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FILE: 2004-05-06

PERSONAL & CONFIDENTIAL

Via E-mail, Registered Mail and Regular Mail

July 5, 2005

Dear Student:

Re: Your Hearing by the Trial Division, University Tribunal – May 10, 2005

The Trial Division of the University Tribunal proceeded with a hearing on Tuesday, May 10, 2005 to consider the charges against you.

Before proceeding to hear the charges, the panel heard evidence of the efforts undertaken by this office to serve you with the Notice of Hearing. They unanimously found that there was clear and convincing evidence that reasonable notice of the hearing was given to you in accordance with Section 6 (1) of the Statutory Powers Procedures Act as well as appropriate notice pursuant to Section C.II.(a)4 of the University of Toronto *Code of Behaviour on Academic Matters*. The panel concluded that it was clear from the evidence, including an e-mail to which you responded in the fall of 2004, that you were aware of the charges that were pending against you. The panel heard that this office then made repeated efforts by e-mail to that same address, by courier, by mail, by telephone and by process service to deliver the Notice of Hearing to you.

The panel further noted that it was your responsibility to maintain your up-to-date contact information on the student information system (ROSI), that this was known to you, that there was ample evidence that you had repeatedly accessed your ROSI account and that changes of address had been recorded in the fall of 2004. The University used two of the more recent addresses from your ROSI file. Therefore, if you did not receive the notice of hearing it was because of your own fault.

The panel therefore accepted the University's submission that the Hearing should proceed.

The panel proceeded to hear the charges that you had received in late 2004:

1. In or about January 2004 you did knowingly forge or in any other way alter or falsify an academic record, and/or did utter, circulate or make use of such forged, altered or falsified record, whether the record be in print or electronic form, namely, a Display of Academic History from Student Web Services, contrary to Section B.I.3.(a) of the *Code of Behavior on Academic Matters, 1995* ("Code"). 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.
2. In the alternative, in or about January 2004, you did knowingly forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form, namely, a Display of Academic History from Student Web Services, contrary to Section B.I.3.(b) of the *Code*. 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 document or evidence required by the University, and/or uttered, circulated or made use of any such forged, altered or falsified document.
 3. In the alternative, in or about January 2004, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind contrary to Section B.1.3.(b) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

The panel found you guilty of the charge outlined in section 1 above. The charges outlined in sections 2 and 3, being in the alternative, were dismissed.

The panel's reasons for their decision were as follows. The panel was unanimous in its finding that there was clear and convincing evidence to meet the standard of proof, required by the *Code of Behaviour in Academic Matters*, that you were guilty of the charges in section 1. They found that you could not also be found guilty of the alternative charges and, therefore, charges 2 and 3 were dismissed.

With respect to sanction, the panel unanimously accepted the submission of the University:

- to recommend to the Governing Council that you be expelled from the University of Toronto;
- that if this recommendation is approved by the Governing Council, the expulsion be recorded on your academic record permanently; and,
- that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with your name withheld.

The panel was persuaded that the sanctions requested by the University were appropriate for the following reasons. You falsified your academic record and the panel believes that this was done deliberately. The panel heard evidence that you lied about petitioning to have your papers remarked. There was evidence that you evaded service of the notice of hearing. And, very importantly, you attempted to implicate an academic advisor at the UTSC in your scheme. The advisor seems competent and it is noteworthy that, at the time of this incident, she did not have a lot of experience. By trying to implicate this innocent person you could have destroyed her career. This makes your offence particularly egregious and is an indication of your character.

Further, the panel saw no evidence of mitigating factors. The evidence was clearly overwhelming that this was a deliberate forgery by you of your academic record. The panel

was unable to deduce the likelihood of you repeating such an offence. While there is no evidence of possible repetition, your absence from the hearing meant that there also no assistance from you in helping the panel to gauge this.

The panel believed that, in the absence of evidence from you, there could be a likelihood that your behaviour would be repeated.

The panel believes that this offence is as egregious as any that can be committed by a student. Your marks are the essence of what you take with you. Your knowledge and the proof of your knowledge in your academic record can be of life-long assistance to you. An attempt to alter this record is very serious.

The panel did not hear of extenuating circumstances. Since you did not show up at the hearing to provide evidence on that point, the panel had no way of gauging whether the excuses you provided to Professor Cheng were fabrications or accurate. The panel is of the view that it would be detrimental to the University, in fact to any university, to impose anything other than a very serious punishment for forging a transcript. Likewise, it is important that the University community be shown how seriously this offence is viewed. It is important to the panel that a message be sent discouraging others from committing a similar offence.

The panel unanimously found that suspension was not a sufficient sanction in this case. They noted that you had already been suspended for a year and it obviously meant nothing to you. The panel was unanimous in its view that expulsion from the University of Toronto is the appropriate sanction.

Information concerning rights of appeal may be found in Section E. Of the *Code of Behaviour on Academic Matters* available at <http://www.utoronto.ca/govcncl/pap/policies/behaveac.html>. The deadline for you to file an appeal is **5:00 p.m. on Friday, June 10, 2005**. Any appeal should be addressed to the Judicial Affairs Officer at the Office of the Governing Council.

Yours sincerely,

BEVERLEY D. STEFUREAK
Acting Secretary of the Tribunal

cc: Rodica David
Edith Hillan
Nora Gillespie
Lily Harmer
Nick Cheng