

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 11, 2021,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 2019*,

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

J [REDACTED] S [REDACTED]

REASONS FOR DECISION

Hearing Date: November 24, 2022, via Zoom

Members of the Panel:

F. Paul Morrison, Chair

Professor Glen Jones, Faculty Panel Member

Farhana Islam, Student Panel Member

Appearances:

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

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

Not In Attendance:

J [REDACTED] S [REDACTED]

1. On November 24, 2022, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against J [REDACTED] S [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”).

A. CHARGES AND PARTICULARS

2. The Charges were as follows:

1. In or about August, 2020, 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 2019-07-17 (“Transcript”) which you submitted to Canadian Border Services Agency (“CBSA”), contrary to section B.I.3(a) of the *Code*.

2. In or about August, 2020, 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 letter confirming your eligibility to graduate dated May 23, 2019 (“Letter”) which you submitted to CBSA, contrary to section B.I.3(a) of the *Code*.

3. In the alternative to charge 2, in or about August, 2020, you did knowingly forge or in any other way alter or falsify a document or evidence required by the University, and/or did utter, circulate or make use of such forged, altered or falsified document or evidence, namely the Letter which you submitted to CBSA, contrary to section B.I.1(a) of the *Code*.

4. In the alternative to charges 1, 2 and 3, in or about August 2020, 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, by submitting the Transcript and the Letter to CBSA, contrary to section B.I.3(b) of the *Code*.

A. Particulars of the offences charged

1. You were a student at the University of Toronto Scarborough at all material times.
2. You earned only 3.0 credits from the University. You served successively longer periods of suspension from the University because your cumulative grade point average did not meet the necessary minimum. Starting in January 2018, you were required to serve a three year suspension from the University.
3. In or about August 2020, you knowingly submitted the Transcript and the Letter to CBSA in connection with a post-graduate work permit.
4. The grades contained in the Transcript for the courses listed are false. Many of the courses taken and grades earned are entirely fictional and greatly inflated. Grade point averages and numbers of credits earned are inflated, courses taken were altered, and your status was misrepresented.
5. The information contained in the Letter which states that you had completed the requirements for graduation by May 2019 and that you had requested to graduate in June 2019 was false.
6. You knowingly submitted the false information in the Transcript and the Letter to CBSA intending that CBSA rely on it to grant you privileges in respect of post-graduation work permits, knowing that the information provided to CBSA about your academic record at the University was forged, altered and falsely inflated your marks and misrepresented your official academic record at the University.
7. You knowingly submitted the forged, altered and falsified Transcript and the Letter containing falsified information to obtain an academic advantage.

B. PROCEEDING IN ABSENCE OF STUDENT

3. At the commencement of the hearing, counsel for the University sought an order that the hearing proceed in the absence of the Student. In support of that request, counsel tendered to the Panel a Book of Documents (Re: Notice/Service), which was marked as Exhibit 1 at the hearing.
4. Exhibit 1 contained the following evidence:
 - (a) The Affidavit of Nick Cheng dated November 4, 2022. This Affidavit demonstrated that the University sought to have a meeting with the Student and the Provost but the Student did not respond to invitations to that effect.
 - (b) The Affidavit of Andrew Wagg, dated October 14, 2022. This Affidavit contained evidence as to the email account of the Student, and that it was last accessed on February 11, 2022.
 - (c) The Affidavit of Natalia Botelho dated November 10, 2022. Ms. Botelho is an assistant at the law firm of Paliare Roland Rosenberg Rothstein LLP, counsel for the University. This Affidavit contained further evidence as to contact with the Student and, in particular, as to the occasions on which and means by which the Student was given notice of the charges against him and the hearing scheduled to proceed with respect to those charges. This Affidavit also contained evidence that the Student sent an email to counsel for the University dated February 10, 2022, from which it is apparent that the Student was aware of the charges against him and that the University was proceeding to prosecute those charges.
5. On the basis of this evidence and submissions of counsel for the University, the Panel was satisfied that the Student had received reasonable notice of the hearing. Accordingly, the Panel ordered that the hearing proceed in the absence of the Student.

C. FINDINGS

6. Counsel for the University gave an undertaking that if there were a finding of guilt and a conviction on Charges 1 and 2, the University would withdraw Charges 3 and 4.
7. Counsel for the University tendered into evidence a Book of Documents (Re: Finding of Offence). The Book of Documents was accepted by the Panel and entered as Exhibit 2 at the hearing.
8. The Affidavit of Richard Levin, dated November 3, 2022 was contained in Exhibit 2. Mr. Levin was a Senior Strategist, Office of the Vice Provost at the University.
9. Mr. Levin's Affidavit recounted that in August, 2020 he was contacted by the Canadian Border Services Agency ("CBSA"), which was seeking authentication of 2 documents received by the CBSA from the Student. The Student had submitted the documents as part of his application for a post-graduate work permit. The documents consisted of a letter purporting to be from the Associate Registrar of the University, certifying that the Student had completed the requirements for an Honours Bachelor of Arts Degree. The other document was what purported to be the Student's academic transcript from the University indicating that the Student had earned a total of 20.0 credits from the University with a Cumulative Grade Point Average of 3.78.
10. In the course of his employment, Mr. Levin compared the documents sent by the CBSA to the Student's official academic record from the University.
11. Mr. Levin's Affidavit evidence continued as follows:
 6. I identified numerous discrepancies between the information contained in the CBSA Transcript as compared to the Official Transcript in terms of marks, courses taken, and academic status. In short, virtually every bit of information in the CBSA Transcript was markedly different from the Student's actual academic record as reflected in the Official Transcript. I have attached a Table with a detailed comparison of the

CBSA Transcript to the Student's Official Transcript to my affidavit as Exhibit E.

7. I have highlighted some of the most egregious discrepancies here:

- (a) Credits Earned. The Student's Official Transcript indicated that he had earned a total of 3 credits in five terms from the University of Toronto Scarborough, whereas the CBSA Transcript indicated that he had earned 20 credits over nine terms from the University of Toronto Mississauga. None of the Credits earned entries in the CBSA Transcript are accurate.
- (b) Course Enrolments. The CBSA Transcript includes only two of the courses from the Official Transcript (MATA32H3 and MGE02H3 in his first term in 2015 Fall). Every other course which appears on the CBSA Transcript does not appear on the Official Transcript (a total of 38 added courses), and was therefore not taken by the Student. Similarly, the remaining 14 courses which appear on the Official Transcript have been deleted from the CBSA Transcript.
- (c) Grades. The Student's marks received in the three courses that appear on both the Official Transcript and the CBSA Transcript have been grossly inflated on the CBSA Transcript. An official mark of LWD (late withdrawal) from 2015 Fall in MATA32H3 appears as an 88 (A) on the CBSA Transcript. The Student's official mark from 2015 Fall of 27 in MGEA02H3 appears as a 90 (A+) on the CBSA Transcript. Similarly, the Student's official mark from 2016 Winter of 0 in MGEA06H3 appears a mark of 86 (A) in Fall 2015 on the CBSA Transcript.

All of the other grades on the CBSA Transcript are for courses not taken by the Student and are all very high grades.

All of the Sessional and Cumulative Grade Point Averages in the CBSA Transcript are also different from those in the Official Transcript, and again are consistently inflated.

(d) CGPA. The Student's final actual Cumulative Grade Point Average ("CGPA") was 0.36 whereas the CBSA Transcript claims the Student had a CGPA of 3.78. 008

(e) Academic Status. The CBSA Transcript consistently misrepresents the Student's status. It did not reflect the fact that the student was on academic probation after the 2016 Winter term, or that he was suspended for four months following the 2016 Summer term and then for twelve months which covered the 2016 Fall, 2017 Winter and 2017 Summer terms. Instead, the CBSA Transcript contains courses and grades for the 2016 Fall and 2017 winter terms as if the Student had attended classes when he was in fact suspended.

The Official Transcript confirms that the Student was suspended from the University for three years following the 2018 Fall term. This is not reflected in the CBSA Transcript; rather, the CBSA Transcript makes it appear that the Student successfully completed courses in the following 2019 Winter term.

(f) The Student was enrolled at the University of Toronto Scarborough. The CBSA Transcript appears as if it is from the University of Mississauga.

(g) The Letter falsely indicates that the Student had completed the requirements to graduate with an Honours Bachelor of

Arts Degree from the University of Toronto Mississauga and that he requested to graduate at the June 2019 convocation ceremony. In reality, the Student has not completed the requirements to graduate, and was never enrolled at the University of Toronto Mississauga.

12. The Panel carefully considered all of the evidence as well as the submissions of counsel for the University. Having done so, the Panel entered a finding of guilt and a conviction on Charge 1 and Charge 2.
13. On that basis the University, as undertaken, withdrew Charge 3 and Charge 4.

D. PENALTY

14. In support of her submissions as to the appropriate penalty, counsel for the University filed the Affidavit of Associate Professor Nick Cheng, dated November 4, 2022. This affidavit and its accompanying evidence were marked as Exhibit 3 at the hearing.
15. The Affidavit of Professor Cheng advised that the Student has a lengthy prior history of academic violations, including the following:
 - (a) the Student was placed on academic probation following the Winter 2016 trimester and suspended from the University for 4 months following the Summer 2016 trimester;
 - (b) the Student admitted to submitting forged medical notes for 2 separate courses during the Winter 2016 term;
 - (c) the Student failed to hand in an assignment worth 12% of the final grade in a course in Winter 2016;
 - (d) the Student failed to write the final exam in a course in Winter 2016, and submitted a forged medical certificate in support of a petition for a deferred exam;

- (e) as a result of the foregoing, the Student received a mark of zero on 2 courses, a 12-month suspension starting September 1, 2016 and notations on his academic record and transcript, all of which was reported to him in a letter dated August 11, 2016.
16. In its deliberations, the Panel recognized and accepted that forgery or falsification of a transcript is among the most serious offences a student can commit. Forged transcripts and academic records negatively impact the entire University community. They undermine the credibility and standing of the University and of a student's peers who are attempting to legitimately fulfill academic courses, requirements and degrees.
17. In support of her submissions, counsel for the University tabled a chart comparing similar cases to this case and the sanction imposed in such similar cases. The chart convincingly demonstrates that expulsion is almost always the outcome for a falsified transcript or academic record.
18. Having carefully considered the submissions of counsel for the University and the materials submitted, the Tribunal issued an Order as set out below.

E. ORDER

19. The Tribunal issued the following Order:
- (a) **THAT** the hearing may proceed in the absence of [the Student].
- (b) **THAT** [the Student] is guilty of two counts of knowingly forging or in any other way 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.
- (c) **RECOMMENDS** to the President of the University that he recommend to the Governing Council that [the Student] be expelled from the University.

- (d) **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.

- (e) **THAT** this case 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 24th day of February, 2023.

Original signed by:

F. Paul Morrison, Chair

On behalf of the Panel