

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on April 3, 2008;

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

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

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

Mr. [REDACTED] [REDACTED] [REDACTED]

Members of the Panel:

- Mr. Clifford Lax, Chair
- Professor Carolyn Pitchik, Faculty Panel Member
- Mr. Sybil Derrible, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel
- Professor Susan Pfeiffer, Dean, School of Graduate Studies

Preliminary

- [1] The Trial Division of the University Tribunal was convened on February 18, 2009 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated April 3, 2008 from Professor Edith Hillan, Vice-Provost, Academic.
- [2] Assistant discipline counsel, Ms. Harmer, introduced two emails from the Student, dated February 17, 2009 at 7:13 p.m. and 7:19 p.m. (Exhibits 2 and 3 respectively). To the first email the Student attached the signed signature pages to the Agreed Statement of Fact (ASF) and the Joint Submission on Penalty (JSP); the second email confirmed that he would not be in attendance at the hearing scheduled for the evening of February 18, 2009.

- [3] Ms. Harmer reviewed the Notice of Hearing (Exhibit 1), which informed the Student that:

"You may choose to attend the hearing with or without representation, or not to attend at all. If you do not attend, the hearing may take place without you and you will not be entitled to further notice in the proceeding. If you do not attend you will be notified in writing of the outcome."

The panel was then reminded of the provisions of the Statutory Powers Procedure Act (SPPA), Section 7.1, which permits administrative tribunals to proceed in the absence of a party, provided proper Notice of Hearing has been given.

- [4] In light of the provisions of the SPPA, the content of the Notice of Hearing, and the emails from the Student, the panel permitted the hearing to proceed in the Student's absence.

Hearing on the Facts

- [5] The charges are as follows:

1. In or about March, 2006, you knowingly 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 academic record, namely, an application for admission to the School of Graduate Studies, University of Toronto dated March 21, 2006 (the "Application"), contrary to section B.I.3.(a) of the *Code*.
2. In or about March, 2006, you knowingly 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 academic record, namely a NED University of Engineering & Technology Transcript of Academic Records ("Transcript"), submitted in support of the Application, contrary to section B.I.3.(a) of the *Code*.
3. In or about March, 2006, you knowingly 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 academic record, namely a Diploma conferring a Bachelor of Engineering degree from NED University of Engineering & Technology ("Diploma"), submitted in support of the Application, contrary to section B.I.3.(a) of the *Code*.
4. On or about January 24, 2008, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, and/or uttered, circulated or made use of any such forged, altered or falsified academic record, namely a letter to the University of Toronto dated January 24, 2008, from NED University of Engineering & Technology ("January 24, 2008 Letter"), contrary to section B.I.3.(a) of the *Code*.
5. In the alternative, in or about March 2006, you knowingly forged or in any other way altered or falsified a document or evidence required by the

University, and/or uttered, circulated or made use of any such forged, altered or falsified document, namely an application for admission to the School of Graduate Studies, University of Toronto dated March 21, 2006, contrary to section B.I.1.(a) of the *Code*.

6. In the alternative, in or about March 2006, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, and/or uttered, circulated or made use of any such forged, altered or falsified document, namely a NED University of Engineering & Technology Transcript of Academic Records, submitted in support of the Application, contrary to section B.I.1.(a) of the *Code*.
7. In the alternative, in or about March, 2006, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, and/or uttered, circulated or made use of any such forged, altered or falsified document, namely a Diploma conferring a Bachelor of Engineering degree from NED University of Engineering & Technology, submitted in support of the Application, contrary to section B.I.1.(a) of the *Code*.
8. In the further alternative, contrary to section B.I.3(b) of the *Code*, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind, by:
9.
 - a. submitting a forged, altered or falsified Application in or about March, 2006; and/or
 - b. submitting a forged, altered or falsified NED University of Engineering & Technology Transcript of Academic Records in or about March, 2006, in support of the Application; and/or
 - c. submitting a forged, altered or falsified Diploma conferring a Bachelor of Engineering degree from NED University of Engineering & Technology in or about March, 2006, in support of the Application; and/or
 - d. submitting a forged, altered or falsified letter to the University of Toronto dated January 24, 2008, from NED University of Engineering & Technology.

[6] Particulars of the charges are as follows:

1. In or about March, 2006 you submitted an application for admission to the School of Graduate Studies, Masters of Engineering, at the University of Toronto.
2. On the application form you indicated that you had obtained a Bachelor of Engineering from NED University of Engineering & Technology in Karachi, Pakistan.

3. As part of your application documents you submitted the following documents purporting to be from NED University:
 - a. a diploma conferring on you a Bachelor of Engineering degree; and
 - b. a Transcript of Academic Records in your name.
4. On or about January 24, 2008 you submitted or caused to be submitted to the University a letter dated January 24, 2008 from NED University confirming the authenticity of the Diploma and the Transcript, and that you had been a student at NED University.
5. The information contained in the Application, the Diploma, the Transcript, and the January 24, 2008 letter, was forged or in any other way altered or falsified to make it appear that you had been a student at NED University, that you had received a Bachelor of Engineering Degree from that institution, and that you had achieved a successful academic record there. The Application, Diploma and Transcript were forged, falsified and/or altered to support your application for admission to the University of Toronto. The January 24, 2008 Letter was forged, falsified and/or altered to cover up your other forgeries.

[7] The parties submitted an Agreed Statement of Fact, the details of which are summarized here:

- i. In March 2006, the Student applied to the Masters of Engineering Program at the University of Toronto. As part of his signed application, the Student certified that he had attended NED University of Engineering & Technology in Karachi, Pakistan from January 1999 to February 2003. The Student further certified that he had earned a Bachelor of Engineering Computer Information Systems Degree, achieving a final grade of 76%.
- ii. In support of the admission application, a number of documents were submitted to the University by or on behalf of the Student, including a NED University Transcript of Academic Records and a Diploma conferring a Bachelor of Engineering Degree from NED University.
- iii. In correspondence dated April 13, 2006, the Director of the University's MET (Master of Engineering in Telecommunications) Program advised the Student that the MET Admissions Committee would be recommending to the School of Graduate Studies that the Student be accepted for admission.
- iv. In correspondence dated April 28, 2006, the Dean of the School of Graduate Studies confirmed the University's offer of admission. In correspondence dated April 28, 2006, the Director of Student Services, School of Graduate Studies, advised the Student that if he accepted the offer, he must present his original bachelor's diploma as a condition of admission.

- v. The Student accepted the offer of admission in a Confirmation Form which he signed on June 6, 2006. The Student was admitted to the University's one-year Masters of Engineering Program in the Fall of 2006. He successfully completed his Masters degree in the Winter of 2007 and was eligible to graduate.
- vi. In or about June 2007, the Electrical and Computer Engineering Graduate Office received a telephone call from an individual who stated that the Student did not hold a Bachelor of Engineering degree from NED.
- vii. The University reviewed the documents submitted by the Student in support of his application for admission. A comparison of the Student's transcript with representative samples of NED transcripts that had been submitted by other applicants revealed anomalies that raised concerns about the authenticity of the Student's transcript.
- viii. The University contacted NED by email to request verification of the Student's academic credentials and provided copies of the Transcript and Diploma for authentication. In an email dated October 4, 2007, NED's Deputy Controller of Examinations advised the University "there is no education records of the said candidate found in the Examinations Department and the copies of Degree and Transcript sent to us are found to be fake and forged".
- ix. The University held a Dean's meeting with the Student on December 5, 2007 and December 15, 2007, in accordance with section C.i.(a).6 of the *Code*. The Student acknowledged the inconsistencies in the Transcript and the Diploma but he was unable to offer an explanation for the anomalies. The Student denied having engaged in academic misconduct.
- x. On or about January 24, 2008, the Electrical and Computer Engineering Graduate Office received a letter from NED, confirming the authenticity of the Student's degree. This verification letter was unsolicited and it contradicted the information contained in NED's previous correspondence of October 4, 2007.
- xi. On March 12, 2008, Assistant Discipline Counsel for the University wrote to NED for clarification regarding the conflicting information about the Student's academic standing and credentials.
- xii. NED delivered the following response in a letter dated March 25, 2008:

"We have no doubt to say that there is no educational record of the Student found in the Examinations Department of NED University and the copies of Degree and Transcript of Academic Records sent to us are found to be fake and forged.

Please note that the Student has never enrolled at NED University and the Enrolment number NED-03 8711/99 2000 does not exist and never issued to any student of this University. Moreover, the letter regarding "Verification of Educational Document" annexed with your letter is fake and bogus."

- xiii. On April 3, 2008 the University of Toronto filed charges against the Student under the Code.
- xiv. The Student admits that he knowingly 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 academic record, contrary to section B.I.3.(a) of the *Code*. In particular, he admits that:
 - a. in or about March 2006, he submitted the signed Application in which he certified that he had obtained a Bachelor of Engineering Degree from NED when, in fact, he had never enrolled at NED;
 - b. in or about March 2006, he submitted the Transcript purportedly issued by NED which was, in fact, a forgery;
 - c. in or about March 2006, he submitted the Diploma purportedly issued by NED which was, in fact, a forgery.
- xv. The Student further admits that he knowingly forged or in any other way altered or falsified a document or evidence required by the University, and/or uttered, circulated or made use of any such forged, altered or falsified document, contrary to section B.I.1.(a) of the *Code*. In particular he admits that:
 - a. On or about January 24, 2008, he submitted or caused to be submitted to the University the Verification Letter purportedly written by an NED official confirming the authenticity of the Transcript and Diploma when, in fact, the Verification Letter was a forgery that had not been authored by a representative of NED; and
 - b. He did so for the purpose of concealing his academic misconduct associated with the forged and/or falsified Application, Transcript and Diploma.

[8] The Student was given the opportunity to obtain independent legal advice prior to signing the Agreed Statement of Facts.

Decision of the Tribunal

[9] The Tribunal was satisfied on the basis of evidence and the Student's admission of guilt, and, therefore, registered a conviction on charges 1, 2, 3 and 4. The University withdrew the remaining charges.

Penalty Phase

[10] The parties submitted a Joint Submission on Penalty, in which they jointly recommended that:

- a. The Tribunal recommend to the President that he recommend to Governing Council that the Student be expelled from the University;
 - b. Pending the decision of the Governing Council, the Student be suspended from the University for a period of five years.
- [11] In addition, the University requested that a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld.
- [12] The panel asked for clarification on the difference between a suspension and an expulsion, to which discipline counsel responded that expulsion does not permit the student to automatically return to the University after a set period time.
- [13] The panel noted that the Student was admitted under false pretences since his admittance was based on forged documents. His admittance had negative consequences for the next best legitimate applicant who was rejected. In short, the Student's admittance to the University of Toronto is illegitimate and, therefore, the Tribunal sees no alternative but to recommend expulsion for one who was admitted under false pretences.
- [14] The Joint Submission on Penalty was accepted and the panel recommends the following sanctions:
1. that the President recommend to Governing Council that the Student be expelled from the University of Toronto;
 2. that pending the decision of the Governing Council, the Student be suspended from the University for a period of five years; and
 3. that the decision in this case be reported to the Provost for publication in the University's newspaper with the Student's name withheld.

Dated at Toronto this 30th day of April, 2009

Clifford Lax

Mr. Clifford Lax, Chair