

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER of the University of Toronto Act, 1971, S.O. 1971, c. 56, as amended;

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

AND IN THE MATTER of disciplinary charges against Mr. N.L.

Members of the Panel:

Rodica David, Q.C., Chair
Carolyn Pitchik, Faculty member
Sharon Walker, Student member

Appearances:

Robert Centa, counsel for the University of Toronto
Ms Jayne Lee, counsel for the Student
Mr. L., the Student

In attendance:

Kristi Gourlay, Manager Office of Student Academic Conduct

CHARGES AND HEARING

1. The Trial Division of the University Tribunal was convened on March 22, 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”). The Notice of Hearing is dated February 15, 2007.
2. The charges are as follows:
 1. In or about October 2002, you did knowingly forge or in any other way alter or falsify an academic record, and/or did knowingly utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form, namely, a University of Toronto Transcript of Consolidated Academic Record, contrary to Section B.I.3.(a) of the Code of Behaviour on Academic Matters, 1995 (“Code”).
 2. In the alternative, in or about October 2002, you did knowingly engage 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.

3. In or about November 2003, you did knowingly forge or in any other way alter or falsify an academic record, and/or did knowingly utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form, namely, a University of Toronto Transcript of Consolidated Academic Record, contrary to Section B.I.3.(a) of the Code of Behaviour on Academic Matters, 1995 (“Code”).
4. In the alternative, in or about November 2003, you did knowingly engage 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.

Pursuant to Section B of the Code you are deemed to have acted knowingly if you ought reasonably to have known that:

- (a) you forged or in any other way altered or falsified any academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record contrary to Section B.I.3.(a) of the Code; and/or
- (b) you engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind contrary to Section B.I.3.(b) of the Code.

3. The particulars of the charges are as follows:

1. At all material times you were a student at the University of Toronto in the Faculty of Arts and Science.
2. In or about October 2002, you submitted a document to the Ontario Universities’ Application Centre (“OUAC”), in support of an application to medical school, that purported to be a University of Toronto transcript in the form of a Transcript of Consolidated Academic Record (“2002 Altered Transcript”).
3. The 2002 Altered Transcript did not accurately reflect the information contained in your official University of Toronto transcript and academic record.
4. Rather, the 2002 Altered Transcript that you created and/or submitted to OUAC misrepresented, altered and falsified many of the marks and grade point averages that you had received for University of Toronto courses, as reflected in the attached Table 1.
5. In or about November 2003, you submitted a document to OUAC, in support of an application to medical school that purported to be a University of Toronto transcript in the form of a Transcript of Consolidated Academic Record (“2003 Altered Transcript”).

6. The 2003 Altered Transcript did not accurately reflect the information contained in your official University of Toronto transcript and academic record.
 7. Rather, the 2003 Altered Transcript that you created and/or submitted to OUAC misrepresented, altered and falsified many of the marks and grade point averages that you had received for University of Toronto courses, as reflected in the attached Table 1.
4. At the outset of the hearing the Tribunal was advised that the Student had agreed to plead guilty to Charges #1 and #3. The University withdrew the remaining charges (#2 and #4). The Student and the University entered into an Agreed Statement of Facts upon which the guilty pleas were based. A copy of the Agreed Statement of Facts is attached hereto as an appendix.
 5. After reviewing the facts set out in the Agreed Statement of Facts, the Student indicated his willingness to plead guilty to Charges #1 and #3 and the panel unanimously agreed after deliberation to accept the guilty pleas.

**REASONS FOR DECISION
(delivered orally)**

1. The Tribunal has had an opportunity to consider the Joint Submission on Sanction and we have decided to accept it. This Joint Submission is as follows:

The University and The Student submit to the University Tribunal that, in the circumstances of this case, the appropriate penalty is:

 - a. the Tribunal shall recommend to the Governing Council that it cancel and recall The Student's degree of Bachelor of Science;
 - b. permanently record the sanction imposed on his academic record and transcript; and
 - c. report this case to the Provost for publication with The Student's name withheld.
2. The factors that we have considered are set out below.
3. The Student, is charged with and pleaded guilty to two separate and distinct offences under Section B.I.3.(a) of the University of Toronto, Code of Behavior ("Code") of forgery of his transcripts on two separate occasions each for the purpose of trying to gain admission into a medical programme leading to a medical degree. Two other charges were withdrawn.
4. Both of these offences are extremely serious; indeed, we consider these offences to be as serious as any offence that could possibly be committed

under the Code. An offence of this nature reflects directly on the entire University. It is our view that it is very important that sanctions for such serious transgressions act affect not only the person charged but also that they act as a deterrent to anyone else who might consider -- ever for a split second in time -- to engage in this type of behaviour.

5. The reputation of the University of Toronto is extremely important to every single person who has any connection with the University of Toronto: every student, every faculty member, everyone who works at the University. It is therefore extremely important that the University of Toronto does everything that it can to ensure that its students act honourably, that they are encouraged to work hard, that the product of their hard work receives appropriate recognition, and that they benefit from the rewards resulting from their achievements. It is therefore of paramount importance that every student's achievements are presented accurately and can be relied on by both the academic and outside community.
6. In considering the sanctions that are appropriate to impose in this case, we have taken into account a number of factors.
7. It is important to note that the forgery was perpetrated not just once, but it appears that when the marks that were originally forged were not high enough to gain admission into medical school, then The Student decided to increase his marks by way of an additional forgery indicating higher marks. In our view the accused's conduct is more egregious where he engaged in two separate deliberate acts of forgery a period of time apart from one another.
8. We note that there was no evidence given on any extenuating or mitigating circumstances. The submission that was made -- that was accepted by the University -- that The Student was 27 years old and that he has worked in a Laundromat for a number of years. We do not see these factors creating any type of extenuating circumstances.
9. We are taken by the fact that The Student gave the Dean's Designate the excuse that this conduct occurred "on the spur of the moment". We find that explanation extremely difficult to accept. Although there is no evidence as to how or what methodology was used to create these forged documents, it stretches credulity to think that these documents could have been created *twice* on the spur of the moment.
10. We do not have any evidence as to whether The Student had ever been subjected to any other disciplinary proceedings as no evidence on this point was adduced.
11. This case, in our view, is more serious than the precedent that was put before us in the case of *the University of Toronto v. [REDACTED]* as it would appear from the

reasons in that case that there was only one act of forgery. There were also expressions of remorse. We have not heard any such expressions from The Student.

12. As a result, while we accept the Joint Submission on Sanction, which we presume reflects much consideration by both the University and the accused, we wish to make our views known and hope that these views will be taken into consideration if The Student makes any application in future for reinstatement of his degree.
13. It appears that we have to go back to section 48 of *the University of Toronto Act of 1947* to find the jurisdiction for the restoration of a degree that has been cancelled, recalled or suspended. There are, as far as we are aware, no specific regulations or directions as to what the procedure is for that to be implemented.
14. Our jurisdiction under the *Code of Behaviour on Academic Matters*, is set out in section C.II.b. 1, 2 and 3. While our jurisdiction is limited to making a recommendation to the Governing Council under section (j)(i), we wish to express our view that the seriousness of this conduct should be taken into account in any future application that The Student might ever make for reinstatement of his degree. If we had been given additional jurisdiction, we would have recommended that a significant amount of time should expire before The Student should even consider making such an application and certainly before any such application could succeed.

Rodica David, Q.C. Chair