

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 2, 2023,
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 amended
S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND -

K ■ ■ ■ H ■ ■ ■

REASONS FOR DECISION

Hearing Date: October 19, 2023, via Zoom

Members of the Panel:

Christopher Wirth, Chair
Professor Emily Nacol, Faculty Panel Member
Harvi Karatha, Student Panel Member

Appearances:

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Samanthe Huang, Quasi-Judicial Coordinator & Hearing Secretary, Office of Appeals,
Discipline and Faulty Grievances

Not in Attendance:

K ■ ■ ■ H ■ ■ ■

1. A Panel of the Trial Division of the University Tribunal was convened on October 19, 2023, by videoconference to consider charges brought by the University of Toronto (the “University”) against K■■■ H■■■ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 2019* (the “Code”).

Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 9:45 a.m. At that time, neither the Student, nor anyone on the Student’s behalf, were logged onto the Zoom link. The Panel adjourned the hearing until 10:00 a.m. to allow time for the Student to attend it. At that time, the Student was still not present and the University then requested that the Panel proceed with the hearing in the Student’s absence.
3. Pursuant to rule 18 of the University Tribunal’s *Rules of Practice and Procedure* (“Rules”), a notice of a virtual hearing must include the date, time, place and purpose of the hearing; a reference to the statutory authority under which the hearing will be held; information about the manner in which the hearing will be held; and a statement that if a person does not attend the hearing, the Panel may proceed in the person’s absence. rule 21 provides that where notice of a virtual hearing has been given to a person and that person does not attend the hearing, the Panel may proceed with the hearing in the party’s absence. The Rules conform to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “SPPA”), which set out the notice requirements.
4. Pursuant to rule 13, a notice of hearing may be served on a student by various means, including by emailing a copy of the document to the student’s email address contained in the University’s Repository of Student Information (“ROSI”).
5. The University’s *Policy on Official Correspondence with Students* dated September 1, 2006 expressly states that students are responsible for maintaining on ROSI a current and valid mailing address and University-issued email account, and that “[f]ailure to do so may result in a student missing important information and will not be considered an acceptable rationale for failing to receive official correspondence from the University.” Students are expected to monitor and retrieve their email on a frequent and consistent basis. Students

have the right to forward their University-issued email account to another email account, but remain responsible for ensuring that all University email communications are received and read.

6. The onus of proof is on the University to establish that it provided the Student with reasonable notice of the hearing in accordance with these Rules.
7. In this case, the University provided evidence relevant to service by way of the evidence of two witnesses: Alexciya Blair (“Ms. Blair”), a Legal Assistant at the law firm of Paliare Roland Rosenberg Rothstein LLP and Andrew Wagg (“Mr. Wagg”), a Manager, Incident Response at Information Security, Information Technology Services at the University. These two witnesses provided their evidence by affidavit, which were accepted by the Panel pursuant to rule 66 of the Rules.
8. The contents of the affidavits (without Exhibits) of these two witnesses are set out below:

a) Evidence of Ms. Blair

9. Ms. Blair’s affidavit provides as follows:
 1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with William Webb, an associate at Paliare Roland, who acts as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.
 - A. ***The Dean’s Office***
 2. The academic integrity team in the Office of the Vice-Principal Academic & Dean (the “Dean’s Office”) at the University of Toronto Scarborough (“UTSC”) is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean’s Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the “Code”).
 3. The Dean’s Office provided our office with a copy of all emails between their office and K■■ H■■ (the “Student”) about the allegations in this matter. The emails show that their

office tried to schedule a meeting between the Student and a Dean's Designate to discuss the allegations in this matter from May 2022 to September 2022, but that the Student did not respond. I have attached a copy of these emails to my affidavit as **Exhibit A**.

4. The Dean's Office provided our office with copies of the Student's academic record and contact information in the Repository of Student Information ("ROSI"), which are current as of July 5, 2023. I have attached copies of these documents to my affidavit as **Exhibit B**.
5. According to the Student's academic record, the Student last completed courses at the University in Winter 2022.

B. Charges and Disclosure

6. On February 2, 2023, the Office of the Vice-Provost, Faculty and Academic Life ("VPFAL") served the charges on the Student by email to their University email address and the Gmail account that the Student has listed in ROSI (██████████@gmail.com). I have attached a copy of this email and the charges to my affidavit as **Exhibit C**.
7. On February 3, 2023, the Office of Appeals, Discipline and Faculty Grievances (the "ADFG") sent the Student a letter about the charges in this matter and a pamphlet for Downtown Legal Services. I have attached a copy of this email, letter, and pamphlet to my affidavit as **Exhibit D**.
8. On February 4, 2023, Mr. Webb emailed the Student to introduce himself and suggest that they have a call to discuss the case. Mr. Webb and the Student exchanged several emails and set up a meeting for February 5, 2023. I have attached a copy of these emails to my affidavit as **Exhibit E**.
9. Mr. Webb has advised me that, on February 5, 2023, he met with the Student by Zoom to discuss the allegations in this case on a without prejudice basis. Mr. Webb has advised me that, during this meeting, he encouraged the Student to retain counsel and informed the Student that the matter would proceed to a hearing.
10. On April 6, 2023, Mr. Webb emailed the Student a disclosure letter and disclosure brief. In his email, Mr. Webb stated in part: "Please note that the University expects you to monitor and retrieve your emails on a frequent and consistent basis per the University's Policy on Official Correspondence with Students". Mr. Webb included a hyperlink to this

policy in his email to the Student. I have attached a copy of this email and the disclosure letter to my affidavit as **Exhibit F**.

C. *Hearing Scheduling*

11. On April 21, 2023, Mr. Webb emailed the Student about scheduling a hearing date. Mr. Webb stated in full:

Dear K [REDACTED]

I am writing to schedule a hearing before the University Tribunal in this matter. Please let me know any dates that you are unavailable to attend a hearing in June, July, and August 2022.

Please get back to me by no later than May 1, 2023 with your availability. If I do not hear from you by then, I will proceed to schedule the hearing. You will receive a notice of hearing confirming the date and time of the hearing once it has been scheduled. Please note that if you do not attend the hearing once scheduled, the hearing may take place in your absence without further notice to you.

Regards,

Will

[Emphasis in Original]

12. On April 30, 2023, at 10:44 am, the Student responded to Mr. Webb by stating in part: “June is difficult because I am not currently in Canada. However, from the end of July to the middle of August, it is always possible. Thank you.”
13. On April 30, 2023, at 10:57 am, Mr. Webb responded to the Student by stating in part: “Given your availability, I will request a virtual hearing in late July. You will receive a notice of hearing confirming the date and time of the hearing. If you do not attend the hearing once scheduled, the hearing may proceed in your absence without further notice to you. I understand that you intend to represent yourself at the hearing. If you retain a lawyer, please let me know.” Mr. Webb sent this email to the Student’s Gmail account ([REDACTED]@gmail.com) and her utoronto account (k [REDACTED] h [REDACTED]@mail.utoronto.ca). I have attached a copy of the emails between Mr. Webb and the Student about scheduling a hearing to my affidavit as **Exhibit G**.

14. On April 30, 2023, at 11:03 am, Mr. Webb emailed the ADFG to schedule a hearing for July 24, 2023, at 1:45 pm Toronto Time. The Student's Gmail account and her utoronto account were copied on this email.
15. On May 1, 2023, the ADFG issued a Notice of Electronic Hearing to take place via zoom on July 24, 2023, at 1:45 pm EST. The email was sent to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email thread and the Notice of Electronic Hearing to my affidavit as **Exhibit H**.
16. On July 10, 2023, Mr. Webb emailed the Student a copy of the Affidavit of R. Allen and stated that the University intended to rely on the affidavit. A copy of this email is attached to my affidavit as part of the email thread at Exhibit F.

D. SWS Activity Log

17. The Accessible Campus Online Resource Network ("ACORN") is a web-based tool that stores students' academic, personal, and financial records. Students can view their records and update their contact information in ACORN. To access their ACORN account, students need to input their UTORid and the password for that account. Students' activity in ACORN is recorded in a Student Web Services Activity Log ("SWS Activity Log").
18. On July 17, 2023, the Dean's Office provided our office with a copy of the Student's SWS Activity Log, which is current as of July 17, 2023. I have attached a copy of the Student's SWS Activity Log to my affidavit as **Exhibit I**.
19. According to the Student's SWS Activity Log, someone accessed the Student's ACORN account several times in July 2023 to add and drop courses. Most recently, someone logged into the Student's ACORN account on July 12, 2023.

E. Further Attempts to Contact the Student

20. Mr. Webb has advised me that, on July 17, 2023, he called the Student's cellular number listed in ROSI, but he received a message that stated in part: "the cellular number you are calling is not assigned."

21. On July 17 and 20, 2023, Mr. Webb emailed the Student to remind (sic) her about the hearing and request that she confirm her attendance. I have attached a copy of this email thread to my affidavit as **Exhibit J**.
22. Mr. Webb has advised me that, on July 23, 2023, at 11:30 am and 8:30 pm, he called the telephone number that was listed on a transcript order that the Student placed in January 2022 by using the international pre-fixes for calling South Korea from Canada (011-82). On both occasions, he received a message in a language that he did not understand, and there was no opportunity to leave a message. I have attached a screen shot of the transcript order, which the University's Registrar's Office sent to our office, to my affidavit as **Exhibit K**.
23. To date, our office has not received any further communication from the Student.

b) Evidence of Mr. Wagg

10. Mr. Wagg's affidavit provides as follows:
 1. I am the Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto (the "University"). As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.
 2. Information Technology Services provides many services to the University, including management of the email accounts used by students. To access an email account one needs to input both the user's login id and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular University-issued email account. This is denoted with the code "LastUserActionTime." The LastUserActionTime log only updates when someone logs in to a University-issued email account.
 3. On July 24, 2023, I checked the portal records to determine the last time someone accessed the email account k■■■■h■■■■@mail.utoronto.ca. To view the LastUserActionTime log, I ran a PowerShell script.
 4. I determined that the last time someone accessed this e-mail account was on October 20, 2022, at 4:16 PM, local Toronto time.

c) Further Evidence of Ms. Blair

11. Ms. Blair's further affidavit provides as follows:

1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with William Webb, an associate at Paliare Roland, who acts as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.

A. The previous hearing

2. A hearing into the charges that were issued against K■■ H■■ (the "Student") on February 2, 2023, was previously scheduled to take place on July 24, 2023.

3. On July 24, 2023, at 11:14 am, Mr. Webb emailed the Office of Appeals, Discipline and Faculty Grievances (the "ADFG"), stating that he did not know whether the Student would attend the hearing and that the Provost would request that the hearing proceed in her absence if she did not attend.

4. At 11:57 am, the Student emailed Mr. Webb, stating that she apologized for the late reply, that she would attend the hearing, and that she "received a confirmation email belatedly due to the e-mail's storage space being exceeded". The Student asked Mr. Webb whether there was anything else that she needed for the hearing.

5. At 12:03 pm, Mr. Webb responded to the Student, stating that she should carefully review the information that the ADFG had previously sent to her about the charges and the hearing, and that she should carefully review the Provost's hearing materials that he had previously sent to her and the ADFG.

6. At 1:23 pm, the Student emailed Mr. Webb, stating in part: "I'm asking you just in case. Shortly after I arrived in Canada, I couldn't find a good defense. (The law centre in Canada) In this case, is it okay to proceed today?"

7. At 1:23 pm, Mr. Webb emailed the Student, stating that they could address the matter as a preliminary issue at the hearing.

8. At 1:25 pm, the Student emailed Mr. Webb, stating in full: “Can other hearings be held besides today?” I have attached a copy of this email thread between Mr. Webb and the Student to my affidavit as **Exhibit A**.
9. At 1:41 pm, Mr. Webb emailed the ADFG, stating that the Student emailed him requesting an adjournment to retain counsel. Mr. Webb stated that the Provost consented to the Student’s adjournment, but was concerned that the Student was trying to delay a hearing into the allegations that she forged a transcript. Mr. Webb noted that the ADFG sent the Student information about Downtown Legal Services in February 2023, he met with the Student by zoom in February 2023 and encouraged her to retain counsel at that time, he sent the Student additional information about Downtown Legal Services in April 2023, and that the Student had consented to the current hearing date back in May 2023.
10. At 1:46 pm, the Student responded to Mr. Webb’s email, stating in part: “Thank you to care of me that I asked you. So now should I attend Zoom as scheduled?”
11. At 1:49 pm, Mr. Webb emailed the Student, stating in part: “Please log into the zoom hearing. We will address your request for an adjournment.” I have attached a copy of this email thread between Mr. Webb and the Student to my affidavit as **Exhibit B**.
12. At 2:21 pm, Mr. Webb sent the Student an email that stated in full:

Dear [Student],

Please make it a priority to retain a lawyer as soon as possible.

You may wish to contact Downtown Legal Services, which is a legal clinic that is available to University of Toronto students. You can find out more information about Downtown Legal Services here: <https://downtownlegalservices.ca/>. Alternatively, you may wish to retain a fee-for-service lawyer. If you would like the contact information of lawyers who represent students facing academic integrity charges, please let me know.

I will contact you in one month to schedule a hearing.

Please note that the University expects you to monitor and retrieve your emails on a frequent and consistent basis per the University’s Policy on Official Correspondence with Students. Please note that if I do not hear back from you when I contact you in the future, I will request a hearing date without your input. You will receive a notice of hearing confirming the date and time of the hearing once it has been scheduled. Please note that if you do not attend the hearing once scheduled, the hearing may take place in your absence without further notice to you.

Regards,

Will

[Emphasis in original]

13. Mr. Webb sent the email to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email to my affidavit as **Exhibit C**.

14. At 3:25 pm, the ADFG sent the parties a hearing outcome letter that stated in part:

[...]

A Tribunal Hearing for your matter proceeded on Monday, July 24, 2023 at 1:45 p.m. You were in attendance, but unrepresented at the tribunal hearing. The matter was presided over by Shaun Laubman (Chair), Professor Joseph Clarke (Faculty Panel Member) and Giselle Sami Dalili (Student Panel Member).

The Panel heard submissions from Assistant Discipline Counsel regarding your request for an adjournment to retain counsel. Upon consideration, the Panel granted an adjournment to a date to be determined. This panel is not seized in your matter. Please correspond with Mr. William Webb, Assistant Discipline Counsel at william.webb@paliareroland.com, to discuss timing and possible dates.

[...]

15. The ADFG sent the email and the letter to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email and letter to my affidavit as **Exhibit D**.

B. Scheduling the current hearing

16. On August 28, 2023, over one month after the initial hearing date, Mr. Webb emailed the Student to request that she provide him with an update on whether she had retained counsel or whether she intended to represent herself. Mr. Webb sent the email to the Student's Gmail account and the Student's utoronto account.

17. On September 11, 2023, the Student responded to Mr. Webb, stating in full:

Dear, William

Thank you for your email.

Is it possible to schedule the hearing for mid-October?

I'm trying to defend myself.

Thank you

[The Student]

18. Later that day, Mr. Webb emailed the Student, stating that he would check in with the University's witnesses to see whether they were available for a hearing in mid-October and that he would get back to the Student shortly. Mr. Webb sent the email to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email to my affidavit as **Exhibit E**.
19. Later that day, Mr. Webb emailed the ADFG, stating in part: "[The Student] has informed me that she would prefer a hearing take place in mid-October 2023. I am therefore writing to request that a hearing be scheduled for October 19, 2023 at 9:45 am." Mr. Webb sent the email to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email to my affidavit as **Exhibit F**.
20. On September 13, 2023, the ADFG issued a Notice of Virtual Hearing to take place on October 19, 2023, at 9:45 a.m. (EST), via Zoom. The ADFG sent the email and the Notice of Virtual Hearing to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email thread and the Notice of Virtual Hearing to my affidavit as **Exhibit G**.

C. *The Student's online activity*

21. Acorn is a web-based tool that stores University of Toronto students' academic, personal, and financial records. Students can update their contact information in Acorn. To access their Acorn account, students need to input their UTORid and the password for that account.
22. The Student Web Services Activity Log for the Student, dated October 16, 2023, shows that the last time that someone accessed the Student's Acorn account was on September 25, 2023. I have attached a copy of the Student's Student Web Services Activity Log to my affidavit as **Exhibit H**.

23. On October 16, 2023, Mr. Webb emailed Andrew Wagg, Manager, Incident Response at Information Security, Information Technology Services, University of Toronto, to request information about the last time that someone checked the Student's utoronto account. Later that day, Mr. Wagg informed Mr. Webb that the Last User Action Time timestamp for the Student's utoronto account was on October 20, 2022 at 4:16 pm. I have attached a copy of this email to my affidavit as **Exhibit I**.
 24. I have attached a copy of the Student's academic record, which is current as of October 16, 2023, to my affidavit as **Exhibit J**.
- D. Further attempts to contact the Student**
25. On October 16, 2023, Mr. Webb emailed the Student to reminder (sic) her that a hearing had been scheduled for October 19, 2023, at 9:45 a.m. (EST) via Zoom. Mr. Webb asked Ms. H■■■■ to confirm whether she planned to attend the hearing. Mr. Webb sent the email to the Student's Gmail account and the Student's utoronto account. I have attached a copy of this email to my affidavit as **Exhibit K**.
 26. Mr. Webb has advised me that, on October 18, 2023, at approximately 10:45 am, he called the Student's cellular number listed in the Repository of Student Information ("ROSI"), but he received a message that stated in part: "the number you are calling is unavailable". I have attached a copy of the Student's contact information, which is current as of October 18, 2023, in ROSI to my affidavit as **Exhibit L**.
 27. Mr. Webb has advised me that, on October 18, 2023, at approximately 10:55 am, he called the telephone number that was listed on a transcript order that the Student placed in January 2022 by using the international pre-fixes for calling South Korea from Canada (011-82). Mr. Webb has advised me that he received a message that stated in part, "the number you have dialed is not in the directory."
 28. There are no other telephone numbers for the Student listed in ROSI.
 29. To date, our office has not received any further communication from the Student.
12. The evidence establishes that the Student was aware that October 19, 2023 had been chosen as the date for the hearing. The University then did everything it could reasonably have done to contact the Student and did take the steps it was required to under the Rules.

Accordingly, the Panel was satisfied it was more likely than not that the Student had made a deliberate choice to avoid and turn her back on any official communications from the University and not to attend the hearing. That choice has consequences.

13. Therefore, in light of the evidence and the submissions of Assistant Discipline Counsel, the Panel was satisfied that the Student had been given reasonable notice of the time, date and place of the hearing and of the fact that it may proceed in her absence if she did not attend it, in compliance with the notice requirements of the SPPA and the Rules. Accordingly, the Panel decided to hear the case on its merits in the absence of the Student.

Charges and Particulars

14. The charges alleged against the Student as filed by the Provost on February 2, 2023 are as follows:

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 that purported to be a Transcript of Consolidated Academic Record from the University of Toronto Scarborough, dated January 10, 2022, contrary to section B.I.3(a) of the Code.
2. In the alternative, you knowingly engaged 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, in connection with a document that purported to be a Transcript of Consolidated Academic Record from the University of Toronto Scarborough, dated January 10, 2022, contrary to Section B.I.3(b) of the Code.

15. The particulars related to charges 1 and 2 are as follows:

1. At all material times, you were a student at the University of Toronto Scarborough.
2. On or before January 13, 2022, you knowingly forged or in any other way altered or falsified a Transcript of Consolidated Academic Record from the University of Toronto Scarborough, dated January 10, 2022 (the “Purported Transcript”).

3. On or before January 13, 2022, you knowingly uttered, circulated or made use of the Purported Transcript to First Advantage Korea, a company that provides background screening services to employers, or to a prospective or current employer, or to others.
 4. The Purported Transcript falsely represented your academic record in several ways, including your grades, marks, courses, session grade point averages, annual grade point averages, and/or cumulative grade point average.
 5. You knew or ought to have known that the Purported Transcript document was forged, altered, or falsified and misrepresented your true academic history when you uttered, circulated or made use of it.
 6. You had an obligation to provide accurate and truthful information and not to misrepresent your academic record.
 7. You knowingly engaged 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 in connection with the Purported Transcript.
16. Assistant Discipline Counsel advised the Panel that if a finding was made for Charge 1, the Provost would then withdraw Charge 2.

The Student's Position

17. Given that the Student was not present nor represented, she was deemed to have denied the charges. As a result, the hearing proceeded on the basis that the University bore the burden of proving the charges on the balance of probabilities.

Overview

18. In addition to the previously identified affidavits, the University tendered the evidence of one witness, Rachelle Allen ("Ms. Allen"), a Service Coordinator, Transcripts, in the Registrar's Office at the University, who provided her evidence by affidavit, which was accepted by the Panel pursuant to rule 66 of the Rules.
19. After careful deliberation, and having considered all the evidence, the Panel found that on the balance of probabilities the evidence was sufficiently clear, cogent and convincing to

discharge the burden of proof on the University and found that the Student had committed academic misconduct.

The Evidence

20. The contents of the affidavit (without Exhibits) of the one witness is set out below:

a) Evidence of Ms. Allen

21. Ms. Allen's affidavit provides as follows:

1. I have worked as the Service Coordinator, Transcripts, in the University Registrar's Office (the "Registrar's Office") at the University of Toronto (the "University") since March 2023. I previously worked as a Transcript Clerk in the Faculty of Arts and Science at the University from 2009 to 2011, a Transcript Courier Liaison in the Faculty of Arts and Science at the University from 2011 to 2018, and a Transcript Courier Liaison in Enrolment Services at the University from 2018 to March 2023. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

A. The Registrar's Office

2. The Registrar's Office oversees financial aid and awards, student accounts, client services, transcripts, and student systems. The Transcript Services Office is part of the Registrar's Office. The Transcript Services Office provides support to students upon their request, including issuing official transcripts. The Transcript Services Office often receives requests from other academic institutions and employment agencies seeking to verify a student's academic record. Other institutions or agencies often ask us to confirm the accuracy of a transcript, or to confirm the authenticity of the degree information noted in the transcript presented by a student as proof that the student graduated from the University.

3. The University offers an official electronic transcript (an "eTranscript") in a Portable Document Format ("PDF") format. The eTranscript is securely transmitted to recipients via the University's eTranscript vendor, Parchment Inc. ("Parchment"), and is certified with a digital signature.

4. Parchment is a digital credential service, allowing learners, academic institutions, and employers to request, verify, and share credentials in simple and secure ways.
5. Students may submit eTranscript requests through the online University of Toronto Parchment Storefront. Students must specify a recipient to whom they want the eTranscript sent. After students submit their order online, the University processes their request.
6. Recipients of the eTranscript receive an email from Parchment on behalf of the University when the transcript is ready for download. eTranscripts sent on behalf of the University from Parchment come from the email address, noreply@parchment.com, with the subject line, “*University of Toronto : Parchment Send Service : Document #*”. Recipients have 20 calendar days to access the transcript using the secure download link provided in the email. Students are required to place a new eTranscript order if the secure download link expires before the eTranscript is downloaded by the recipient.
7. The eTranscript is only official when the document displays an encoded security feature called the “blue ribbon seal” that declares the document was certified by Parchment Inc.

B. Academic History

8. K■■ H■■ (the “**Student**”) first enrolled at the University of Toronto Scarborough (“UTSC”) in Fall 2019. The Student has 2.00 credits and a CGPA of 1.52. I have attached a true copy of the Student’s transcript (the “**True Transcript**”), dated February 9, 2023, to my affidavit as **Exhibit A**.
9. The Repository of Student Information (“ROSI”) contains a record of the Student’s complete enrolment history, which lists every course to which the Student has applied, every course in which the Student has been enrolled, and every course from which the Student has withdrawn. University employees can export a copy of a student’s complete enrolment history from ROSI into an Excel file. I have attached a PDF copy of the Student’s complete enrolment history that was exported from ROSI into an Excel file on July 6, 2023 to my affidavit as **Exhibit B**.
10. The “Activity Date” column in the Student’s complete enrolment history shows the date on which a user updated the Student’s enrolment history.

11. The “Activity Status” column in the Student’s complete enrolment history contains the following codes:
 - (a) APP: Request approved. Student is enrolled in course.
 - (b) REF: Request denied. Student is not enrolled and may not make another request for this course via the web during this session.
 - (c) CAN: Course cancelled (student withdrew from course before deadline).
 - (d) WAIT: No room in the meeting section. Student has been placed on a waiting list based on category and will be enrolled automatically if space becomes available.
 - (e) DWAIT: Student has cancelled place on the waiting list or been removed.
12. The “Updated USERID” column shows who updated the enrolment activity. The code “SWS” means that the enrolment activity was updated by a user who was logged into the Student’s Student Web Services account, which is called ACORN.
13. The “Session Code” column shows the year and semester of the course in terms of a five-digit number. The first four digits refer to the year and the fifth digit refers to the semester (1 = Winter, 5 = Summer, and 9 = Fall).

C. *The Transcript Order and Verification Request*

14. On January 10, 2022, at 8:41 p.m. Eastern Standard Time, the Student ordered an eTranscript via Parchment to the email address [REDACTED]@gmail.com. The Student paid \$15 for the eTranscript. I have attached a screen shot of the Student’s parchment order to my affidavit as **Exhibit C**.
15. [REDACTED]@gmail.com is listed as the Student’s email address in ROSI. I have attached a copy of the Student’s Email Address page in ROSI to my affidavit as **Exhibit D**.
16. On January 12, 2022, First Advantage Korea sent the Registrar’s Office a request to verify the Student’s enrolment. First Advantage Korea sent the Registrar’s Office three documents:

- (a) A Request for Verification of Enrolment form in which First Advantage Korea requested verification of the Student's enrolment at the University;
 - (b) A consent form that was signed by the Student that gave First Advantage Korea permission to conduct a records check; and
 - (c) A copy of the Student's Transcript of Consolidated Academic Record that states it was issued to the Student on January 10, 2022 (the "**Purported Transcript**"). I have attached a copy of the emails between First Advantage Korea and the Registrar's Office and these three attachments to my affidavit at **Exhibit E**.
17. The Request for Verification form states that First Advantage Korea offers pre and post employment screening services to give their clients an accurate assessment of a job applicant's track record and background, and that First Advantage Korea's clients include multinational corporations, investment and retail banks, technology companies, business advisors, law firms and governments.
18. Later that month, Sana Kwar, former Manager of the Transcript Centre, emailed First Advantage Korea that the Purported Transcript was not a true copy of the Student's academic achievement at the University of Toronto.
19. Ms. Kwar has since retired from the University.

D. The Purported Transcript Contains Inaccurate Academic Information

20. The Purported Transcript contains information that does not accurately reflect the Student's academic record at the University of Toronto. I have attached a copy of a chart that compares the Student's True Transcript to the Purported Transcript to my affidavit at **Exhibit F**.
21. The Purported Transcript states that many of the Student's grades, marks, and grade point averages ("GPAs") are higher than what she actually received, and that she earned more credits than what she actually earned. For example:
- (a) The Purported Transcript states that the Student's grades and marks are higher in every course than what she actually received (except EESA06H3: Introduction to Planet Earth and NEW280Y1: Introductory Swahili).

- (b) The Purported Transcript states that the Student's sessional GPAs, annual GPAs, and cumulative GPAs are higher than what she actually received (except for the Student's Winter 2020 sessional GPA). The Purported Transcript does not contain an annual GPA or a cumulative GPA for Winter 2020, whereas the True Transcript contains both.
 - (c) The Purported Transcript states that the Student earned more credits in Fall 2019, Summer 2020, Winter 2021, and Fall 2021 than what she actually earned.
22. The Purported Transcript contains information about the Student's history in the Winter 2021 semester that is inaccurate. For example:
- (a) The Purported Transcript incorrectly states that the Student completed the course "MGEA02H3: Introduction to Macroeconomics" in Winter 2021. The Student did not complete this course in Winter 2021. According to the True Transcript, "MGTA02H3: Managing the Business Organization" was the only course that the Student finished in Winter 2021 (the Student obtained a failing grade in this course).
 - (b) The course codes and names on the Purported Transcript for the Winter 2021 term are incorrect. The UTSC Calendar lists all of UTSC's course offerings for each academic year. The calendar contains the correct course names and codes for each academic year. The 2020-2021 Calendar states that "MGEA02H3" was the course code for "Introduction to Microeconomics: A Mathematical Approach", and that "MGEA05H3" was the course code for "Introduction to Macroeconomics". I have attached excerpts from the UTSC 2020-2021 Calendar to my affidavit as **Exhibit G**.
 - (c) According to ROSI, the Student has never been enrolled in the Winter 2021 session of MGEA02H3. The Student has been enrolled in several different sessions of this course (Fall 2019, Summer 2020, Fall 2020, and Fall 2021), but never the Winter 2021 session of this course. According to the True Transcript, the Student has never completed this course.
 - (d) According to ROSI, the Student has never been enrolled in MGEA05H3.

23. The Purported Transcript states that the Student completed five courses in Fall 2021 that she did not complete that semester. In particular:
- (a) ENGA11H3: Literature and Film for Our Time: Dawn of the Digital: the Purported Transcript states that the Student completed this course in Fall 2021 and received a mark of “73” and a grade of “B”, whereas the True Transcript states that the Student completed this course in Winter 2022 and received a mark of “40” and a grade of “F”. The Purported Transcript states that the course average was a “B+”, whereas the True Transcript states that the course average was a “B”. When the Student ordered the transcript in January 2022, there was no reported course average because the course had not yet concluded.
 - (b) ENGB74H3: The Body in Literature and Film: according to ROSI, the Student was enrolled in the Winter 2022 session of ENGB74H3 for a brief period of time before she withdrew on in March 2022, but she has never been enrolled in the Fall 2021 session of this course. According to the True Transcript, the Student has never completed this course.
 - (c) MGEA06H3: Introduction to Macroeconomics: A Mathematical Approach: according to ROSI, the Student enrolled in this course in several different sessions (Winter 2020, Winter 2021, Summer 2021, Winter 2022, and Winter 2023), but she has never been enrolled in this course in the Fall 2021 session. According to the True Transcript, the Student has never completed this course.
 - (d) MGTA06H3: Introduction to Business II:
 - (i) The Purported Transcript incorrectly states that “MGTA06H3” is the course code for “Introduction to Business II”. The UTSC 2021-2022 Calendar lists all of UTSC’s course offerings for the academic year from Fall 2021 to Summer 2022. According to the UTSC 2021-2022 Calendar, UTSC did not offer any courses with this code or name in the 2021-2022 academic year. I have attached a copy of the UTSC 2021-2022 Calendar to my affidavit as **Exhibit H**.

- (ii) I have reviewed every UTSC Calendar from 2018-2019 to 2022- 2023.¹ The last time that UTSC offered the course “MGTA06H3” was in the 2018-2019 academic year, but the course was called “Introduction to Health Management”, not “Introduction to Business II”. I have attached excerpts from the UTSC 2018-2019 Calendar to my affidavit as **Exhibit I**.
- (iii) According to ROSI, the Student has never enrolled in a course with the course code “MGTA06H3”.
- (iv) According to the True Transcript, the Student has never completed a course with the code “MGTA06H3”, the name “Introduction to Health Management”, or the name “Introduction to Business II”.
- (e) MGTA33H3: Managing the Business Organization II: according to ROSI, the Student has never been enrolled in this course. According to the True Transcript, the Student has never completed this course. According to the University of Toronto Scarborough 2021-2022 Calendar, the University of Toronto Scarborough did not offer any course with this code or name in the 2021-2022 academic year.

22. This concluded the University’s evidence.

University’s Submissions

- 23. Assistant Discipline Counsel submitted that the evidence of Ms. Allen, supports a finding on the balance of probabilities that the Student committed the academic offences as alleged.
- 24. In that regard, it was submitted that the evidence in its totality demonstrated that the Student forged, altered or falsified and circulated a document that purported to be a Transcript of Consolidated Academic Record from the University.

¹ The calendars are all available online at <https://utsc.calendar.utoronto.ca/calendar-pdfs>.

Standard of Proof

25. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

Decision of the Tribunal

26. Based on the evidence and the submissions by counsel for the University, the Student was found guilty of:

- (a) One count 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.

27. Given this finding, the University withdrew Charge 2.

Reasons for Decision

28. The Panel accepted the unchallenged evidence of Ms. Allen, finding that her evidence was credible and reliable.
29. The evidence of Ms. Allen clearly demonstrated that the Purported Transcript contained information that did not accurately reflect the Student's academic record at the University.
30. The evidence also clearly established that the Student knowingly forged, altered or falsified and circulated a document that purported to be the Student's Transcript of Consolidated Academic Record dated January 10, 2022 from the University.
31. As such, the Panel was satisfied on the balance of probabilities that the Student committed the academic offence 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 as alleged in Charge 1 filed by the Provost on February 2, 2023.

Sanction

The University's Evidence

32. The University had no further evidence.

The University's Submissions

33. The University provided the Panel with a Book of Authorities containing a number of prior decisions of this Tribunal and a chart summarizing them.

34. Counsel for the University submitted that the proper sanctions to be imposed on the Student should be:

- (a) an immediate suspension 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 the Student's academic record and transcript;
- (b) a recommendation to the President of the University that the President 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 sanctions imposed, with the name of the Student withheld.

35. Assistant Discipline Counsel reviewed with the Panel the chart summarizing the sanctions which have been given to students by this Tribunal in prior similar cases.

36. Assistant Discipline Counsel then reviewed with the Panel the principles relative to sanction as set out in *The University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) ("Mr. C."), namely:

- (a) The character of the Student;
- (b) The likelihood of a repetition of the offence;
- (c) The nature of the offence committed;

- (d) Any extenuating circumstances;
 - (e) The detriment to the University caused by the misconduct; and
 - (f) The need for general deterrence.
37. In this regard, Assistant Discipline Counsel submitted that as the Student did not attend the hearing there is no evidence of remorse or insight or whether the Student has taken responsibility and learned from her mistakes consequently, there is no evidence as to her character or any extenuating circumstances and so that is a neutral factor.
38. Further, with respect to the Student's character, there is no evidence from the Student and as a result there is little information on this.
39. With respect to likelihood of repetition, Assistant Discipline Counsel noted that the Student did not have any prior discipline history, but that there was a strong likelihood of repetition of the conduct given that she had in this case falsified and forged her Transcript of Consolidated Academic Record. This suggests that there is a likelihood of repetition of the conduct by the Student.
40. With respect to the nature of the offence, it was submitted that knowingly altering and forging an academic record is a serious form of academic misconduct.
41. With respect to mitigation, as the Student did not attend the hearing there was no evidence from her and so there is no evidence with respect to mitigation before the Panel, apart from the fact that she had no prior academic misconduct.
42. With respect to the detriment to the University, and to deterrence, Assistant Discipline Counsel submitted that it is important that students be deterred from creating false academic records. Academic integrity is seriously undermined by falsifying academic records and there is significant detriment to the University as these type of documents are relied upon by third parties and therefore this conduct needs to be deterred.
43. Assistant Discipline Counsel reviewed with the Panel comparisons between the True Transcript and the Purported Transcript in this case and how the Purported Transcript had

been altered and forged by the Student. The Student's conduct in this regard shows why deterrence is equally applicable to detriment to the University in this case.

44. The Student in this case altered and forged an academic record in order to obtain pre and post-employment screening services and is consistent with other cases from this Tribunal which have found that those circumstances require expulsion as the Student's conduct was egregious.
45. In the submission of Assistant Discipline Counsel, where the Student has engaged in conduct such as this including forgery, expulsion can only be avoided by significant mitigating factors, but none are present here and therefore the appropriate sanction is to recommend expulsion.
46. Assistant Discipline Counsel also reviewed with the Panel the chart of prior decisions and reviewed in detail several of those prior decisions of the Tribunal to demonstrate that the proposed penalty was consistent with decisions of this Tribunal in similar circumstances.

Sanction Decision

47. After deliberations, the Panel ordered that the following sanctions shall be imposed on the Student:
 - (a) an immediate suspension 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 the Student's academic record and transcript;
 - (b) a recommendation to the President of the University that the President 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 sanctions imposed, with the name of the Student withheld.
48. An Order was signed at the hearing by the Panel to this effect.

Reasons for Sanction

49. The Panel considered the submissions of Assistant Discipline Counsel and the factors and principles relevant to sanction in *Mr. C*, supra, as set out above.
50. In addition to these factors, the Panel considered the chart of prior decisions and the other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.
51. By knowingly altering and forging an academic record, the Student broke the honour code that is essential to modern learning.
52. Students must understand that this kind of misconduct will have serious repercussions so that they will be dissuaded from the temptation to consider falsifying an academic record.
53. The Panel accepted the University's submission that by knowingly altering and forging an academic record, the Student committed a serious form of academic misconduct.
54. The Student committed the offences knowingly and deliberately, not through carelessness or inadvertence. The offences were the result of the Student's calculated conduct.
55. In different ways, the University is vulnerable to, and suffers detriment from, the forgery offences that the Student committed here particularly as the forgery was directed towards a third party in the University's name.
56. As this Tribunal held in the *University of Toronto and M.K.* (Case No. 491, November 5, 2008), at para. 43, "such conduct will and must meet with the most severe reaction when uncovered."
57. This factor weighs heavily in favour of a recommendation of expulsion.
58. The need to deter others from committing similar offences also weighs heavily in the circumstances of this case. In the Tribunal's view, a strong message must be conveyed to

the University community that serious offences such as these will not be tolerated, and that those who commit them will face serious sanctions.

59. It is critical for the University that students be dissuaded from committing forgery. Forgery is often difficult to detect, thus requiring a strong deterrent when it is discovered.
60. The Panel is persuaded that a severe sanction is required where a student is guilty of forgery to deter others who may contemplate similar misconduct.
61. This factor also weighs in favour of a recommendation of expulsion.
62. Forgery is among the most serious academic offences. The usual penalty is a recommendation of expulsion, although in some cases a five-year suspension has been imposed. As the Tribunal observed in the *University of Toronto and M.S.* (Case No. 498, February 3, 2010), at para. 30, “it is clear that forgery is treated as one of the most serious offences in the University environment and most cases result in expulsion.”
63. Where forgery has been found, a student normally only avoids a recommendation of expulsion where there are significant mitigating factors, or where there is a joint recommendation on sanction, or both. There is no joint recommendation on sanction here, and as discussed above, no real mitigating circumstances, which in our view, outweigh the effect of the other factors here. See the *University of Toronto and L.M.* (Case No. 808, February 1, 2016), at paras. 78-79.
64. In the circumstances, the Tribunal’s view is that the factors heavily weigh in favour of expulsion. The seriousness of the offences and the need for deterrence are particularly compelling in this case.
65. Accordingly, the Tribunal finds that a recommendation that the Student be expelled (along with the additional terms sought by the University) is the appropriate sanction.

Dated at Toronto, this 15th day of January 2024

Original signed by:

Christopher Wirth, Chair
On behalf of the Panel