

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on April 5, 2017,

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 -

Y R

REASONS FOR DECISION

Hearing Date: August 28, 2017

Tribunal Members:

Ms. Dena Varah, Barrister and Solicitor, Chair
Professor Michael Saini, Faculty Panel Member
Mr. Andrey Lapin, Student Panel Member

Appearances:

Mr. Robert A. Centa, Discipline Counsel
Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Office of Student Academic Integrity
Ms. Sana Kavar, Manager, University of Toronto Transcript Centre
Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, IT Support, Office of the Governing Counsel

Not in Attendance:

Mr. **Y R**, the Student

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal (the "Tribunal") was convened on August 28, 2017 to consider charges advanced by the University of Toronto (the "University") against Y R (the "Student") under the Code of Behaviour on Academic Matters (the "Code").
2. The Student did not respond to any correspondence from the University. Although the *Code* provides for service at a student's university-issued email address, the Student did not have an active university-issued email address at the time the Notice of Hearing was issued. As a result, the University obtained a more current email address from the Chinese Service Centre for Scholarly Exchange (the "CSCSE"), which, as described below, provided the forged degree to Sana Kawar ("Ms. Kawar"), the Manager of the University of Toronto Transcript Centre.
3. Krista Osbourne of the University of Toronto Office of Appeals, Discipline and Faculty Grievances, served the Student with the Notice of Hearing to the email address provided by the CSCSE on May 15, 2017. She earlier sent the charges on April 5, 2017 to that same email address. The Student never responded.
4. There was a further attempt to serve the Student with the Notice of Hearing to the same email address on August 17, 2017. Again, the Student did not respond.
5. Discipline Counsel asked for an order that we proceed in the absence of the Student on the basis that valid service had been executed.

6. The Tribunal adjourned the hearing for five minutes to provide time for the Student to attend.
7. The Tribunal was satisfied that the Discipline Counsel had taken appropriate steps to notify the Student of the hearing.
8. The Tribunal proceeded in the absence of the Student.

PART 1 - THE CHARGES

9. The Student is charged with two offences under the *Code*:
 1. 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 a degree certificate from the University of Toronto dated June 19, 2007 contrary to Section B.I.3(a) of the *Code*.
 2. In the alternative, 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*.
10. Discipline Counsel advised that if the Tribunal found the Student guilty of the offence in the first charge then the University would withdraw the second charge.

PART 2 - THE FACTS UNDERLYING THE CHARGES

11. The Student was registered in the Faculty of Arts, University of Toronto, for Fall 2004 to Winter 2006. He accumulated a total of 4.0 earned credits. The Student did not graduate from the University of Toronto.

12. As part of the Student's application for qualification evaluation with the CSCSE, the Student provided a document that purported to be his degree certificate from the University of Toronto dated June 19, 2007.

13. The University filed the Affidavit of Ms. Kwar, Manager of the University of Toronto Transcript Centre in the Faculty of Arts and Science. Her evidence is that the Transcript Centre provides services to students upon their request, including issuing transcripts.

14. On January 9, 2017, Ms. Kwar received an email from Zhu Lei ("Mr. Lei"), an accreditations officer at CSCSE, of whom she was aware as he had previously contacted the office seeking to verify transcripts and degrees submitted by other students.

15. Mr. Lei indicated that he was attempting to verify a University of Toronto Bachelor of Arts degree submitted for accreditation by the Student. Mr. Lei also provided a declaration signed by the Student which authorized the University of Toronto to release his personal information to the CSCSE for purposes related to the qualification, evaluation and accreditation.

16. Ms. Kwar indicated that she accessed the Student's academic record through the University database, the Repository of Student Information ("ROSI"), which contains data

16. Ms. Kavar indicated that she accessed the Student's academic record through the University database, the Repository of Student Information ("ROSI"), which contains data related to the Student's admission and academic performance at the University of Toronto. Ms. Kavar confirmed that the Student's student number and date of birth matched the information that had been provided to her. The Student's academic record revealed that he had never graduated from the University, had never obtained a degree and had only successfully completed 4.0 academic credits.

17. Ms. Kavar replied to Mr. Lei and confirmed the actual days that the Student had been registered in the University, and that she could find no evidence that the University of Toronto had conferred a degree on him. She then sent a copy of the text of her reply to Mr. Lei and the relevant documents to Dr. Kristi Gourlay at the Office of Student Academic Integrity on January 9, 2017.

18. The University charged the Student with the offences listed above by notice dated April 5, 2017.

PART 3 - DECISION ON CHARGES

19. The Tribunal was satisfied that the Student was guilty of the offence in the first charge. As a result, the University withdrew the second charge.

20. Section B.1.3(a) of the *Code* provides that it is an offence to forge or alter an academic record **or** to utter, circulate or make use of a forged, altered or falsified record. It is the second half of this clause that is at issue. There was no evidence of who forged the degree, but that is not necessary evidence to establish the offence. It is clear

that the Student circulated and made use of the forged degree in order to obtain accreditation in China. The Student therefore violated Section B.I.3(a) of the *Code*.

PART 4 - PENALTY

21. Discipline Counsel submitted that the appropriate sanction for a forged degree is:
- (a) Immediate suspension from the University for a period of up to five years;
 - (b) that the Tribunal recommend to the President of the University that the President recommend to Governing Council that the Student be expelled from the University; and
 - (c) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

PART 5 - SUBMISSIONS ON PENALTY

22. Discipline Counsel provided the Tribunal with seven cases involving forgery of an academic record or degree. In each of those cases, the Tribunal recommended that the student be expelled. Discipline Counsel was not aware of any cases in which there had been a forged degree or academic record in which the Tribunal had not recommended the student for expulsion. Even if this were not the case, the Tribunal is satisfied that this expulsion is the appropriate disposition in this matter.

23. As noted in the case of *The University of Toronto v. F.Z.* (Case No. 572, Jan. 11, 2010): Forgery of an academic record is one of the most serious offences set out in the *Code*. Typical sanction is expulsion from the university (para. 10). Other cases put before the Tribunal engaged similar language indicating that this is one of the most

serious offences under the *Code* as it undermines the credibility of the university and other students who use their degrees legitimately.

PART 6 - THE DECISION ON PENALTY

24. In this case, there are no mitigating factors as the Student did not participate or provide any explanation with regard the use of the forged diploma. The Student was attempting to use a forged diploma in order to obtain accreditation at an institution in China. These actions were a deliberate attempt by the Student to obtain the benefit of a diploma he did not earn.

25. Forged diplomas and academic records negatively impact the entire University community. They undermine the credibility and standing of the institution and of their peers who are attempting to legitimately use their degrees. We agree with previous Tribunal decisions that this is one of, if not the most, serious academic offences a student can commit.

26. This Tribunal is therefore satisfied that the appropriate penalty is as requested by Discipline Counsel.

PART 7 - THE ORDER

27. The Panel ordered as follows:

- (a) the Tribunal proceed in the absence of the Student;
- (b) the Student is immediately suspended from the University for a period of up to five years;

- (c) the Tribunal recommend to the President of the University that the President recommend to governing council that the Student be expelled from the University; and
- (d) the Tribunal report this case to the Provost who may publish a notice of the decision of this Tribunal with the Student's name withheld.

DATED at Toronto this 20th day of November, 2017.



Dena Varah, Co-Chair