

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 16, 2021 and amended on January 12, 2022,

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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

Y [REDACTED] Y [REDACTED]

REASONS FOR DECISION

Hearing Date: April 21, 2022, via Zoom

Members of the Panel:

Mr. Simon Clements, Chair

Professor Georges Farhat, Faculty Panel Member

Ms. Megan Campbell, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

Mr. Y [REDACTED] Y [REDACTED]

1. This Panel of the University Tribunal held a hearing on April 21, 2022 to consider the charges brought by the University of Toronto (the “University”) against Mr. Y■■■■ Y■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”). It is alleged that the Student knowingly forged or in any other way altered or falsified letters from the University and his academic transcript and/or did utter, circulate or make use of such forged, altered or falsified letters and academic transcript contrary to section B.I.3(a) of the Code.

A. Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 1:45 p.m. on April 21, 2022. At that time, Assistant Discipline Counsel advised that neither the Student nor a representative of the Student had responded to the Notice of Electronic Hearing.
3. When the Student had not joined the hearing via Zoom at 1:45 p.m. Assistant Discipline Counsel made submissions on proceeding with the hearing in the absence of the Student. She advised on September 16, 2021, the charges were served on the Student by email to the email address of the Student, which was the email address the Student had provided in the University of Toronto Repository of Student Information (“ROSI”). These charges were subsequently amended, and the amended charges were served on the student by email to the same address on January 12, 2022.
4. Subsequently, on March 1, 2022, Samanthe Huang of the ADFG Office served the Student with the Notice of Electronic Hearing for a hearing on April 21, 2022 at 1:45 p.m. over the Zoom video conferencing platform (“Zoom”). Ms. Huang provided the Student with the log in coordinates to access Zoom.
5. All of the emails to the Student were sent to the email address that the Student had provided in ROSI. In her Affidavit of Service, Ms. Huang has indicated that she did not receive a bounce back message indicating that her emails had not been received. As of April 13, 2022, the date of Affidavit of Service was affirmed, Ms. Huang had not received response from the Student to any of her correspondence.

6. The University filed the Affidavit of Kimberly Blake affirmed on April 19, 2022. In her affidavit Ms. Blake indicates that on September 29, 2021, January 12, 2022, February 7, 2022 and March 1, 2022 Assistant Discipline Counsel Ms. Tina Lie sent emails serving hearing materials and confirming the date for the hearing to the Student at the address provided in ROSI. The Student did not respond to any of these emails.
7. On April 7, 2022, Ms. Lie forwarded the Notice of Electronic Hearing to the Student at an alternative email that the Student had used in correspondence with the University on August 6, 2019.
8. On April 8 and 13, 2022, Ms. Lie sent emails to the Student at both of the same email addresses, attaching the affidavits on which the University intended to rely at the hearing and some additional documents.
9. On April 8, 2022 at approximately 9:25 a.m., Ms. Blake indicates that she called the Student at the phone number that the University had on file for the Student. The phone rang a few times and an automated voicemail message came on.
10. On April 19, 2022 at approximately 11:00 a.m., Ms. Blake called the Student at the same number. A Spanish speaking person who was not the Student answered the phone and said it was the wrong number.
11. As of April 19, 2022, Ms. Lie's office had not received any communication from the Student
12. The University submitted the Affidavit of Mr. Andrew Wagg affirmed on April 5, 2022. Mr. Wagg is an Incident Report Architect in Information Security Information Technology Services at the University of Toronto. Information Technology Services manages the email accounts used by students. On April 5, 2022, Mr. Wagg was able to determine that the last time someone accessed the email account of the Student was on March 30, 2022.
13. The *Statutory Powers and Procedures Act*, (the "Act") section 6 states that the parties to a proceeding shall be given reasonable notice of the hearing by the tribunal. Section 7(3)

states that where reasonable notice of the hearing has been given to a party to a proceeding in accordance with the Act and the party does not participate in accordance with the notice, the tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

14. The *Rules of Practice and Procedure* (the "Rules"), Rule 9 states that charges, notices of hearing, and disclosure maybe served on a student by email or by courier. Rule 17 mirrors the provision in section 7(3) of the Act. Where notice of an electronic hearing has been given to the student in accordance with the Rules and the student does not attend hearing, the panel may proceed in the absence of student.
15. The University requested that the Tribunal proceed with this hearing in the absence of the Student.
16. Pursuant to Rule 9, 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.
17. The University's *Policy on Official Correspondence with Students* expressly states that students are responsible for maintaining a current and valid postal address and email account on ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.
18. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing.
19. In this case, the University provided reasonable notice to the Student. The evidence shows that multiple attempts were made to contact the student at two different email addresses and by phone. The Student did not respond to any of these attempts to contact him. The evidence also shows that the Student last accessed the email address in ROSI on March 30, 2022, by which time the charges and the Notice of Electronic Hearing had already been sent to that address.

20. For these reasons the Tribunal determined that it would proceed with the hearing in the absence of the Student.

B. The Charges and Particulars

21. At the material time in 2019, the Student was registered at University of Toronto Scarborough. In this case it is alleged that the Student forged or used a forged academic transcript, and sent this forged transcript to Immigration, Refugees and Citizenship Canada with a forged letter that purported to come from an official at the University. The amended charges emanating from this conduct were as follows:

1. On or about June 19, 2019, you did knowingly forge or in any other way alter or falsify an academic record, or did utter, circulate or make use of such forged, altered or falsified record, namely a letter purportedly from Christine Roussel, Registration and Financial Aid Assistant at University of Toronto Scarborough, dated May 20, 2019, which you provided to Immigration, Refugees and Citizenship Canada, contrary to section B.I.3(a) of the Code.
2. On or about September 11, 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, namely, a document that purported to be an official transcript from the University of Toronto dated June 12, 2019 that was provided to Immigration, Refugees and Citizenship Canada, contrary to section B.I.3(a) of the Code.
3. On or about September 11, 2019, you did knowingly forge or in any other way alter or falsify an academic record, or did utter, circulate or make use of such forged, altered or falsified record, namely a letter purportedly from Christine Roussel, Registration and Financial Aid Assistant at University of Toronto Scarborough, dated May 20, 2019, which you provided to Immigration, Refugees and Citizenship Canada, contrary to section B.I.3(a) of the Code.

C. The Evidence

22. The University called the evidence of Mr. Albert Tang who is an Intelligence Officer with Canada Border Services Agency (“CBSA”). Mr. Tang affirmed the following:

1. For foreign national study permit holders currently studying at a Canadian post-secondary Designated Learning Institution (“DLI”), there is an automated process that checks the study permit holder’s status at the DLI (except in Quebec) and reports the status to Immigration, Refugees and Citizenship Canada (“IRCC”). The CBSA has access to the DLI reports for the purposes of administering and enforcing the Immigration and Refugee Protection Act (the “Act”). This process occurs approximately twice a year. The University of Toronto is a DLI.
2. In 2019, the Student held a study permit, which allowed him to study at the University of Toronto.
3. On April 29, 2019, the DLI verification process indicated that the status for the Student at the University of Toronto was “Academic Suspension”.
4. On or about June 19, 2019, the Student submitted an online application to IRCC which included a letter purportedly from Christine Roussel, Registration and Financial Aid Assistant, on University of Toronto Scarborough, Office of the Registrar, letterhead, dated May 20, 2019 (the “Purported UTSC Letter”). The Purported UTSC Letter stated:

“This is to certify that the above named undergraduate student is registered full time for the next academic sessions at the University of Toronto Scarborough. The 2019 Fall and 2020 Winter Sessions run from September 5, 2019 to April 30, 2020. This student is pursuing an Honours Bachelor of Mathematics Degree. These degrees are generally completed in April 30, 2020. This can vary depending on the number of credits completed in each academic session. Based on the number of credits completed, this student will be considered to enroll the fourth year of study.”
5. On or about September 11, 2019, the Student submitted another online application to IRCC, which included the Purported UTSC Letter and a document purporting to be a University of Toronto Transcript of Consolidated Academic Record, dated June 12, 2019 (the “Purported Transcript”).

6. The CBSA was given access to the applications submitted to IRCC by the Student, including the Purported UTSC Letter and the Purported Transcript, for the purposes of administering and enforcing the Act.
7. On November 28, 2019, Mr. Tang sent an email to Richard Levin, University Registrar at the University, seeking to verify the authenticity of the Purported UTSC Letter and the Purported Transcript.
23. Mr. Levin contacted Ms. Shelby Verboven, Registrar and Director of Enrolment Management at the Office of the Registrar, University of Toronto Scarborough. Ms. Verboven's office is responsible for overseeing all aspects of student enrolment, including admissions, student recruitment, transfer credit, student records, convocation, scheduling, examinations, accommodated tests and examinations, T-Card, financial aid and student services related to registration and student enrolment. Mr. Levin asked Ms. Verboven to verify the accuracy of the Purported UTSC Letter and the Purported Transcript.
24. Ms. Verboven was called as a witness and stated that Christine Roussel the author of the Purported UTSC Letter held the position of Registration and Financial Aid Assistant in the Office of the Registrar until April 31, 2021. She has since retired from the University. Ms. Verboven's office keeps a record of all confirmation of enrolment letters that are issued. There is not a copy of the Purported UTSC Letter in the Student's file, indicating to Ms. Verboven that it was not issued by her office. The information contained in the Purported UTSC Letter is not verifiable and does not match what is contained in the Student's record at the University, it contains numerous inaccuracies regarding the Student's course of study at the University and there are several discrepancies between the Purported UTSC Letter and the letters that are typically issued by her office. Ms. Verboven's evidence was that the Purported UTSC Letter was a forgery.
25. Ms. Verboven also reviewed the Purported Transcript and stated that the Purported Transcript does not reflect the Student's academic record at the University. There are significant discrepancies between the Purported Transcript and the Student's academic record (as reflected in the Official Transcript), including in the courses taken, the marks received, the credits obtained and the sessional, annual and cumulative GPAs.

26. Ms. Verboven advised the Tribunal that the Student has not been enrolled in any courses since Fall 2019. She also indicated that the Student's study permit allowing the Student to remain in Canada expired on July 31, 2020.

D. Decision of the Tribunal.

27. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that the academic offence charged has been committed by the Student.
28. The Student was charged with an offence under Section B.I.3(a) of the Code, which reads:
- It shall be an offence for a [...] student [...] knowingly: to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form.
29. The Purported UTSC Letter and Purported Transcript are clearly and skillfully forged, and an unsuspecting recipient would not know either document was a forgery at first glance. The University does not have to prove that the Student created the forgeries. In fact, there is no evidence that he did. The University must prove on a balance of probabilities that the Student used the forged documents. The University relies on the evidence of Mr. Tang that the documents were submitted through an online portal to the IRCC that only the Student would have had access to. The Student is the only person who would have had an interest in submitting such documents. There is no evidence that any other individual submitted these forged documents. The Student had an incentive to submit these documents to the IRCC in the summer and fall of 2019 to extend his study permit which would otherwise expire in July 2020. The only reasonable explanation is that the Student used the forged documents to obtain an advantage with respect to his immigration status.
30. Consequently, the Tribunal finds that the Student is guilty of making use of forged, altered or falsified records, contrary to section B.I.3(a) of the Code.

E. Penalty

31. The matter continued with a hearing on the appropriate sanction. Additional evidence was submitted by the University that the Student had one prior academic offence dating from 2018 when the Student admitted that he had obtained unauthorized assistance on an assignment contrary to section B.I.1(b) of the Code.
32. The Code provides that upon conviction, the Tribunal may order that a student be suspended for a period of up to five years, and may recommend that the student be expelled: Code section C.ii.(b)1 (h) and (i). Appendix “C” to the Code sets out the Provost’s Guidance on Sanctions, and states: To provide guidance to students facing a hearing at the Tribunal, absent exceptional circumstances, the Provost will request that the Tribunal:
- (e) recommend that a student be expelled where that student has:
 - (i) forged or falsified an academic record, including but not limited to a transcript or unofficial report of grades; ...
 - (iii) submitted multiple forged or falsified documents to the University, unless that student has demonstrated through her or his cooperation, or otherwise, that a lesser penalty is appropriate; or
33. Here the Tribunal has not made a finding that the Student forged the Purported UTSC Letter or the Purported Transcript. This requires us to consider whether the appropriate sanction is recommendation of expulsion, since the wording of Appendix “C” s. 8 (e)(i) expressly refers to forging or falsifying documents or transcripts, rather than use of forged or falsified documents which is the wording of the offence. Moreover, s. 8 (e) is silent on the appropriate sanction where the forged or falsified document is submitted, not to the University, but to a third party, as in this case.
34. A student who makes use of a forged document is just as culpable as a student who forges the document himself. The culpability lies in the plan to obtain and use the forged document. Whether the student has the technical ability to produce the forgery himself is irrelevant to culpability.

35. On the issue of the forged document being provided to a third party, rather than being submitted to the University, Assistant Discipline Counsel provided the Tribunal with a chart of 20 forgery cases in which the recommended sanction in 19 of those case was expulsion. In the 20th case there was a joint submission on penalty. In 12 of the 20 cases, the forged document was submitted to a third party. No distinction should be drawn based on whether the forged document is used internally or externally to the University.
36. The Tribunal was asked to consider the *University of Toronto and Mr. C.* factors (Case No. 1976/77-3, November 5, 1976) long recognized as the leading decision on sentencing principles. These factors are:
- (a) the character of the person charged;
 - (b) the likelihood of repetition of the offence;
 - (c) the nature of the offence committed;
 - (d) any extenuating circumstances surrounding the commission of the offence;
 - (e) the detriment to the University by the offence; and
 - (f) the need to deter others from committing a similar offence.
37. The Student did not participate in any aspect of the discipline proceeding, nor did the Student attend the hearing. Ignoring the discipline process is suggestive of a disregard for the seriousness of the conduct the Student engaged in, which was an act of deliberate dishonesty. As the Student disregarded the discipline process, there is no evidence of extenuating circumstances, and nothing to suggest that any leniency be shown to the Student.
38. There is a serious risk that the Student would offend again, given the opportunity to do so. The Student committed his first offence in the fall term of 2018. The Student admitted that

he received unauthorized assistance on the assignment. On April 15, 2019, the Student attended a meeting with the Dean's Designate regarding the academic offence and sanction. At that time the Dean's Designate impressed upon the Student the seriousness of his action and that this conduct must not be repeated again. This meeting was followed up with a confirmatory letter dated June 4, 2019 which closed, "I trust it is clear that the University regards with great seriousness all acts of academic dishonesty and why they cannot be tolerated. I hope you have learned from this unfortunate experience and nothing similar will happen again".

39. Having been warned of the consequences of academic dishonesty, just two weeks later on June 19, 2019 the Student submitted the Purported UTSC Letter to the IRCC. Then on September 11, 2019 the Student once again submitted the Purported UTSC Letter, this time together with the Purported Transcript. The Student clearly disregarded the warning that had been given to him at the meeting with the Dean's Designate. The Student's conduct following the meeting with the Dean's Designate demonstrates an escalation of the dishonesty that the Student was prepared to engage in.
40. Regarding the nature of the offence, the forgery or falsification of an academic record is an offence of the utmost seriousness because such falsification of records both undermines the credibility of the University and of other students who have legitimately earned their degrees.
41. Two Tribunal decisions from 2020, the *University of Toronto and S.W. (Case No. 948, April 16, 2020)* ("S.W."), and the *University of Toronto and S.G. (Case No. 1052, October 20, 2020)* ("S.G.") make it clear that forgery is recognized as a most serious academic offence. As stated in S.G., "The reasons why forgery is deserving of the most serious of sanctions are succinctly outlined in S.W. ... 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.”

42. Both the Purported UTSC Letter and the Purported Transcript were excellent forgeries. They looked like legitimate University documents. The ability of an individual to create forgeries of this quality and then for the Student to use them, highlights the need for the University to send a strong message to the university community that this conduct will not be tolerated and that there be deterrence of this conduct.

F. Conclusion

43. The Tribunal finds that the Student is guilty of the academic offence of altering or falsifying an academic record, and/or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the Code;
44. For these reasons the Tribunal makes the following Orders and Recommendation:
1. **ORDERS THAT** the Student is guilty of three counts of knowingly forging or in any other way altering or falsifying an academic record, or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the Code.
 2. **ORDERS THAT** the Student shall be immediately suspended from the University for a period of up to five years from the date of this order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on his academic record and transcript.
 3. **RECOMMENDS** to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.
 4. **ORDERS 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 14th day of July 2022

Original signed by: _____

Mr. Simon Clements, Chair

On behalf of the Panel