

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

Members of the Panel:

Raj Anand, Co-Chair

Deep Grewal, Student member, Faculty of Applied Science and Engineering

Rajka Soric, Faculty member, Faculty of Medicine

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended;

AND IN THE MATTER of the *University of Toronto Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER of disciplinary charges against Mr. S.

Alex Henderson, for the Student

Lily I. Harmer, for the University of Toronto

In attendance:

Mr. S.

I.M., Associate Dean, University of Toronto at Scarborough

REASONS FOR DECISION

[1] A hearing of the Trial Division of the University Tribunal was convened at 5:00 p.m. on Wednesday, February 27, 2002, in the Board Room, Simcoe Hall, to consider six charges under the *Code of Behaviour on Academic Matters* laid against S.S. by letter dated July 13, 2001 from the Vice-President and Provost, Professor Adel Sedra. At the commencement of the hearing Ms. Harmer advised that the University was not proceeding on counts 4 through 6 respectively, leaving the following three charges against Mr. S.:

1. On or about April 12, 2001, you did knowingly forge or in any other way alter or falsify any academic record, and/or did knowingly utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

contrary to Section B.I.3(a) of the *Code of Behaviour on Academic Matters, 1995*.

Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you forged or in any other way altered or falsified any academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form. In particular, you created and/or sent a document that purported to be a University of Toronto Transcript of Consolidated Academic Record to the Pennsylvania College of Optometry as part of your application for admission to that institution. This document was not in fact an official University of Toronto Transcript of Consolidated Academic Record. The document that you created and/or submitted to the College misrepresented some of the course that you had taken at the University of Toronto. The details of the misrepresentations are set out in a table accompanying these charges. [Appendix A to the Reasons for Decision]

2. On or about April 12, 2001, you did knowingly forge or in any other way alter or falsify any academic record, or did knowingly utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form contrary to section B.I.3(a) of the *Code of Conduct on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you forged or in any other way altered or falsified any academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form. In particular, you created and/or submitted a letter that purported to be a letter of recommendation from M. Filosa, Ph.D. in support of your application to the Pennsylvania College of Optometry. Filosa did not write this letter in support of your application.
3. On or about April 12, 2001, you did knowingly forge or in any other way alter or falsify any academic record, or did knowingly utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form contrary to section B.I.3(a) of the *Code of Conduct on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you forged or in any other way altered or falsified any academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form. In particular, you created and/or submitted a letter that purported to be a letter of recommendation from Professor Ron Dengler in support of your application to the Pennsylvania College of Optometry. Professor Dengler did not write this letter in support of your application.

[2] An Agreed Summary of Facts dated February 27, 2002 and signed by Mr. S., Mr. Henderson, and Ms. Harmer was admitted into evidence. The Agreed Summary of Facts provided the following details:

1. During the period 1997 (Fall Session) to 2001 (Winter Session) Mr. S. completed four years (8 sessions) of an Honours Bachelor of Science Degree at the University of Toronto

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

at Scarborough. He made a request to graduate, and was scheduled to graduate on June 14, 2001.

2. On or about April 12, 2001, Mr. S. applied for admission to the Pennsylvania College of Optometry in Elkins Park, Pennsylvania (“the College”).
3. With that application Mr. S. submitted the following documents:
 - (i) A document entitled “University of Toronto Transcript of Consolidated Academic Record – Student Copy” which purported to be an official transcript from the University of Toronto containing a summary of Mr. S.’s academic record;
 - (ii) A letter of reference/evaluation purporting to be signed by Professor Ron Dengler;
 - (iii) A letter of reference/evaluation purporting to be signed by Professor Michael Filosa;
 - (iv) A letter of reference/evaluation signed by Professor L. Sawchuk.
4. Professors Dengler and Filosa received a letter from the Director of Admissions at the College thanking them for the provision of the letters of evaluation. This was the first indication either professor had that Mr. S. had applied for admission to the College, and that in so doing he had submitted letters in support of Mr. S. purporting to be authored by them.
5. Upon investigation, the University learned that Mr. S. had also submitted a false transcript to the College. A comparison of that false transcript with Mr. S.’s official University Transcript revealed that Mr. S. altered the information in 42 different instances. The details of those alterations are described in the Table attached as Appendix A [Appendix A to the Reasons For Decision].
6. Mr. S. acknowledges that he manufactured the false “University of Toronto at Scarborough” letterhead on which the Filosa and Dengler letters are printed, he made-up the contents of those letters, which content was false, and he forged the signatures of Professor Filosa and Professor Dengler on those letters.
7. Mr. S. also acknowledges that he created the false University of Toronto transcript submitted by him to the College. In particular, he admits that in creating the false transcript he forged, altered and falsified his academic record in 42 instances as described in the Table attached as Appendix A. [Appendix A to the Reasons for Decision].

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

8. Mr. S. acknowledges that he knowingly forged, altered and falsified the academic records as described above, and knowingly circulated and made use of the forged, altered and falsified records contrary to section B.I.3(a) of the Code of Behaviour on Academic Matters (the “Code”). As such, he acknowledges that he is guilty of charge numbers 1, 2 and 3 contained in the University’s letter to him of July 13, 2001.

[4] Following deliberations, the Panel was satisfied that Mr. S. is guilty of charges 1 through 3 detailed above.

SANCTION

[5] The bulk of the hearing was devoted to this issue. The University asked for a recommendation of expulsion under Section C.II.(b)(1)(i) of the *Code*. If accepted by Governing Council, the expulsion would be recorded on Mr. S.'s academic record and transcript permanently. The University also requested that we report the case to the Provost under s. C.II.(b)(3) for publication in University newspapers. Mr. S., through his representative, submitted that the appropriate sanction was a four-year suspension under s. C.II.(b)(1)(h), together with recording for the same period as well as reporting to the Provost for publication.

[6] The University did not call any evidence. Mr. Henderson provided some information concerning his client. Mr. S. was just 16 years old when he entered the University, having skipped two grades. He made what were characterized as significant contributions to the University during his four years as a student, through his participation in the creation of three CD ROMs which were admitted as Exhibits 8 to 10, and through his work as News Editor for the University of Toronto Pulse on line magazine.

[7] This is a very serious case. It represents one of the most pervasive schemes of dishonest conduct that we have seen, from our review of the extensive set of student discipline decisions at this University that was provided to this Tribunal. Mr. S. engaged in a planned, deliberate and extensive re-writing of his academic record, as well as the fabrication of two reference letters from his professors. Through the 42 changes to his transcript and the creation of two manufactured reference letters, he radically misrepresented the quality and details of his mediocre performance at the University; the resulting account of his academic history at the University bore little resemblance to reality.

[8] There are only two similar cases among the dozens which were provided or summarized during the hearing. Case number 1996/97-05 involved the falsification of many grades and several documents over a lengthy period; Case number 1997/98-04 saw the submission of several misleading pieces of admission information in order to re-tell the student's story in a way that was knowingly false. Both cases resulted in a recommendation of expulsion, as well as notation and reporting.

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

[9] The same sanctions must be applied in this case. The admitted acts display a significant element of deceit. While these were “first offences”, in fact there were three, and they were undoubtedly time-consuming, conscious and extensive projects, involving the production of false transcripts and letters, including a watermark, letterhead and signatures. There are some mitigating circumstances: Mr. S.’s admission of his actions when he was first confronted by the University, and his guilty pleas before the Tribunal; and our concern about the finality of expulsion and its impact on a student who was about to graduate at age 20. It is difficult to assess the likelihood of repetition; the planning and effort which were evidenced in Mr. S.’s actions suggest a willingness to threaten the evaluation process and the integrity of the University community.

[10] Most important, in our view, are the considerations of detriment to the University and general deterrence. Any university evaluation system is vulnerable to such acts of deception, and has suffered enormously in this case. Moreover, this Tribunal must convey the message that strong measures will be taken against persons who falsify University records. Only in this way can such actions be prevented in the future.

[11] We therefore recommend to the President that Mr. S. be expelled from the University. We wish to report this case to the Provost for purposes of publication.

March 24, 2002

I certify that this is the decision of the Panel

Raj Anand

Raj Anand, Co-Chair

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

Appendix "A" to the Reasons for Decision

Table of Discrepancies Between Document		Submitted to College of			
Optometry and		Official Student Academic Record			
Course Code	Course Title	Grade Reported to College		Grade per OSAR	
BGYA01Y	INTRODUCTORY BIOLOGY	A-		D+	
CHMA02Y	GENERAL CHEMISTRY	B+		E	
HISB03Y	HISTORY OF U.S.A.	A		C+	
MATA26Y	CALCULUS	B		E	
PHYA10F	DYN CLASSICAL SYSTEM	A		B-	
PHYA20F	PRINC CLASSICAL PHYS	A		Does not appear	
EESA01S	INTRO ENVIR SCIENCE	Does not appear		B-	
ANTA01A	INTRO ANTHROPOLOGY	A		B+	
CHM137Y	GENERAL CHEMISTRY	A-		D+	
BGYB10Y3	CELL & MOLECULAR BIO	85	A	56	D
BGYB50Y3	ECOLOGY & EVOLUT BIO	88	A	77	B+
CHMB44Y3	ORGANIC CHEMISTRY I	70	B-	63	C
ENGB35H3	CHILDREN'S LITERATURE	78	B	70	B-
ENGB41H3	SCIENCE FICTION	78	B	71	B-
BGYC12H3	BIOCHEM I: PROT & ENZYM	75	B	53	D
BGYC15H3	TRANSMISSION GENETIC	80	A-	64	C
CSCA02H3	THE WHY AND HOW OF COMPUTING	88	A	79	B+
PSYA01H3	INTRO PSYCHOLOGY	80	A-	Does not appear	
BGYB12H3	CELL & MOLEC BIO LAB	82	A-	68	C+
BGYB30Y3	PLANT & ANIMAL PHYSIOL	87	A	53	D
BGYC13H3	BIOCHM II: BIOENERGET	71	B-	60	C-
BGYC17H3	BACTERIAL CELL	81	A-	67	C+
BGYC29H3	PLANT HISTOLOGY	70	B-	50	D-
BGYD21H3	LAB I: HOST VECTORS & CLONING	79	B+	62	C-

IN THE MATTER OF DISCIPLINARY CHARGES AGAINST MR. S.

Appendix "A", continued, to the Reasons for Decision

<p align="center">1997 Winter Session</p> <p>Sessional GPA Reported: 3.60 Sessional GPA Per OSAR: 1.38</p> <p>Cumulative GPA Reported: 3.60 Cumulative GPA Per OSAR: 1.38</p> <p>Status Reported: In Good Standing Status Per OSAR: On Academic Probation</p>	<p align="center">1998 Summer</p> <p>Sessional GPA Reported: 3.85 Sessional GPA per OSAR: 2.30</p> <p>Cumulative GPA Reported: 3.67 Cumulative per OSAR: 1.64</p>
<p align="center">"1998 Winter" or "1999 Winter"</p> <p>Sessional GPA Reported: 3.54 Sessional GPA Per OSAR: 2.66</p> <p>Annual GPA Reported: 3.54 Annual GPA Per OSAR: 2.66</p> <p>Cumulative GPA Reported: 3.62 Cumulative GPA Per OSAR: 2.07</p>	<p align="center">1999 Summer</p> <p>Sessional GPA Reported: 3.00 Sessional GPA Per OSAR: 2.70</p> <p>Cumulative GPA Reported: 3.57 Cumulative GPA Per OSAR: 2.12</p>
<p align="center">1999 Fall</p> <p>Sessional GPA Reported: 3.60 Sessional GPA Per OSAR: 2.10</p> <p>Cumulative GPA Reported: 3.57 Cumulative GPA Per OSAR: 2.11</p>	<p align="center">2000 Winter</p> <p>Sessional GPA Reported: 3.65 Sessional GPA Per OSAR: 2.43</p> <p>Annual GPA Reported: 3.63 Annual GPA Per OSAR: 2.34</p> <p>Cumulative GPA Reported: 3.59 Cumulative GPA Per OSAR: 2.18</p>
<p align="center">2000 Summer</p> <p>Sessional GPA Reported: 4.00 Sessional GPA Per OSAR: 4.00</p> <p>Cumulative GPA Reported: 3.62 Cumulative GPA Per OSAR: 2.32</p>	<p align="center">2000 Fall</p> <p>Sessional GPA Reported: 3.33 Sessional GPA Per OSAR: 2.13</p> <p>Cumulative GPA Reported: 3.60 Cumulative GPA Per OSAR: 2.30</p>