

In the matter of a Judicial Board established by the Governing Council of the University of Toronto to hear and adjudicate upon certain charges alleged against A [REDACTED] G [REDACTED]

And in the matter of the *University of Toronto Act*, 1947, S.O. 1947, c. 112, section 48(c)

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:

THE UNIVERSITY OF TORONTO

- and -

A [REDACTED] G [REDACTED]

REASONS FOR DECISION

Members of the Judicial Board:

Patricia D.S. Jackson	Chair
Ronald Kluger	Faculty Board Member
Alex Kenjeev	Student Board Member

Appearances:

Lily Harmer	Counsel for the University of Toronto
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1. This Judicial Board was established by Governing Council by resolution of December 6, 2007 for the purpose of hearing and deciding upon all matters relating to charges against A [REDACTED]

[REDACTED] G [REDACTED] In the same resolution Governing Council gave this Board full authority to hear the case and render final judgment, including with respect to penalty, and to report its decision to the Governing Council for information.

2. In so doing, Governing Council was delegating (pursuant to section 2(14)(e) of the *University of Toronto Act*, 1971) the authority it has pursuant to section 48(c) of the *University of Toronto Act*, 1947 which provides that the powers and duties of then Senate (now Governing Council) include the ability to:

“(c) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter...guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the role or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act* may be conferred upon commissions appointed under the provisions of that *Act*,”

3. The Board convened on April 21, 2008 to hold a hearing with respect to the following charges:

- (i) in or about September 2006, Mr. G [REDACTED] was guilty of infamous conduct in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, namely a document purporting to be a transcript of his academic history at the University of Toronto;
- (ii) in or about September 2006, he was guilty of infamous conduct in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, namely a document provided to Kroll Background America, Inc. providing information, *inter alia*, about his GPA earned from the University of Toronto;
- (iii) in or about September 2006, he was guilty of disgraceful conduct in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or

falsified record, namely a document purporting to be a transcript of his academic history at the University of Toronto;

- (iv) in or about September 2006, he was guilty of disgraceful conduct in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, namely a document provided to Kroll Background America, Inc. providing information, *inter alia*, about his GPA earned from the University of Toronto;
- (v) in or about September 2006, he was guilty of conduct unbecoming a graduate of the University in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, namely a document purporting to be a transcript of his academic history at the University of Toronto;
- (vi) in or about September 2006, he was guilty of conduct unbecoming a graduate of the University in that he forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of any such forged, altered or falsified record, namely a document provided to Kroll Background America, Inc. providing information, *inter alia*, about his GPA earned from the University of Toronto.

4. Neither Mr. G [REDACTED] nor anyone on his behalf, attended at the hearing.

5. The Judicial Board was provided with a lengthy exchange of email correspondence between Mr. G [REDACTED] and the office of University Counsel, beginning in July, 2007 through mid-April of this year. It is clear from that correspondence that Mr. G [REDACTED] was aware of the charges and of the hearing dates. Mr. G [REDACTED] was asked to provide dates on which he could be available for a hearing and was ultimately told that if he did not provide such dates, the hearing would be scheduled without further input from him. Mr. G [REDACTED]'s response was that he would not be in Canada because of his immigration status but would like to submit a letter setting out his position. In the email exchange, Mr. G [REDACTED] stated that he accepted a Statement of Agreed Facts which had been provided to him by University Counsel, and the terms of a declaration prepared by University Counsel which indicated that he had applied for citizenship in another country and therefore could not remain until his status was approved, with the result that he was not able to

attend the hearing. As more particularly described below, the Statement of Agreed Facts and certain of Mr. G [REDACTED] email correspondence expressly admits that he falsified his academic records and pleads guilty to the charges. In those circumstances, and having received his acknowledgement, University Counsel by email urged him to call her to discuss alternative methods of putting the case for leniency before the Board, either through attendance by a video conference or if necessary by telephone. Mr. G [REDACTED] did not respond to these suggestions.

6. We are satisfied that Mr. G [REDACTED] is aware of the charges and their seriousness, and of this hearing and has decided not to seek an adjournment or to appear or participate beyond the submission of correspondence described in part above, and in more detail below. The Board therefore proceeded with the hearing.

7. As set out in the Statement of Agreed Facts which Mr. G [REDACTED] has accepted, he was admitted to the University of Toronto in the fall of 1991. He graduated with a Bachelor of Arts degree in Political Science in June 2000 having earned a total of 16 credits and accumulative grade point average of 2.09.

8. In September 2006, Mr. G [REDACTED] provided Kroll Background America, Inc. (a company specializing in academic background checks on behalf of prospective employers) with the information which is the subject of the charges.

9. Specifically Mr. G [REDACTED] advised Kroll that he had earned:

- (i) a minor in Computer Science, which he had not;
- (ii) a cumulative GPA of 2.95, rather than the correct GPA of 2.09;
- (iii) an A and a mark of 85 in Calculus and Linear Algebra for Finance, when he had in fact earned an E and a mark of 45;

- (iv) a B and a mark of 72 in Computer Organization when he had in fact earned an F and a mark of 32;
- (v) a B+ and a mark of 78 in Calculus Science II when he had in fact earned a grade of F and a mark of 33;
- (vi) academic status of "in good standing" at the end of the 1993 summer session when he was in fact "on academic probation";
- (vii) a grade of C and a mark of 66 in Neural Networks when he had not enrolled in that course;
- (viii) academic status of "in good standing" in the 1993/4 winter session when his actual academic status was "probation cleared - in good standing";
- (ix) a B and a mark of 70 in Introduction to Artificial Intelligence, when he was in fact not enrolled in that course; and
- (x) a B and a mark of 70 in Probabilistic Learning when he was not in fact enrolled in that course.

He further represented that:

- (xi) he was not enrolled in Introduction to Economics when he in fact was so enrolled and had received a grade of C and a mark of 66; and
- (xii) he was not enrolled in Introduction to Canadian Politics or in Political Theory when in fact he was so enrolled and had earned marks of B- and 70 in each.

10. In March of 2007, while he was still living in Ontario, Mr. G [REDACTED] attended a meeting with Professor John Britton, the Dean's Designate, at which he admitted to altering and submitting an altered and falsified copy of his academic record to Kroll Background America, Inc. in support of an application for employment with McKinsey & Company and further that he misrepresented his GPA in the education summary he provided to Kroll.

11. According to the Statement of Agreed Facts, Mr. G [REDACTED] accepts responsibility for the creation of this false information, acknowledges that the conduct constitutes infamous and disgraceful conduct as well as conduct unbecoming a graduate of the University of Toronto and

pleads guilty to charges (i) to (vi) above. He further acknowledges that he has been advised to obtain independent legal advice before accepting the Statement of Agreed Facts.

12. Mr. G [REDACTED] provided a letter of acknowledgement in the following terms:¹

Dear Members of the Tribunal,

I, A [REDACTED] G [REDACTED], do acknowledge having misrepresented by transcript in the application for a job. I am sincerely sorry for my actions. I had a significant lapse in judgment and really wish I had the opportunity to do things differently. I have worked at many other companies and have never misrepresented my employment history or education. This was something that I did once, that I will not do again.

I have already experienced the significant negative effects associated with my actions, in having won, then lost the job to which I had applied. This has had a sizeable impact on my income, lifestyle and considering the highly networked world of consulting, my employment options. This one set of actions has essentially eliminated any opportunities I had with the leading consulting companies.

I leave my punishment in the hands of the Tribunal. I would humbly ask for your leniency.

I apologize for not having been able to attend the Tribunal Meeting in person. My current employment keeps me out of Canada for extended periods and I need to take vacation time to return. I had used my vacation to return to Canada for the previously scheduled Tribunal Meeting in September. My case was then moved to October.

Sincerely,

A [REDACTED] G [REDACTED]

¹ The letter is addressed to members of the Tribunal since at the time (October 29, 2007) the matter had been proceeding on the incorrect basis that these charges were properly laid under the *Code of Behaviour on Academic Matters*, and therefore heard by the University Tribunal. The latter has jurisdiction with respect to offences committed before graduation. Shortly after the sending of this letter the charges were reconstituted and as a result of the resolution of Governing Council have proceeded before this Board.

13. As noted above, Mr. G [REDACTED] subsequent correspondence and conduct makes it clear he does not seek an adjournment to a date when he might be able to attend in person, or to take up University Counsel's suggested alternate methods of participating in the hearing.
14. Mr. G [REDACTED] decision to take no further part in these proceedings is unfortunate. As University Counsel advised Mr. G [REDACTED] it is important in this proceeding in which so much is at stake that he participate as fully as possible. He did not do so. That leaves us without any explanation of his actions, any opportunity to question him about the negative effects he says he has experienced or to assess the sincerity of his remorse.
15. Following its review of this Statement of Agreed Facts, the submissions of counsel and Mr. G [REDACTED] letter above, the Tribunal accepted Mr. G [REDACTED] plea of guilty and entered a finding of guilty with respect to charges (v) and (vi) noted above.
16. The Tribunal then proceeded to hear submissions with respect to the appropriate sanction. University Counsel submitted that the appropriate sanction for these offences is a five year suspension of Mr. G [REDACTED] degree and a permanent notation of the suspension on his record. At the conclusion of the hearing and following a period of deliberation, the Judicial Board announced that it had decided the appropriate sanction would be that requested by University Counsel and that it would issue reasons for this decision at a later date. These are those reasons.
17. It is well established that in determining the appropriate sanction, this Board should consider:
 - (a) the character of the person charged;
 - (b) the likelihood of a repetition of the offence;

- (c) the nature of the offence committed;
- (d) any extenuating circumstances surrounding commission of the offence;
- (e) the detriment to the University occasioned by the offence; and
- (f) the need to deter others from committing a similar offence.

18. As to the nature of the offence and the detriment to the University, we note that the integrity of the University as an educational institution and as a degree-granting body is fundamental to the academic relationship. Many important third parties, including potential employers, members of the public and other institutions of higher education rely on records of transcripts and of degrees as correctly representing the academic achievements of those to whom they are awarded. Falsification of records of transcripts and of degrees strikes at the heart of the honesty and integrity which is at the core of the academic experience and evaluation. It undermines not only the credibility of the University but also the credibility of other students who have legitimately achieved the marks and degrees recorded in such records. It is important that when confronted by such falsification, the University treat, and be seen to treat, such conduct very seriously.

19. We agree with the observations made recently by the University Tribunal in a case involving the falsification of course records by a law student:

“What can be said overall is that this Tribunal and its predecessors have, by and large, treated the falsification of an academic record as a most serious offence, striking directly at the core values of the University, and demonstrating a fundamental failure to act with the integrity and the necessary shared values of honesty and standards

which members of the University community must display and adhere to. Expulsion from the University or recall of the degree has more often than not been the penalty imposed for falsified reporting. One sees in the cases some emphasis on the deception of third parties as particularly offensive conduct and of course this is present in this case. Acts of falsification and deception like these are intentional and purposeful and, as here, there is no room for any suggestion of mere negligence or even recklessness as mitigating features.¹²

20. As in other cases, this Board notes that the acts of falsification which are the basis of the charges evidence particular pre-meditation and deceit. As noted in paragraph 9 above, substantial and detailed changes were made to the academic records in question.

21. While the seriousness of Mr. G [REDACTED] acts is such that the University might be justified in seeking the revocation of his degree, the University has not done so. It notes that when confronted with his conduct, Mr. G [REDACTED] immediately admitted to the falsification, and has since cooperated in the University's request for information and in communication, and has evidenced in those communications demonstrable remorse. Mr. G [REDACTED] asserts in his letter that he has already experienced seriously negative effects as a result of his actions, having lost the job to which he applied and the anticipated income that would be associated. He observes that these acts have essentially eliminated any opportunities he might have had for employment with leading consulting companies.

22. On the other hand, Mr. G [REDACTED] has declined both to attend the hearing, or to take advantage of the alternatives offered by University counsel to participate directly (through video

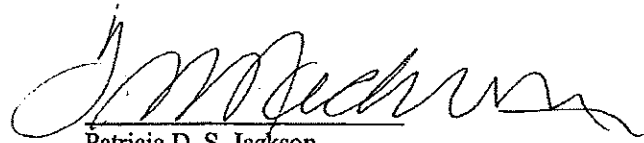
¹² *University of Toronto v. S [REDACTED] D [REDACTED]* Reasons for Decision of the University Tribunal, May 2007, para. 53.

or audio hookup) in these proceedings. In the circumstances, the Board has not had the opportunity to personally observe or communicate with Mr. G [REDACTED] and therefore to make a direct assessment of the genuineness of his remorse and prospects for rehabilitation. In addition, we have no evidence in this case, unlike that of the law student, that the suspension of Mr. G [REDACTED] degree precludes his employment in his profession.

23. In all of these circumstances, the Board has concluded that it is appropriate to adopt the sanctions recommended by University Counsel. We consider that this sanction reflects the seriousness of the offence and the importance of deterrence, but is neither at the most severe end of sanctions imposed in comparable circumstances (a revocation of the degree) or at the lower end (a shorter suspension made in circumstances where the Tribunal had an opportunity to personally assess the remorse and prospects for rehabilitation of the student in question). We consider that this penalty reflects our intention to condemn Mr. G [REDACTED] conduct in the strongest possible terms, while at the same time not completely destroying the prospect of any future opportunity which might result from the academic record he in fact achieved.

24. We accordingly direct that Mr. G [REDACTED] degree be suspended for five years from the date of hearing and that this penalty be recorded permanently on Mr. G [REDACTED] academic record.

Date: 14 October 2008


Patricia D. S. Jackson
Chair

Ronald Kluger
Faculty Board Member


Alex Kehjiev
Student Board Member

24. We accordingly direct that Mr. G [REDACTED] degree be suspended for five years from the date of hearing and that this penalty be recorded permanently on Mr. G [REDACTED] academic record.

Date: _____

Patricia D. S. Jackson
Chair



Ronald Kluger
Faculty Board Member

Alex Kenjeev
Student Board Member