

**THE UNIVERSITY TRIBUNAL**  
**THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic misconduct made on November 4, 2020,

**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 -

**Z [REDACTED] L [REDACTED]**

**Hearing Date:** February 19, 2021, and March 18, 2022, via Zoom

**Members of the Panel:**

Ms. Omo Akintan, Chair  
Professor Kim Widger, Faculty Panel Member  
Mr. Branden Cave, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

Ms. Carmelle Salomon-Labbé, Office of Appeals, Discipline and Faculty Grievances

**Not in Attendance:**

Ms. Z [REDACTED] L [REDACTED]

## **Charges and Particulars**

1. The Trial Division of the University Tribunal convened on February 19, 2021 and March 18, 2022 to consider the charges brought by the University of Toronto (the “University”) against Z█████ L█████ (the “Student”).
2. The Student was charged on November 4, 2020, as follows:
  - (a) In or about January, 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 2017-11-08 (“Transcript”) which you submitted to Global University in Australia, contrary to section B.I.3(a) of the Code.
  - (b) In addition and/or in the alternative, in or about January 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 Global University in Australia.

## **Service on Student**

3. The hearing was initially scheduled for February 19, 2021, at 9:45 a.m. The Student was served notice of that hearing on February 9, 2021, by email sent to the Student’s utoronto email address.
4. At the hearing, the Tribunal heard submissions from the Assistant Discipline Counsel urging that the hearing proceed in the Student’s absence. Counsel relied on the Affidavit of Sonia Patel, an articling student working with counsel. The Affidavit indicated that the Student had been served with the notice of hearing at her utoronto email address on February 5, 2021.
5. The Affidavit also indicated that on February 5, 2021, Andrew Wagg, Incident Report Architect at Information Security, Information Technology Services at the University of Toronto, had advised Ms. Patel that the Student’s utoronto email address had last been

accessed on August 31, 2018 – two years and six months before notice of the hearing was sent to the Student at that address.

6. Similarly, the Affidavit indicated that the notice of the charges and disclosure had also been served on the Student at the utoronto address on November 4, 2020 – two years and three months since the email account was last accessed.
7. Between November 2020 and prior to notice of the initial hearing date being sent to the Student at the utoronto email address, other correspondence related to the charges had been sent to the Student at the same email address.
8. Ms. Patel also attempted to reach the Student by phone at the numbers that were on the Student’s academic record. At both numbers, automated messages indicated that the numbers were not in service.
9. The Student’s utoronto email address was never accessed during this period nor was there any communication received from the Student.
10. The evidence is that the Student did not receive actual notice of the Charges, the disclosure or the Notice of Electronic Hearing. However, the Tribunal’s *Rules of Practice of Procedure* (“Rules”) do not require that the University prove actual notice.
11. The University relied on its *Policy of Official Correspondence with Students* (“Policy”) dated September 1, 2006. The Policy directs students to ensure that their current and valid mailing address is updated on the University’s Repository of Student Information (“ROSI”) and to frequently monitor their utoronto email address as it is the students’ responsibility to ensure that they are able to receive and review email communication from the University on their utoronto account.
12. The University bore the onus of proving reasonable notice.
13. While the Tribunal was satisfied that the University had attempted to serve notice on the Student via the utoronto address and that such service would typically suffice, the Tribunal

determined that the particular circumstances of this case required the University to take additional steps:

- (a) The University was aware that the Student had not accessed her utoronto email account since August 31, 2018.
  - (b) The Student had been on an administrative suspension from the University since the end of Winter 2017. Effective in the Summer of 2017, she was suspended for three years. She had not enrolled in any classes at the University following the Summer 2017 term.
  - (c) By the time the notice of the charge was served on the Student on November 4, 2020, the Student had not been enrolled at the University for three years and had not accessed her utoronto email address in two years.
  - (d) Another three months passed, by the time notice of this hearing was first served on the Student and during that time the Student had failed to respond to various correspondence sent relating to the charges or the hearing. The Student had also not checked the utoronto address.
  - (e) Attempts to reach the Student by phone were answered by an electronic message indicating that the number was inactive.
  - (f) The events leading to the charges, service of the notice of charges, service of the notice of hearing all occurred in the midst of the COVID-19 pandemic and the profound disruption to people's lives.
  - (g) In addition to the Toronto addresses listed on the Student's account, a Chinese address is also listed suggested that the Student migrated to Canada to attend school.
14. In light of the Policy requiring students to monitor their utoronto address, in the vast majority of cases, effecting service at a student's utoronto address would satisfy the University's obligation to provide reasonable notice. However, given the unique features

of this case, the primary ones highlighted above, the Tribunal determined that an attempt should be made to reach the Student by mail or courier.

15. At a time of unexpected global disruption and in a case in which the Student had not been in attendance at the University in the three years before the events given rise to the charges, the Tribunal determined that additional effort should be made to reach the Student and the initial hearing date was adjourned. It is not unreasonable to imagine, for instance, that the Student might have decided to return to China to wait out the pandemic since the Student was no longer actively enrolled at the University and had not been for a few years.
16. The hearing was scheduled to re-convene on November 23, 2021 but was rescheduled due to a personal emergency of a panel member. Accordingly, on February 28, 2022, the Student was served notice that the electronic hearing had been rescheduled for March 18, 2022, at 9:45 a.m. The notice was sent to the Student's utoronto email address.
17. Between the first and second hearing date, the University made the following attempts to reach the Student:
  - (a) In February 2021, a courier was sent to the Toronto address listed on the transcript which forms the basis of the charges, i.e., the one submitted to the University of New South Wales, China Office ("UNSW");
  - (b) In April 2021, a courier was sent to the Mississauga address listed on the Student's ROSI account;
  - (c) Also, in April 2021, a courier was sent to the address in China listed on the Student's ROSI account.
18. Despite all these efforts the Student did not respond nor did the Student attend when the hearing resumed on March 18, 2022.
19. 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.

20. At the commencement of the hearing on March 18, 2022, the Tribunal recessed for 15 minutes to give the Student time to arrive. The Student did not attend.
21. Pursuant to the order, the hearing proceeded electronically, via Zoom, on March 18, 2022.

### **Facts**

22. Evidence was submitted on behalf of the University by way of Affidavits accompanied by Books of Documents which were introduced by the University at this hearing.
23. The evidence was admitted on the basis of rule 61 of the Tribunal's Rules. The Tribunal had no questions of the affiants regarding their evidence.
24. Ms. Sana Kavar, Manager of the University of Toronto Transcript Centre in the Faculty of Arts and Science gave evidence as follows:
  - (a) On January 24, 2019, the University received a request from the UNSW seeking to verify the authenticity of 15 transcripts received as part of applications for admission to UNSW. The verification request was made as part of a random spot check UNSW performs. One of the transcripts provided for verification purported to be a transcript issued by the University to the Student ("the purported transcript").
  - (b) Ms. Kavar accessed the Student's ROSI record and compared the purported transcript with the information on the system. The student number, date of birth and the Ministry of Education issued Ontario Education Number (OEN) on the purported transcript matched the information on ROSI.
  - (c) In comparing the courses and grades listed on the purported transcript with the Student's record, she observed some substantial discrepancies. 1) The purported transcript showed courses which were not reflected on the official transcript; 2) the purported transcript omitted courses that the official transcript showed; 3) the purported transcript showed the Student had taken some courses in different academic sessions than shown in the official transcript; 4) the purported transcript showed different marks and grades for many of the courses listed when compared

to the official transcript; and, 5) the purported transcript showed academic activity during periods wherein the Student was suspended from the University. The Student had been suspended for a year at the end of the Winter 2017 academic session and again for three years at the end of the Summer 2017 session.

- (d) Of the 22 courses that appear on both the purported transcript and the official transcript all but one show a higher mark on the purported transcript.
  - (e) The Sessional GPAs and CGPAs on the purported transcript were also similarly higher than the GPAs and CGPAs on the official transcript.
25. In comparing the purported transcript submitted to UNSW and the Student's actual transcript (attached as Exhibits to Ms. Kavar'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.
26. The University also tendered the affidavit of Lisa Devereaux, the Manager of Academic Integrity & Affairs at the Academic Integrity Unit ("AIU").
27. Ms. Devereaux provided evidence as follows:

Prior to the events leading up to the charges before the Tribunal the Student had previously admitted to one academic offence. In Winter 2015, the Student admitted that she had plagiarized an assignment worth 25% of the course grade. She received a sanction of a grade of zero for the assignment in question, a further reduction of 25 marks from the final grade in the course, and a notation on her transcript for 12 months. In the letter issued to the Student she was advised that she had been given a reprieve because she showed remorse and was forthcoming with the truth. At the time the University believed the Student had learned a valuable lesson. She was also advised that any subsequent allegations of academic misconduct would be referred to the University Tribunal for resolution.

### **Penalty**

28. 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.
29. In determining penalty, the Panel is directed to consider the goals outlined in the seminal *University of Toronto and Mr. 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.
30. 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 the *University of Toronto and 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.
31. This is a very serious case of forgery. Adding course not taken, omitting courses taken, misrepresenting the dates on which courses were taken and inflating all but one grade on a transcript is particularly egregious. The impact of the forgery in this case is to render the purported transcript a work of fiction. The grades on the purported transcript bear no resemblance to the Student's official record.



32. This is also a repeat offence for this Student. Having already been disciplined for academic misconduct and been given a lighter penalty, the Student had been specifically instructed on what the consequence of a recurrence would be.
33. Despite that the Student committed an even more egregious case of forgery. But for the UNSW's random spot check verification, the Student may have gotten away with her deception and obtained admission to another institution on the strength of a purported transcript from the University.
34. As indicated in *University of Toronto and S.G.* (Case No.: 1052, October 20, 2020), “[i]n 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.”
35. The Student has offered no explanation for her behaviour and has offered no evidence to support a determination that she is reformed or capable of being rehabilitated. In contrast, the evidence about the prior offence is an aggravating factor which suggests that she is neither reformed nor capable of rehabilitation.
36. The following passages from *University of Toronto and S.G.* are particularly relevant to this case:

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.

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.

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]

37. The penalty sought by the University is consistent with the Tribunal's decisions in similar cases, including those in which the student had no prior offences.
38. Given due consideration to the facts and the case law, the Tribunal 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.
39. An Order with the above sanctions was signed by the Panel on March 18, 2022.

Dated at Toronto, this 16<sup>th</sup> day of June 2022

Original signed by: \_\_\_\_\_

Ms. Omo Akintan, Chair

On behalf of the Panel