

**GOVERNING COUNCIL JUDICIAL BOARD
UNIVERSITY OF TORONTO**

IN THE MATTER OF the revised charges filed on July 26, 2023,

AND IN THE MATTER OF the *University of Toronto Act, 1947*, S.O. 1947, c. 112,

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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

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REASONS FOR DECISION

Hearing Date: June 17, 2024, via Zoom

Members of the Judicial Board:

Paul Michell, Associate Chair
Dr. Sonu Gaiind, Faculty Member
Firdaus Sadid, Student Member

Appearances:

Tina Lie, Counsel for the University, Paliare Roland Rosenberg Rothstein LLP
Ryan Shah, Co-Counsel for the University, Paliare Roland Rosenberg Rothstein LLP
Julia Wilkes, Counsel for the Former Student, Adair Goldblatt Bieber LLP
Emma Parry, Counsel for the Former Student, Adair Goldblatt Bieber LLP

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

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A. Introduction

1. The Governing Council of the University of Toronto (the “University”) created this Judicial Board to consider charges brought against L ■ Y ■, a Bachelor of Science (B.Sc.) graduate of the University (the “Former Student”). The charges against the Former Student concerned her involvement in a scheme in which a consultant she retained provided a forged transcript of her University academic record to other universities in an effort to gain admission based on inflated results.
2. The hearing of this matter proceeded by Zoom on June 17, 2024. The Former Student attended and was represented by counsel. At the liability stage, the parties submitted an Agreed Statement of Facts (“ASF”), which we accepted. The members of the panel deliberated and unanimously concluded that the Former Student was guilty of the offences with which she had been charged. At the penalty phase, the parties made a Joint Submission on Penalty (“JSP”). The panel deliberated and unanimously concluded that we should accept the joint submission. Later on June 17, 2024, we signed an order. These are our reasons for doing so.

B. Origin of this Judicial Board

3. As this case concerns the conduct of a graduate of the University rather than a current student, the University established a Judicial Board to hear the charges. Disciplinary proceedings against graduates find their jurisdiction in the *University of Toronto Act, 1947* (the “1947 Act”). Under s. 2(14)(e) of the *University of Toronto Act, 1971* (the “1971 Act”), the Governing Council may appoint committees and delegate power and authority to them to act on its behalf where the majority of the members of the committee are members of the Governing Council.
4. On May 9, 2023, the Executive Committee of the Governing Council resolved to create a Judicial Board to hear this case and render final judgement with respect to it, and appointed the

chair of this board. On December 5, 2023, the Executive Committee appointed the faculty and student members of this board. On March 26, 2024, the Executive Committee appointed a substitute student member of the board.

C. The Charges Against the Former Student

5. On July 26, 2023, the Provost charged the Former Student under the 1947 Act as follows:

1. On or before April 18, 2022, you were guilty of infamous conduct in that you forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, and/or attempted to utter, circulate or make 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 as of 2020-04-22 bearing document number 0840890 (the “Purported Transcript”).

2. On or before April 18, 2022, you were guilty of disgraceful conduct in that you forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, and/or attempted to utter, circulate or make use of such forged, altered or falsified record, namely the Purported Transcript.

3. On or before April 18, 2022, you were guilty of conduct unbecoming a graduate of the University in that you forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, and/or attempted to utter, circulate or make use of such forged, altered or falsified record, namely the Purported Transcript.

Particulars:

- a) You were a student at the University of Toronto from 2016 to 2020.
- b) You received a Bachelor of Science degree from the University in June 2020.
- c) On or before April 18, 2022, you knowingly circulated the Purported Transcript to World Education Services, a non-profit enterprise that provides credential evaluations.

- d) The transcript you submitted did not accurately reflect the information contained on your official University of Toronto transcript and academic record.
- e) Rather, the document that you created and/or submitted to World Education Services altered and falsified the information contained on your official University of Toronto transcript and academic record.
- f) You submitted the altered and falsified information about your academic record to World Education Services for the purpose of enhancing your academic record to obtain an academic and/or employment advantage.

D. The 1947 Act

6. Because this case concerns a former student, its jurisdictional basis differs from that applicable to current students. The references in the Provost's charges to the Former Student being guilty of "infamous conduct", "disgraceful conduct", and "conduct unbecoming a graduate of the University" stem from s. 48(c) of the 1947 Act. That subsection endowed the Senate of the University with the power and duty to:

(c) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act*, may be conferred upon commissioners appointed under the provisions of that Act;

7. This authority, along with the other powers and duties of the former Senate, was vested in the Governing Council by s. 2(14) of the 1971 Act.

E. The Offences

1. The Former Student

8. In Fall 2016, the Former Student first registered in the Faculty of Arts and Science at the University. In June 2020, she graduated with a B.Sc. with majors in mathematics and statistics.

2. The Former Student retains Ms. Zhihui

9. In early 2020, at a friend's suggestion, the Former Student retained an agent named Xu Zhihui to assist her in navigating the application process for graduate schools. This included communication with admissions departments and completing document submissions to apply for a master's program at Johns Hopkins University in Baltimore, Maryland. The Former Student paid Ms. Zhihui US\$5,000.

10. Ms. Zhihui was affiliated with an organization called A&L International Education Center. The Former Student was aware of this, but when she retained Ms. Zhihui she did not know anything else about A&L or its activities.

11. In Spring 2020, the Former Student gave Ms. Zhihui documents regarding her education history, including a true copy of her University transcript. The Former Student understood that Ms. Zhihui would prepare and send an application to Johns Hopkins on her behalf. However, the Former Student admits that she never reviewed any materials Ms. Zhihui prepared on her behalf for her application to Johns Hopkins, which the Former Student agrees is a prestigious university where admission is competitive.

12. The Former Student's cumulative grade point average ("CGPA") at the University was 2.08. This was a weak academic record, and the Former Student admits that it would be unlikely that she could be admitted to Johns Hopkins on the basis of it.

13. On a Chinese-language website, A&L held itself out as providing consultancy services for studying in the United States, with services including “guaranteed admission to the Ivy League universities”. The Former Student was unaware of these webpages until they were brought to her attention in the course of this proceeding.

3. Circulation of the falsified transcript

14. In April 2020, Ms. Zhihui sent a purported version of the Former Student’s University transcript to World Education Services (“WES”), a credential evaluation service, along with some of the Former Student’s personal details. As we set out below, the transcript that Ms. Zhihui sent to WES was falsified. The Former Student was not specifically aware that Ms. Zhihui was using WES’s services or that she had created the falsified transcript. Nevertheless, she accepts and agrees that she is responsible for the circulation of the falsified transcript to WES on her behalf.

15. The falsified transcript was not a true copy of the Former Student’s University transcript. It did not accurately reflect her academic record at the University. Instead, it had been forged, altered and falsified, including by changing the Former Student’s courses and years of study, student number, Ontario Education Number, and year of graduation. It also inflated her grades significantly, such that her CGPA was represented as being 3.74, not 2.08.

16. The falsified transcript accurately recorded the Former Student’s name, birthday and month, and the title of her degree.

4. Falsified transcript is discovered

17. In April 2022, WES sent an email to Sana Kavar, then the Manager of the University’s Transcript Centre, attaching a copy of the falsified transcript and asking her to verify its

authenticity. Ms. Kavar advised that the falsified transcript was inaccurate and did not reflect the Former Student's academic record at the University.

5. The Former Student's admissions

18. The Former Student made a series of admissions in connection with this proceeding, which were recorded in the ASF. These included that she had recklessly created the circumstances for the circulation of the falsified transcript by: paying her agent US\$5,000 to apply to Johns Hopkins on her behalf; failing to investigate A&L and the services it offered; and failing to supervise Ms. Zhihui or to review the materials that Ms. Zhihui had sent to WES on her behalf to ensure their accuracy and authenticity.

19. While she did not consider it at the time, the Former Student also admitted that the circulation of the falsified transcript occurred as a result of her failure to supervise Ms. Zhihui. The Former Student thus admitted that she was responsible for Ms. Zhihui's circulation of the falsified transcript to WES. Finally, the Former Student admitted that her conduct was infamous, disgraceful, and conduct unbecoming a graduate, contrary to s. 48(c) of the 1947 Act.

F. Decision on Liability

20. We reviewed the ASF, and heard submissions from Mr. Shah for the Provost regarding liability. Ms. Parry for the Former Student indicated that she had nothing to add. No other evidence was tendered before us. The Former Student did not speak or offer further evidence. We then retired to consider the matter.

21. As noted in *University of Toronto v. Y.Y.* (Nov. 22, 2022) at paras. 15 and 19, subsection 48(c) of the 1947 Act is broad, referring in relevant part to "infamous conduct, disgraceful conduct, and conduct unbecoming a graduate of the University". This contrasts with the detailed language of the *Code of Behaviour on Academic Matters* ("Code") that applies to current

students at the University. The Code lists specific offences in section B, which range in degrees of seriousness. The relationship between the offences listed in subsection 48(c) of the 1947 Act and those listed in the Code is an open question. The question arises from the wording of the charges in this case, which trace the offence under paragraph B.I.1(a) of the Code and equate it with offences under subsection 48(c) of the 1947 Act. If a former student commits an act which, if the former student had committed the act while a current student at the University, would have been an offence under the Code, is that act an offence under subsection 48(c) of the 1947 Act?

22. This case does not require us to give a blanket answer to that question. It seems to us, for example, that some acts which would constitute an offence under the Code had they been committed by a current student might not rise to the level of seriousness required to amount to an offence under subsection 48(c) of the 1947 Act.¹ We also note that some conduct which, had it been committed by a current student, would constitute an offence under the Code could not realistically be committed by a former student. We would not want to suggest, of course, that the broad language of section 48(c) is limited to conduct which would be captured by the Code had that conduct been engaged in by a current student. We need not address those questions.

23. Rather, in this case we need address only a narrower question: whether the knowing (with “knowing” defined to include negligence or wilful blindness) circulation of a falsified transcript prepared for the purpose of having it verified by a credential verification agency and confirmed as accurate by the University so that it could be submitted as part of an admission application to

¹ We note, for example, that section B.I.4 of the Code permits the Provost to charge a graduate of the University with offences under the Code alleged to have been committed knowingly while the graduate was an active student when, in the Provost’s opinion, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was. This provision addresses offences alleged to have been committed before a student graduates but are charged only after the student has graduated. It is consistent with our suggestion that only cases involving serious offences may be pursued against former students.

a graduate program at another university is serious misconduct that is an offence under subsection 48(c) of the 1947 Act. In our view, on the evidence before us, the answer is “yes”.

24. Our unanimous conclusion was that the Former Student was guilty of “infamous conduct, disgraceful conduct, and conduct unbecoming a graduate of the University” under s. 48(c) of the 1947 Act. We reached this conclusion for the following reasons.

25. First, the ASF indicates that the Former Student had circulated, through her agent, a falsified transcript supposedly reflecting her academic record at the University with the purpose of having its supposed authenticity confirmed so that she could use it to seek admission to a graduate program at another University. The Former Student had retained Ms. Zhihui to apply to other universities for admission on her behalf, and was negligent or wilfully blind about Ms. Zhihui’s use of a falsified transcript for this purpose.

26. There is no evidence that the Former Student had any direct role in producing the falsified transcript, or that she had actual knowledge that Ms. Zhihui had produced it and circulated it to WES. However, the Former Student could not have had a reasonable expectation that there was a real prospect that she could be admitted to a graduate program at a leading research university such as Johns Hopkins on the basis of her weak academic record at the University, just as in *University of Toronto v. Y.L.* (September 10, 2021) at para. 29. The Former Student paid Ms. Zhihui US\$5,000 for services which, on their face, would appear to be worth only a fraction of that amount. The logical inference, and we so find, is that the Former Student did so for the purpose of Ms. Zhihui taking steps to obtain graduate admission for her at a leading American university using whatever means she deemed necessary, including massaging her transcript into a falsified form that would appear more congenial to an admissions committee.

27. Second, there was a direct connection between the Former Student's conduct and the University. Her agent prepared a falsified University transcript to seek admission to other universities for the Former Student, and sought WES's seal of approval as a preliminary step, which involved asking the University to verify a falsified transcript.

28. Third, the scheme in which the Former Student was involved had a commercial element. She paid Ms. Zhihui to prepare applications for other universities on her behalf. A reasonable inference is that she believed that she was being provided with a valuable service in return for her payment, and that Ms. Zhihui believed the same. In sum, the Former Student paid to have Ms. Zhihui cheat for her. As in *University of Toronto v. Y.Y.*, *supra* at paras. 57, 65, 67, this commercial element negatively colours our view of the Former Student's conduct, and makes that conduct more serious.

29. Having reached this conclusion, we found the Former Student guilty of the offences charged under s. 48(c) of the 1947 Act.

G. Penalty

30. Following our decision on liability, we received a JSP from the parties, and heard submissions from counsel about it. The parties sought a five year suspension of the Former Student's degree, and related relief. We retired to consider the JSP and the parties' submissions. We unanimously agreed to accept the JSP, and ordered accordingly.

31. As I noted in *University of Toronto v. Y.Y.*, *supra* at para. 66, in considering the appropriate penalty, Judicial Boards have found it useful to consider the *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) factors that the University Tribunal relies on in making decisions on penalty (*e.g.*, *University of Toronto v. A.K.G.* (October 14, 2008) at

para. 17; *University of Toronto v. T.C.H.* (October 29, 2019) at para. 42; *University of Toronto and C.Y.* (August 14, 2023) at para. 36). We apply those factors below.

32. ***Character of the Former Student.*** The Former Student co-operated in the discipline process by entering into an ASF and a JSP. We view her cooperation as a positive development. However, we note that she did not apologize for her conduct or express remorse, unlike in *University of Toronto v. X.C.* (March 3, 2023). On balance, we view this as a slightly positive factor.

33. ***Likelihood of Repetition of the Offence.*** This factor is challenging to apply with respect to the Former Student. We lack evidence as to whether there is a realistic prospect that she might seek admission to another university and be tempted to reoffend by using a falsified version of her transcript to do so. We consider this to be a neutral factor and give it little weight in our analysis.

34. ***Nature of the Offence.*** The offence here—which is premised on the use of a falsified transcript—is extremely serious. Judicial Boards and the University Tribunal have emphasized its significance: see *University of Toronto v. A.K.G.*, *supra* at para. 18; *University of Toronto v. T.C.H.*, *supra* at para. 44. And as noted above, the commercial nature of the offence is an aggravating factor in determining penalty. This factor weighs in favour of a significant penalty.

35. ***Extenuating Circumstances.*** Neither the ASF nor the JSP contained any facts which could be considered extenuating circumstances, and there was no other evidence before us of such circumstances. There is no evidence with regard to this factor.

36. ***Detriment to the University.*** The detriment to the University that results from the circulated of falsified University transcripts is considerable. It is essential to the academic reputation of the University that third parties (such as other universities and potential employers) have confidence in the integrity of University transcripts. Former students who falsify their transcripts, or circulate (either directly or indirectly) falsified transcripts, cheat at the expense of the University itself and other graduates and current students of the University. Wilful blindness regarding cosmetic surgery on transcripts for profit is deeply harmful to the University's academic mission and cannot be tolerated.

37. In our view, this factor weighs in favour of a significant penalty.

38. ***Deterrence.*** In our view, deterrence is a significant consideration for circulation of falsified transcripts by graduates of the University. Graduates must appreciate that such conduct will be severely punished as a deterrence.

39. In our view, this factor weighs in favour of a significant penalty.

40. Taken together, the *Mr. C.* factors weigh in favour of a significant penalty consistent with that provided for in the JSP. We note that the five year suspension agreed to here is the most serious penalty imposed on former students short of a recommendation that their degree be revoked.

41. As indicated in *University of Toronto v. Y.Y.*, *supra* at paras. 77-79, the case law in this area suggests the following conclusions.

42. First, the offences listed in s. 48(c) of the 1947 Act are serious, and presumptively, a serious penalty is warranted for them. As a Judicial Board made plain in *University of Toronto v.*

Y.L., *supra*, at para. 35, “Students who seek to retain such agents to apply to post-graduate programs on their behalf will be subject to serious sanctions where they turn a blind eye to the **obvious dishonest misconduct** which is being undertaken by these agencies for commercial gain.” [emphasis in original]. This was recently reconfirmed in *University of Toronto v. C.Y.*, *supra*, at para. 25.

43. Second, Judicial Boards have repeatedly confirmed that where a former student has been found guilty under s. 48(c) of the 1947 Act of an offence relating to a falsified transcript, the normal penalty is recall and cancellation of the former student’s degree (as in *University of Toronto v. C.Y.*, *supra*; *University of Toronto v. Mr. H.*, *supra*), unless there is an agreed statement of facts or joint submission on penalty (e.g., *University of Toronto v. Y.L.*, *supra* (five year suspension), the Provost seeks a lesser penalty (e.g., *University of Toronto v. A.K.G.*, *supra* (five year suspension)), or at least the former student attends (or is represented at) the hearing (as in the *University of Toronto v. T.C.H.*, *supra* (five year suspension)). This was recently confirmed in *University of Toronto v. C.C.T.* (April 23, 2024) at paras. 26-29

44. We also note that the distinction (e.g., in *University of Toronto v. T.C.H.*, *supra* at paras. 45-47, 50) in cases of forgery or falsification of transcripts of other documents between a former student’s recklessness in failing to supervise an agent acting on his or her behalf, and the former student’s active participation in the forgery or falsification. Both must be condemned, but in principle the latter is more serious. The parties here agree that the Former Student’s conduct falls into the former category. We share that view.

45. The JSP is, in our view, consistent with these conclusions. We accept, as noted in *University of Toronto v. C.C.T.*, *supra* at paras. 16-17, that we should uphold joint submissions on penalty absent exceptional circumstances. We find no such exceptional circumstances here.

46. For these reasons, the panel found the Former Student guilty of infamous conduct, disgraceful conduct, and conduct unbecoming a graduate of the University under s. 48(c) of the 1947 Act in connection with the circulation of a falsified University transcript dated April 22, 2020, and ordered that:

- (a) the Bachelor of Science degree conferred by the University on the Former Student be suspended for five years from the date of this Order;
- (b) in the event that the Former Student locates her degree certificate evidencing the Bachelor of Science degree conferred on her by the University during the period of suspension, the Former Student be required and directed to surrender the degree certificate to the University;
- (c) the fact that the University has suspended for five years the Bachelor of Science degree it conferred on the Former Student be recorded for a period of five years from the date of this Order on her academic record and transcript; and
- (d) this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 16th day of August, 2024.

Original signed by:

Paul Michell, Associate Chair
On behalf of the Panel