendations contained in this joint submission on penalty and may impose sanctions against him as set out in the Code.

A. *Joint Submission on Penalty*

3. The Provost and [the Student] submit that, in all the circumstances of the case, the University Tribunal should suspend [the Student] from the University for five years from the date of this order.

4. The parties agree that the Tribunal should also recommend to the President that he recommend to Governing Council that [the Student] be expelled from the University of Toronto.
5. The parties agree 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.

B. Acknowledgments

6. [The Student] acknowledges that:
 - (a) the Provost advised him of the right to obtain legal counsel and that he obtained that advice or declined to do so; and
 - (b) he is signing this JSP freely and voluntarily, knowing of the potential consequences he faces and knowing that the Tribunal is not bound by this JSP and has the discretion to impose a different penalty.
7. Although conceding that this Panel was not necessarily bound by the JSP, that it served only as guidance for the Panel, the jurisprudence of the Tribunal and the Discipline Appeals Board was clear and consistent—a Panel ought not to depart from a penalty agreed upon by the parties unless it was “unhinged from the circumstances” or unreasonable. The University said the jointly recommended (and agreed upon) penalty was not unreasonable and was consistent with the past jurisprudence of both the Tribunal and the Discipline Appeals Board—that the falsification of University transcripts and records was among the most serious offences—not only of extreme detriment to the University but to all who relied on the records of the University. On the principle that like offences should receive like penalties, the University had usefully prepared a chart of the results of cases since 2010 involving this type of offence:

Tab	Student	Year	Forged or Falsified Document	Intended recipient	Priors	Participated	JSP	Sanction
9	[M.W.]	2021	Degree certificate	Employer	No	Yes + ASF	No	Expelled
10	[Z.Q.]	2019	Degree certificate	Employer	No	No	No	Expelled
11	[B.L.]	2019	Transcript from U of Alberta	U of T	No	No	No	Expelled
12	[D.T.]	2019	Degree certificate	Employer	No	Yes	Yes	Expelled
13	[S.L.J.]	2018	Degree certificate	Employer	No	No	No	Expelled
14	[A.P.]	2018	Degree certificate; false claims to PhD and B.Sc. on websites	Employer	No	Yes + ASF	No	Expelled (dissent: 5 year suspension)
15	[Y.R.]	2017	Degree certificate	Verification service	No	No	No	Expelled
16	[Z.L.]	2017	Degree certificate and transcript	Verification service	No	No	No	Expelled
17	[Y.X.]	2016	Degree certificate	Verification service	No	No	No	Expelled
18	[T.C.]	2016	Cover letter and resume claiming pharmacy degree and science degree	Employer	One	No	No	Expelled
19	[C.A.]	2016	Transcript and claim to degree	University of London	No	No	No	Expelled
20	[T.A.]	2014	Degree certificate	Employer	No	Yes + ASF	No	Expelled
21	[A.A.L.]	2010	Degree certificate and unofficial transcript	Employer	No	Yes + ASF	No	Expelled
22	[F.Z.]	2010	Degree certificate	Unknown		No	No	Expelled

8. In all of the cases the penalty of expulsion (or at least the recommendation of expulsion considering the limited jurisdiction of the Tribunal with respect to the imposition of this sanction) had been imposed (with the qualification of one dissent in one case) regardless of whether it was a student's first offence, regardless of whether a student had participated and signed an agreed statement of facts or joint submission on penalty. The University urged the Panel to therefore adopt the JSP and impose the sanctions agreed to between the University and the Student.

E. Penalty

9. The Panel withdrew to consider the submissions of the University. The Panel unanimously agreed to accept the JSP and impose the agreed upon sanctions.

10. Accordingly, the Panel ordered:
 1. The hearing may proceed in the Student's absence;

 2. The Student is guilty 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 of Behaviour on Academic Matters*;

 3. The Student shall immediately be suspended from the University for a period of up to five years from the date of this order.

 4. 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

 5. 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 21st of December 2021

Original signed by: _____

Mr. Bernard Fishbein, Chair
On Behalf of the Panel