

Case No.: 954

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 24, 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 amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO (the "University")

- AND -

C [REDACTED] S [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: June 15, 2018

Panel Members:

Ms. Roslyn M. Tsao, Chair
Professor Michael Evans, Faculty Panel Member
Ms. Alanis Ortiz Espinoza, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel for University, Paliare Roland Barristers
Ms. Yadesha Satheaswaran, Summer Law Student, Paliare Roland Barristers
Student, not in attendance

In Attendance:

Ms. Nisha Panchal, Student Conduct & Academic Integrity Officer, Office of the Dean and Vice-Principal, University of Toronto Scarborough
Ms. Sana Kawar, Manager, University of Toronto Transcript Centre, Faculty Arts and Science
Ms. Tracey Gameiro, Associate Director, Office of Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, IT Support, Office of the Governing Council

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on June 15, 2018. The Student was charged on November 24, 2017 as follows:

Charge 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 your Transcript of Consolidated Academic Record from the University of Toronto dated February 2, 2016, contrary to section B.I.3(a) of the Code.

Charge 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 advantage of any kind, contrary to section B.I.3(b) of the Code.

Service on Student

2. This matter was first scheduled for Hearing on March 19, 2018 pursuant to a first Notice of Hearing dated January 30, 2018. The first Notice of Hearing was served on the Student by email dated April 10, 2018 to the Student's ROSI¹ email address.
3. The Student did not respond in any way to Discipline Counsel in advance of March 19, 2018 and it was not expected that the Student would attend. However, on March 19th, the Student, in fact, attended but indicated that she was not prepared for the hearing and sought an adjournment. The adjournment was granted (by another panel) with rescheduling of the hearing to be arranged promptly through the normal process.
4. Discipline Counsel promptly emailed the Student on March 20, 2018 to discuss process for moving the case forward and was again met with silence. As such, on April 10, 2018, Ms. Osbourne of the University's Office of Appeals, Discipline and Faculty Grievances served the Student with a new Notice of Hearing for June 15, 2018 by emailing same to

¹ University's database known as the "Repository of Student Information"

the Student's ROSI email address (which provided adequate notice for the first Notice of Hearing).

5. The Student did not attend on June 15, 2018 for this Hearing.
6. The Panel is satisfied that valid and proper service was effected on the Student pursuant to the Rules and that the Hearing may proceed in the absence of the Student.

Facts

7. The University tendered evidence by way of an Affidavit affirmed March 8, 2018 of Sana Kawar, Manager at the University of Toronto Transcript Centre in the Faculty of Arts and Science ("Transcript Centre"). Discipline Counsel advised the Panel that the Affidavit and exhibits thereto were served on the Student, personally, at the first Hearing Date, in a bound Book of Documents which was introduced by the University at this Hearing.
8. Ms. Kawar affirmed the following facts:
 - (a) Ms. Kawar was the Manager at the Transcript Centre at the relevant time;
 - (b) The Transcript Centre issues transcripts to students upon request and responds to requests from third parties, such as other academic institutions, seeking to verify academic records from the University of Toronto;
 - (c) On December 12, 2016, Ms. Kawar received an email inquiry from the International Admissions Assessor at York University seeking verification of a University of Toronto transcript submitted by the Student;
 - (d) Ms. Kawar accessed the Student's ROSI information to compare the Student's academic record to the purported transcript submitted to York University;
 - (e) The purported transcript contains inaccurate information including:
 - (i) incorrect student number and OEN number for the Student;
 - (ii) incorrect address for the Student;

- (iii) different faculty and campus; and
 - (iv) wholly different transcript of courses and grades from the Student's actual transcript.
9. In reviewing the purported transcript submitted to York University and the Student's actual transcript (attached as Exhibits to Ms. Kawar's Affidavit), it is plain and obvious that the Student circulated and made use of a wholly falsified document contrary to Section B.I.3(a) of the Code.
10. Based on Ms. Kawar's evidence, the Student is found guilty of Charge 1.
11. The University has withdrawn the alternative Charge 2.

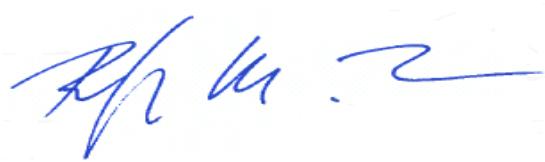
Penalty

12. The University sought the following penalty:
- (a) that the Student be immediately suspended for a period of up to five years;
 - (b) that the Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
 - (c) 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, with the name of the student withheld.
13. In determining penalty, the Panel is directed to consider the *Chelin* factors (Case No. 1976/77-3, November 5, 1976), to achieve the goals of reformation, deterrence and protection of the public. None of these three goals has priority over the other but the Panel may consider how the facts of each case may demand that one has more relevance over the other.
14. The Student had a prior discipline history, in the Winter 2013 term, for plagiarism committed in two written assignments submitted in a course in the Student's first year.

The matter was addressed at the Dean's level with the Student admitting guilt and receiving "zero" for each of the assignments and a further grade reduction.

15. The Student last attended at the University in the 2014 Fall Term.
16. In this case, the goal of individual rehabilitation is of minor importance given that the Student has been inactive at the University since 2014 and that Student's earlier event of discipline did not discourage this patently more serious offence.
17. The goal of general deterrence and, more so, public protection is paramount in this case and requires that the Panel recommend the expulsion of the Student to preclude re-enrolment and to clearly indicate that the University exercises oversight over such misconduct even after a Student leaves the University.
18. A review of other decisions of the Tribunal with similar circumstances confirms that a recommendation for expulsion is in keeping with this body of cases.
19. As such, the University's requested terms for penalty were granted. In particular, the suspension of the Student for *up to* 5 years is indicated not because a shorter period of suspension may be appropriate but because the suspension may become moot should expulsion be granted before the 5 year period elapses.
20. An Order with the above relief was signed by the Panel effective June 15, 2018.

Dated at Toronto, this 31st day of July, 2018



Roslyn Tsao, Co-Chair