

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 6, 2015,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

C [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: January 21, 2016

Members of the Panel:

Ms. Johanna Braden, Barrister and Solicitor, Chair
Professor Michael Evans, Faculty Panel Member
Ms. Jenna Jacobson, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland, Barristers
Ms. Lauren Pearce, Student-at-law, Paliare Roland, Barristers

In Attendance:

Professor Donald Dewees, Dean's Designate
Ms. Tracey Gameiro, (Observer, January 21, 2016)
Ms. Krista Osborne, Office of Appeals, Discipline and Faculty Grievances

Not In Attendance:

Ms. C [REDACTED] L [REDACTED], Student

1. The Trial Division of the University Tribunal was convened on January 21, 2016, to consider charges brought by the University of Toronto ("the University") against Ms. C [REDACTED] L [REDACTED] ("the Student") under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 ("the Code").

Preliminary Issue: Proceeding in the Absence of the Student

2. The Student was neither present nor represented. The University filed evidence establishing that the Student had been served with the Notice of Hearing dated December 18, 2015 and the Charges dated November 6, 2015, that the Student had expressly acknowledged in writing that she had received reasonable notice of the hearing, and that the Student specifically requested in writing that the Tribunal proceed in her absence. The Student further acknowledged that she understood that, in her absence, the University Tribunal may find that she had committed academic misconduct and impose one or more of the sanctions as set out in the Code.

3. In light of the Student's written acknowledgements, the Tribunal proceeded in the Student's absence.

The Charges and Particulars

4. The Charges and Particulars alleged against the Student are as follows:

1. On or about April 4, 2013, 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 which purported to be your Transcript of Academic Record from the University of British Columbia, contrary to Section B.I.3(a) of the Code.

2. In the alternative, on or about April 4, 2013, you knowingly engaged 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.I.3(b) of the Code.

Particulars of charges

3. On March 22, 2013, you completed an internal application for studies.
4. On April 4, 2013, in support of your application, you submitted a document that you represented to be your official transcript of academic record from the University of British Columbia. You knew that this document was forged, altered, and/or falsified.
5. You were admitted into the Faculty of Arts & Science, and received transfer credit, in part, on the basis of the forged, altered and/or falsified transcript.
6. You were required to submit evidence or documents to the University to support your request. You had an obligation to provide the University with accurate and truthful information. You had an obligation not to provide forged or falsified documents in support of your requests.

5. As to Charges 1 and 2, counsel for the University advised that the University was seeking a finding with respect to only one of them. He further advised that if the Tribunal were to find the Student guilty of Charge 1, the University would withdraw Charge 2.

The Evidence

6. The evidence was tendered by way of Agreed Statement of Facts and Joint Book of Documents. The Agreed Statement of Facts is reprinted below, without the documents referred to therein.

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of this hearing, the Provost and C█████ L█████ ("Ms. L█████") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Ms. L█████ agree that:
 - (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.
2. Ms. L█████ admits that she has received reasonable notice of the hearing. The notice of hearing in this matter is included in the JBD at Tab 1.
3. Ms. L█████ admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 2. Ms. L█████ waives the reading of the charges filed against her and pleads guilty to all charges.
4. Ms. L█████'s academic record at the University of Toronto as of January 19, 2016, is included in the JBD at Tab 3.
 - A. ***Admission to the University for Fall 2012***
5. Ms. L█████ applied for and received an offer of admission from the Faculty of Arts and Science at University of Toronto for the Fall 2012 academic session. In support of her application for admission, Ms. L█████ provided an authentic Transcript of Academic Record from the University of British Columbia ("UBC"), which was dated May 14, 2012 ("2012

Transcript"). A copy of the 2012 Transcript is included in the JBD at Tab 4.

6. The University of Toronto will, in appropriate circumstances, grant students credit for academic work completed at other institutions. Most often, students will apply for such transfer credits when they first receive an offer of admission from the University of Toronto. This is known as on-admission transfer credit ("OATC"). Students who wish to apply for OATC do so through the Transfer Credit Section of the Office of the Faculty Registrar ("TCS").
7. On June 12, 2012, Ms. L■■ applied for OATC based on her studies at UBC as set out in the 2012 Transcript. On June 22, 2012, the TCS granted Ms. L■■ 7.0 transfer credits. On August 16, 2012, the TCS revised the transfer credit assessment and awarded Ms. L■■ 7.50 transfer credits. A copy of the revised transfer credit assessment is included in the JBD at Tab 5.
8. Ms. L■■ did not enroll in any courses for Fall 2012. She did not request to defer her studies.

B. Academic year 2013-2014

9. On or about March 22, 2013, Ms. L■■ completed an Internal Application for Full-Time Undergraduate Degree Studies. She indicated that she wished to start taking course in the Summer 2013 term. A copy of the an Internal Application for Full-Time Undergraduate Degree Studies is included in the JBD at Tab 6.
10. In support of her request, Ms. L■■ wrote a letter indicating that in 2012 she had deferred her studies at the University of Toronto. Ms. L■■ admits that this statement was false and that she did not contact the University in 2012 to request a deferral, nor was a deferral granted. A copy of that letter is included in the JBD at Tab 7.

11. In support of a request for further OATC, on April 4, 2013, Ms. L ■ submitted a forged, altered and falsified UBC Transcript, which was dated April 4, 2013 ("2013 Forged Transcript"). A copy of the 2013 Forged Transcript is included in the JBD at Tab 8.
12. A true copy of Ms. L ■'s authentic UBC transcript, dated August 19, 2015, is included in the JBD at Tab 9 ("2015 Transcript").
13. Ms. L ■ admits that she forged, altered and falsified the 2013 Forged Transcript in ways including, but not limited to the following:
 - (a) She changed her final grade in EOSC 118 from 44/F to 72/B;
 - (b) She added 4 courses in the Summer Session of 2012, which she did not complete; and
 - (c) She excluded 9 courses in Winter Session 2012-2013, which she had either completed or which were in progress.
14. Ms. L ■ admits that she knowingly forged the 2013 Forged Transcript and circulated it to the University as part of her application for OATC knowing that it was forged and/or contained falsified information, contrary to section B.I.3(a) of the *Code*.

C. *Transfer credits awarded and degree obtained*

15. The fact that the 2013 Forged Transcript was not authentic was not discovered and on September 27, 2013, the University awarded Ms. L ■ 8.50 transfer credits towards a degree in the Faculty of Arts and Science.
16. Ms. L ■ was only eligible to receive 7.50 transfer credits based on the courses she actually completed at UBC. She received 1.0 extra transfer credits based on the 2013 Forged Transcript.

17. In addition, Ms. L ■ was permitted to gain admission into the Major in Economics program for which she was not eligible. Ms. L ■ would have been required to complete ECO100Y for the program in the following year.
18. Ms. L ■ admits that she intended the University to rely on the 2013 Forged Transcript in order for her to obtain an academic advantage, namely, OATC and direct admission into the Major in Economics program.
19. In June 2015, Ms. L ■ received an Honours Bachelor of Science degree from the University of Toronto.
20. But for the additional 1.0 transfer credits obtained in reliance on the 2013 Forged Transcript, and the credit for ECO100, Ms. L ■ would not have been eligible to graduate in June 2015 and remains ineligible to graduate to this date.

D. Forged Transcript is discovered

21. On July 15, 2015, the Office of Student Academic Integrity received an anonymous e-mail message from the address ■■■■■@hotmail.com, which accused Ms. L ■ of submitting a forged transcript to the University. A copy of that e-mail is included in the JBD at Tab 10.
22. That e-mail message prompted the investigation that led to the discoveries described above.

E. Acknowledgments

23. On October 26, 2015, Ms. L ■ met with Prof. Don Dewees, the Dean's Designate for Academic Integrity in the Faculty of Arts and Science. She admits that this meeting took place in a manner consistent with

the requirements of the Code. Ms. L ■ made the admissions set out above at that meeting.

24. Ms. L ■ acknowledges that:
- (a) the Provost advised her of her right to obtain legal counsel and that she has obtained legal advice or has deliberately waived the right to do so;
 - (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces; and
 - (c) the Provost has made no representations regarding what sanction or sanctions the Provost will seek at the hearing before the University Tribunal.

Decision of the Tribunal on the Charges

7. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that one or more of the academic offences charged has been committed by the Student.
8. In this case, in light of the Student's admissions and the evidence contained in the Agreed Statement of Facts and Joint Book of Documents, the Tribunal found that the Student had committed an academic offence as set out in Charge 1 in that:
- (a) On or about April 4, 2013, she 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 which purported to be her Transcript of Academic Record from the University of British Columbia, contrary to Section B.I.3(a) of the Code.

9. The Student admitted, and the evidence clearly established, that in support of her application to the University, the Student submitted a document to the University that she represented to be her official transcript of academic record from the University of British Columbia. That document had been falsified in several significant ways, such that the Student knew or must have known about the falsifications.

10. In light of the Tribunal's finding on Charge 1, Charge 2 was withdrawn by the University.

Submissions on Sanction

11. Although the Student had admitted the charges against her, there was no joint submission on sanction. The Student had expressly waived her right to participate in the hearing, and made no submissions with respect to the appropriate sanction to be imposed.

12. The University submitted that the Tribunal should make an order as follows.

- (a) that the 1.50 transfer credits awarded to the Student for courses equivalent to ECO100Y1 and GLG1** be cancelled;
- (b) that a permanent notation of this offence be placed on the Student's academic record and transcript;
- (c) that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed, with the Student's name withheld; and .

- (d) that the Tribunal recommend to the President that he recommend to Governing Council that it cancel and recall the Honours Bachelor of Science degree obtained by the Student in June of 2015.

13. A complicating factor in this case was that the Student had already graduated from the University. Accordingly, sanctions that might otherwise be available (suspension and/or a recommendation of expulsion) were not relevant.

14. Counsel submitted that since the Student had graduated, the Tribunal should focus its attention on the sanctions permitted by subsection C.ii(b)1.(j) of the Code. That subsection permits the Tribunal to impose sanctions as follows.

- C.ii(b)1.(j) (i) recommendation to the Governing Council for cancellation, recall or suspension of one or more degrees, diplomas or certificates obtained by any graduate; or
- (ii) cancellation of academic standing or academic credits obtained by any former student

who, while enrolled, committed any offence which if detected before the granting of the degree, diploma, certificate, standing or credits would, in the judgment of the Tribunal, have resulted in a conviction and the application of a sanction sufficiently severe that the degree, diploma, certificate, standing, credit or marks would not have been granted.

15. Counsel for the University submitted that had the Student's dishonesty been discovered prior to her graduation, the most likely outcome would have been the cancellation of the University credits the Student was awarded on the basis of her falsified transcript, and a recommendation of expulsion. Since the Student has graduated and cannot be expelled, cancellation of the credits and a recommendation that her degree be cancelled and recalled is the most appropriate order.

16. To support his submissions, Counsel provided the Tribunal with 19 other cases from the Tribunal where students used forged or falsified documents to gain an academic or other advantage. Only four of those cases resulted in a sanction less than expulsion or degree revocation.

17. Counsel for the University submitted that this case involved significant aggravating factors. Her conduct was planned and deliberate, and the falsifications were extensive and carefully constructed. Although the Student eventually admitted her guilt, this was not a spontaneous admission. Rather, but for the report of a third party, the Student's misconduct would never have come to light.

Decision of the Tribunal on Sanction

18. The Tribunal considered the factors and principles and factors relevant to sanction set out by this Tribunal in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976).

- (a) The character of the Student: while the Student did not attend the hearing in person to give evidence, she did make admissions of misconduct in writing. The Tribunal recognizes these admissions are a sign the Student takes some responsibility for her misconduct.
- (b) The likelihood of a repetition of the offence: there was no evidence led that would lead the Tribunal to conclude one way or another on this factor.
- (c) The nature of the offence committed: this is a significant aggravating factor. The deliberate, careful and detailed falsification of the Student's transcript – which she represented as an "official" one – shows calculated dishonesty. This was not an opportunistic or spontaneous act. The Student engaged in a deliberate scheme to obtain academic credit at the University for work she had not done. This dishonesty permitted the Student to obtain entry to a course of

studies she otherwise would not have had access to. It eventually permitted her to graduate with a University degree.

- (d) Any extenuating circumstances surrounding the commission of the offence: as the Student waived her right to participate in this hearing beyond making admissions of misconduct in writing, there was no evidence of any extenuating circumstances that might have mitigated the sanction. The Tribunal does recognize that this is the Student's first academic offence.
- (e) The detriment to the University occasioned by the misconduct: the Student was permitted entry to the University and given credit for work she had not performed. The Student is now in possession of a degree from the University which she obtained in part through false pretences. The integrity of the University is at serious risk.
- (f) The need to deter others from committing similar offences: It is disturbing that this Student was able to graduate from the University on the strength of a falsified transcript, and that but for an anonymous report, the offence would not have been discovered. The need for general deterrence is significant.

19. In addition to the factors from *Mr. C.*, *supra*, the Tribunal also considered other cases from this Tribunal involving similar circumstances. Counsel for the University prepared a very helpful chart summarizing 19 of the Tribunal's cases involving students who falsified academic documents and intended them to be relied upon in order to secure an academic or other advantage.

20. The cases most relevant to the present one were *University of Toronto and C. K.* (Case 692, November 27, 2013), *University of Toronto and A. K.* (Case 523, January 14, 2009) and *University of Toronto and M. K.* (Case 491, November 5, 2008). All three cases involved students who misrepresented their academic credentials to the University for the purpose of

obtaining admission and transferred credits. In two of those cases (K■■■ and K■■■), the students participated in the Tribunal hearing, admitted their guilt, expressed remorse and gave evidence of significant mitigating factors. Those students still received sanctions of recommended expulsion, due to the serious nature of the underlying misconduct.

21. In the case before us, the Student's dishonesty allowed her to obtain University credits, and eventually a University degree, to which she was not entitled. Cancellation of the credits and cancellation and recall of her degree are the only sanctions that make sense in the circumstances.

22. Accordingly, the Tribunal made an order as follows:

- (a) the hearing may proceed in the absence of Ms. L■■■;
- (b) Ms. L■■■ is found guilty of the academic offence of forging, altering, or falsifying an academic record and uttering, circulating, or making use of such an academic record, contrary to section B.I.3(a) of the *Code of Behaviour on Academic Matters*;
- (c) 1.50 transfer credits awarded to Ms. L■■■ for courses equivalent to ECO100Y1 and GLG1** shall be cancelled;
- (d) a permanent notation of this offence shall be placed on Ms. L■■■'s academic record and transcript;
- (e) this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed, with Ms. L■■■'s name withheld.

23. Further, the Tribunal recommends to the President that he recommend to Governing Council that it cancel and recall the Honours Bachelor of Science degree obtained by Ms. L■■■ in June of 2015.

Dated at Toronto this 22 day of March, 2016


Ms. Johanna Braden, Chair