

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF the revised charges of academic dishonesty made on May 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

B E T W E E N:

**UNIVERSITY OF TORONTO**

- and -

X [REDACTED] Z [REDACTED]

**REASONS FOR DECISION**

**Hearing Dates:** May 27, 2022, via Zoom

**Members of the Panel:**

Ms. Dena Varah, Chair  
Professor Marc Laflamme, Faculty Panel Member  
Ms. Madison Kerr, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

**Not In Attendance:**

Mr. X [REDACTED] Z [REDACTED]

1. The Trial Division of the University of Toronto Tribunal was convened on May 27, 2022 (the “Hearing Date”) to consider the charges brought by the University of Toronto (the “University”) against X [REDACTED] Z [REDACTED] (the “Student”).

### **PART 1 - THE CHARGES**

2. The Student is charged with two offences under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”):

- a) 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 that purported to be a Transcript of Consolidated Academic Record from the University of Toronto bearing document number 0959322, contrary to section B.I.3(a) of the Code; and
- b) You knowingly falsified an academic record, and and/or uttered, circulated or made use of such a falsified record by falsely claiming to have graduated from the University of Toronto, contrary to section B.I.3(a) of the Code.

3. Assistant Discipline Counsel advised that Charges 1 and 2 are in the alternative. That is, if the Student is found guilty of either Charge 1 or Charge 2 the other will be withdrawn.

### **PART 2 - PROCEEDING IN THE ABSENCE OF THE STUDENT**

4. Assistant Discipline Counsel attended the Hearing Date and the Student did not.

5. Assistant Discipline Counsel relied on the Affidavit of Ms. Samanthe Huang affirmed May 19, 2022. Ms. Huang affirmed that she served the Student with a letter regarding the charges on January 11, 2022 to the email address that the Student had provided in Repository of Student

Information (“ROSI”).

6. Ms. Huang also noted that she received an email that copied the Student from Assistant Discipline Counsel requesting to schedule an electronic hearing on May 27, 2022. Ms. Huang subsequently served the Student with that same Notice along with the copy of the letter regarding the charges.

7. Ms. Huang did not receive any bounce back messages to any of her emails.

8. Assistant Discipline Counsel also relied on the Affidavit of Ms. Sharon Hawley, an assistant at Paliare Roland Rosenberg Rothstein LLP. Ms. Hawley also sent various letters and other communications to the Student at the email address provided for in ROSI. Ms. Hawley also sent a letter on February 1, 2022 to the permanent address contained in the contact information in ROSI. ROSI contained a mailing address listed as being no longer current, meaning that the Student had either allowed the currency to lapse or had actively removed the address.

9. Finally, Assistant Discipline Counsel tendered the Affidavit of Mr. Andrew Wagg affirmed May 12, 2022. Mr. Wagg is the Incident Report Architect, Information Technology Services of the University of Toronto. Mr. Wagg indicated that the last time someone accessed the email account listed in the Student’s account in ROSI was March 23, 2020.

10. The Student did not answer any correspondence of the University.

11. Although it does not appear that the Student accessed his email address, the Panel concluded that pursuant to the *Statutory Power and Procedures Act* and the University Tribunal’s Rules of Practice and Procedure, the Student received reasonable notice of the hearing date.

12. The University Tribunal's Rules of Practice and Procedure provide that service is effected by sending a copy of the document to the Student's mailing address contained in ROSI or by emailing a copy to the email address contained in ROSI.

13. The Panel was therefore satisfied to proceed with this hearing in the absence of the Student.

### **PART 3 - THE FACTS UNDERLYING THE CHARGE**

14. The Student first enrolled at the University of Toronto, Scarborough in the fall of 2015. He has earned four credits towards his degree.

15. The last time the Student was enrolled in a class at the University of Toronto was in the 2016 fall session. During this time, the Student earned four credits with an accumulative GPA .98.

16. Assistant Discipline Counsel tendered the Affidavit evidence of Ms. Brenda Anderson affirmed May 18, 2022. Ms. Anderson is the Assistant Registrar, Client and Enrollment Services at the University of Toronto. As Ms. Anderson explained, the Registrar's Office/Enrollment Services oversees student financial aid and awards, student accounts, client services, transcripts and student systems. The Transcript Centre is part of these services.

17. On February 26, 2020 the Transcript Centre received an email from Pansy Xu, Admissions Officer at the University of New South Wales ("UNSW"), Sydney. Ms. Xu asked the Transcript Centre to verify 22 applications that UNSW had received from University of Toronto students.

18. One of the transcripts that Ms. Xu asked the Transcript Centre to verify was a transcript of 2019 with the following identifiable information:

a) X [REDACTED] Z [REDACTED];

- b) Birth Day/Month: [REDACTED];
- c) Address: [REDACTED];
- d) Campus: University of Toronto, Scarborough;
- e) Student Number: [REDACTED]
- f) Ontario Education Number (“OEN”): [REDACTED]

(Defined herein as the “UNSW Application Transcript”)

19. The UNSW Application Transcript also stated that the University of Toronto had conferred an Honours Bachelor of Arts on the Student in June 2019.

20. On review, the Transcript Centre noted that the student number did not exist and that one of the course codes was inaccurately listed. It was also clear that the UNSW Application Transcript was not a true copy of the Student’s academic record and the University of Toronto had never conferred a degree on him.

21. After receiving this information, Ms. Anderson searched ROSI for a student with personal information that matched the personal information in the UNSW Application Transcript.

22. According to Ms. Anderson, the personal information in the UNSW Application Transcript matched only one student, being the Student. The name, date of birth, and campus in the UNSW Application Transcript all match the personal information in the Student’s ROSI records. The address in the UNSW Application Transcript matches the lapsed mailing address from the Student’s ROSI.

23. The student number and OEN number are incorrect, but there is no student who matches both of those numbers. There is a student with the same OEN number, but there are no significant

similarities between that student's academic record and the UNSW Application Transcript.

24. The UNSW Application Transcript does not match the true transcript of the Student or accurately reflect his academic record. In particular:

- a) The true transcript reflects that the Student never received a degree from the University of Toronto, but the UNSW Application Transcript states that the University of Toronto conferred a degree on him in June 2019;
- b) The true transcript reflects the Student's attendance at the University of Toronto from Fall 2015 to Fall 2016 but the UNSW Application Transcript has the Student attending the University of Toronto from Fall 2015 to Winter 2019;
- c) The true transcript states that the Student earned 4.00 credits with a cumulative GPA of .98. The UNSW Application Transcript states that he earned 21 credits and had a cumulative GPA of 2.77; and
- d) The courses in the two transcripts are different with the exception of the four courses the Student actually took. Even in those courses, the grades and marks are higher in the UNSW Application Transcript than in the true transcript.

#### **PART 4 - FINDINGS ON LIABILITY**

25. The panel accepts that the Student submitted or made use of the UNSW Application Transcript to gain admission to UNSW Sydney.

26. The panel also accepts that the UNSW Application Transcript is a forged document. It purports to be an official document from the University of Toronto that accurately reflected the Student's academic record but, in fact, bore no relationship to reality. The Student earned a paltry 4.0 credits at the University of Toronto and never graduated. He submitted a transcript where he

allegedly earned 21.0 credits and obtained a degree from the University of Toronto. The only true portions of the transcript were the Student's name and other identifying information (but for the Student and OEN numbers, which were also misrepresented).

27. The Panel was satisfied that Charge 1 was amply supported by the underlying facts. As a result, Charge 2 was withdrawn.

#### **PART 5 - SUBMISSIONS ON PENALTY**

28. Assistant Discipline Counsel submitted that the appropriate sanction for a forged degree is:

- (a) Immediate suspension from the University for a period of up to five years;
- (b) that the Tribunal recommend to the President of the University that the President recommend to Governing Council that the Student be expelled from the University; and
- (c) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

29. Assistant Discipline Counsel provided the Tribunal with a chart of 23 cases involving charges of falsified transcripts or other academic records. In all but two of the cases, the Tribunal recommended expulsion. In one of the cases, a degree had already been conferred and was cancelled as were 1.50 transfer credits (*the University of Toronto and C.L.* (Case No. 822, March 22, 2016)). In the other, *the University of Toronto and J. L.* (Case No.959, September 19, 2018), there was a Joint Submission on Penalty providing for a five-year suspension and an undertaking by the Student not to re-apply to the University for readmission. The Tribunal in that case determined that it was reasonable to accept the Joint Submission of Penalty. It did note that

expulsion is a common penalty in cases of falsified academic records.

## **PART 6 - THE DECISION ON PENALTY**

30. The *University of Toronto v. Mr. C. Case No. 1976/77-3, November 5, 1976* decision sets out the factors to consider in penalty decisions:

- a) The character of the person charged;
- b) The likelihood of repetition of the offense;
- c) The nature of the offense committed;
- d) Any extenuating circumstances surrounding the commission of the offense;
- e) The detriment to the University occasioned by the offense; and
- f) The need to deter others from committing a similar offense.

31. In this case, there is no evidence of the character of the person charged, the likelihood of repetition of the offence or extenuating circumstances. The Student did not participate in the process or provide any explanation with regard the use of the forged transcript. As a result, the Tribunal must focus on the nature of the offence, the detriment to the University and the need to deter others from committing a similar offence.

32. On review of the Tribunal decisions presented by Assistant Discipline Counsel, it is clear that forgery of a transcript is amongst the most serious offences a student can commit. Forged transcripts and other academic records negatively impact the entire University community. They undermine the credibility and standing of the institution and of their peers who are attempting to

legitimately use their transcripts and degrees.

33. The Student was attempting to use a forged transcript in order to obtain admission to the UNSW Sydney in Australia. These actions were a deliberate attempt by the Student to obtain the benefit of an academic record and degree that he did not earn. Admissions at UNSW Sydney did a spot check of a number of transcripts from the University. Had the Student's transcript not been included in this batch, it is likely that the forgery would have slipped through undetected. This demonstrates the crucial need for general deterrence as these offences are committed with ease and often without detection.

34. This Tribunal is therefore satisfied that the appropriate penalty is as requested by Assistant Discipline Counsel.

**PART 7 - THE PANEL ORDERED AS FOLLOWS:**

- a) the Tribunal proceed in the absence of the Student;
- b) the Student is immediately suspended from the University for a period of up to five years from the date of the 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;
- c) the Tribunal recommend to the President of the University that the President recommend to Governing Council that the Student be expelled from the University;  
and
- d) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

Dated at Toronto this 24<sup>th</sup> day of August, 2022

Original signed by:

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Dena Varah, Chair

On behalf of the Panel