

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 5, 2018,

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:

UNIVERSITY OF TORONTO

- and -

J [REDACTED] LJ

REASONS FOR DECISION

Hearing Date: June 28, 2018

Members of the Panel:

Mr. Douglas Harrison, Barrister and Solicitor, Chair
Dr. Chris Koenig-Woodyard, Faculty Panel Member
Mr. Chad Jankowski, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP, Barristers
Mr. Nathan Korenberg, Paralegal and Agent, Juslaw Legal Services
Ms. Sana Kavar, Manager, Transcript Centre, University of Toronto

In Attendance:

Ms. Lucy Gaspini, Manager, Academic Success & Integrity, Office of the Dean, University of Toronto Mississauga
Ms. Lisa Devereaux, Academic Integrity Officer, Academic Success & Integrity, Office of the Dean, University of Toronto Mississauga
Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not in Attendance:

Mr. J [REDACTED] LJ, the Student

1. This panel of the University Tribunal held a hearing on June 28, 2018 to consider the charges brought by the University of Toronto (the “**University**”) against Mr. J [REDACTED] L [REDACTED] (the “**Student**”) under the *Code of Behaviour on Academic Matters, 1995* (the “**Code**”).

A. Preliminary

2. Earlier in June 2018, in advance of the hearing, the University and the Student entered into an Agreed Statement of Facts (the “ASF”), a copy of which is attached to these Reasons as Appendix “A”.

B. The Charge and Particulars

3. The Charges and Particulars were provided to the Student in a document attached to a letter dated January 5, 2018 from the Office of the Vice-Provost, Faculty & Academic Life, and are set out below:

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 September 22, 2016, 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.

Particulars

- (a) As part of your admission to York University you provided a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto dated September 22, 2016.

- (b) You forged this document, or had someone forge it for you, and falsely represented your marks, grades, sessional grade point averages, cumulative grade point averages, and academic history and status.
- (c) You knew that this document was forged, altered and/or falsified when you circulated it.
- (d) You had an obligation to provide accurate and truthful information and not to misrepresent your academic record. You had an obligation not to provide forged or falsified documents in support of your application.

4. The Student, pursuant to the ASF and confirmed by his representative at the hearing, entered a guilty plea to charges 1 and 2.

C. Decision of the Tribunal on the Charges

5. Based upon the facts set out in the ASF, a review of the documents in the parties' Joint Book of Documents (including copies of the Charges, the Affidavit of Service of Susan Murphy sworn January 30, 2018, the Notice of Hearing and Revised Notice of Hearing both dated June 20, 2018, the Student's actual University of Toronto Transcript of Consolidated Academic Record dated November 24, 2016, and an email from Michelle Cousins, International Admissions Assessor at York University, to Sana Kawar, Manager of the University of Toronto Transcript Centre, dated November 23, 2016, with an attached purported transcript from the University of Toronto), and the submissions of counsel for the University and the Student's representative, the Tribunal accepted the Student's guilty plea on charge 1.

6. The Tribunal therefore found that the Student is guilty of forging or in any other way altering or falsifying an academic record, and/or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the Code.

7. The Tribunal having made such a finding of guilt, the University withdrew the alternative charge 2 against the Student.

D. Penalty

8. The matter continued with a hearing on the appropriate sanction.

9. In advance of the hearing, concurrently upon entering into the ASF, the University and the Student entered into a Joint Submission on Penalty (the "JSP"), a copy of which is attached as Appendix "B"

10. Pursuant to the JSP, the University and the Student requested that the Tribunal make an order (a) immediately suspending the Student for five years, to May 31, 2023; (b) that a corresponding notation of this sanction be made on the Student's academic record and transcript until May 31, 2028; and (c) directing that the Tribunal's decision be reported to the Provost in order that it may be reported in the campus press with the Student's name withheld.

11. The Student has admitted to knowingly making use of a forged academic record, contrary to the Code. The University quite rightly views this action as one of the most serious offences a Student can commit. The Student's action was deliberately dishonest. The use of the forged record is particularly egregious in this instance, in that the Student was attempting to defraud another publicly funded post-secondary academic institution in Ontario and obtain for himself a position that might have otherwise been denied to a worthy, honest applicant. Making use of a forged transcript in this manner not only undermines the credibility of the University and its students and alumni, but also jeopardizes the credibility of the admissions process at another Ontario university. See *The University of Toronto v. N. R.* (Case No. 714, October 11, 2013), at paras. 22-24.

12. The University's counsel submitted that attempting to create general deterrence is important for offences that are difficult to detect. In situations involving forged records, the University must rely, at least in part, on third parties detecting an issue and bringing it to the University's attention. Accordingly, counsel submitted that when forgery is detected, it becomes more important that the Tribunal send a strong message that these acts will not be tolerated.

13. With agreement from the Student's representative, the University's counsel provided the Tribunal with a Joint Book of Authorities of prior Tribunal cases involving forgery of academic records where there had also been an Agreed Statement of Facts, along with a helpful chart setting out the penalties imposed in those cases.

14. Expulsion is a common penalty in cases of forged academic records. However, in this instance, the Student has admitted guilt and cooperated with the University. In such cases, even when there has been no prior offence committed by the student, it is clear that a lengthy suspension and a transcript notation is a common penalty (See *The University of Toronto v. A. F.* (Case No. 2004/05-07, May 16, 2005); *The University of Toronto v. N. R.*, *supra*; and *The University of Toronto v. S.B.* (Case No.905, November 1, 2017).

15. In addition to agreeing to the statement of facts and the joint submission on penalty, the Student has undertaken not to re-apply to the University for re-admission. While this undertaking is not one that this Tribunal would be able to enforce formally and will not form part of any order, Ms. Kavar advised the Tribunal at the hearing that the Student's Ontario Education Number and Social Insurance Number will now be flagged in the University's admissions system such that any attempt by the Student to re-apply will be caught.

16. The Tribunal deliberated and concluded that, based upon the parties' submissions and a consideration of the case law, it was reasonable and appropriate to make the orders sought by the parties in the JSP.

F. Conclusion

17. The Student is guilty of the academic offence of altering or falsifying an academic record, and/or uttering, circulating or making use of such forged, altered or falsified record, contrary to section B.I.3(a) of the Code;

18. Accordingly, the Tribunal orders that the following sanctions be imposed on the Student:

1. The Student be immediately suspended from the University of Toronto, from June 28, 2018 until May 31, 2023; and
2. A corresponding notation shall be placed on his academic record and transcript until May 31, 2028.

19. The Tribunal also orders that the case be reported to the Provost for publication of a notice of this decision and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 19th day of September, 2018

A handwritten signature in blue ink, appearing to be 'D. Harrison', written over a horizontal line.

Douglas Harrison, Co-Chair