

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 2, 2020,

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 -

X [REDACTED] L [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Date: April 7, 2021, via Zoom

Members of Panel:

Ms. Lisa Talbot, Chair

Professor Blake Poland, Faculty Panel Member

Mr. Abdul Sidiqi, Student Panel Member

Appearances

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

The Student

THE CHARGES

1. This matter arises out of a charge of academic misconduct filed on November 2, 2020, by the University under the *Code of Behaviour on Academic Matters, 1995* (“Code”).
2. The charge was that, on or about March 17, 2020, the Student 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 degree in the Student’s name purportedly from the University of Toronto, contrary to section B.I.3(a) of the Code.

PRELIMINARY ISSUE: PROCEEDING IN THE ABSENCE OF THE STUDENT

3. The Tribunal heard this matter on April 7, 2021. The Student did not attend the hearing. On reading the affidavit of service of Nusaiba Khan, affirmed April 1, 2021, with attached exhibits, and the affidavit of Kimberly Blake, affirmed April 5, 2021, with attached exhibits, and in consideration of the *Policy on Official Correspondence with Students* (“Policy”) approved on May 1, 2006, Rules 9 and 17 of the *Rules of Practice and Procedure* (“Rules”) of the University Tribunal, the Panel was satisfied that the Student was served with the Charges on November 3, 2020 and with the Notice of Electronic Hearing on March 22, 2021 and ordered that the hearing proceed in the Student’s absence.
4. Actual service is not required under the Rules. Service is effected by sending the notice to the email address listed in ROSI. As per the Policy, students are expected to monitor and retrieve their emails. Accordingly, the University satisfied the service requirements set out in the Rules.
5. Further, as noted in Ms. Blake’s affidavit, no “bounce back” message was received, and Ms. Blake attempted to contact the Student by phone and mail using the contact information listed in ROSI.

THE FACTS

6. At all material times the Student was a student at the University of Toronto Faculty of Arts and Science.

On March 18, 2020, Rotman Commerce received an email from Quanren, an employee background check and due diligence service, asking to verify the following information:

Name:	[The Student's name]
Gender:	Male
DOB:	
College:	University of Toronto
Degree:	Bachelor of Commerce
Degree(s) awarded:	June 8, 2014

7. The email attached a letter of authorization dated March 17, 2020, which states that an individual with the Student's name authorized Quanren to verify their background.
8. The email also attached an electronic copy of a degree (the "Degree"). The Degree had the Student's name and indicated that they had obtained a Bachelor of Commerce degree on June 8, 2014.
9. The Degree was forged.
10. The Student has not graduated from the University of Toronto.
11. The Panel considered whether the Student is the same individual referred to in the Quanren email. The Panel considered the affidavit of Linda Nauman, affirmed March 30, 2021, the affidavit of Samantha Smith, affirmed March 24, 2021, and the affidavit of Obianuju Umenyi, affirmed March 29, 2021 and accepts that the name, date of birth, and course of study (Commerce) identified in the Quanren email match those of the Student; and that while there are other students in the University's Repository of Student Information ("ROSI") with the same name, no other student with the same name has a birth date that matches that identified in the Quanren email. The one identifying characteristic that does not match is gender. The gender identified in ROSI is female. The gender identified in the Quanren email is male.
12. The Panel accepts that the Student is the individual identified in the Quanren email. The University's burden of proof in this regard is on a balance of probabilities. There may be reasons why the gender does not match. Quanren may have made a mistake, or the Student may have chosen to identify with a different gender. The Panel cannot speculate. The birth date is the most important identifying characteristic. Unlike gender, the birth date is immutable. The evidence before the Tribunal establishes

that the Student is the only individual with both the name and birth date identified in the Quanren email. Her course of study also matches the Quanren email. The University has satisfied the Panel, on a balance of probabilities, that the Student is the individual identified in the Quanren email.

DISPOSITION ON CHARGES

13. On the basis of the facts set out above, as well as the documents provided in the Book of Documents re: Finding of Offence, the Tribunal entered the finding that the Student was guilty of one count 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.

DECISION ON PENALTY

14. The University submitted that the following sanctions should be imposed on the Student:

- a. The Student shall be immediately suspended from the University for a period of up to five years from the date of the Tribunal's order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on their academic record and transcript; and
- b. The Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.

15. The University also submitted that this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

16. The Panel is required to consider the Mr. C. factors (Case No. 1976/77-3 November 5, 1976) to support its decision on penalty: character of student, likelihood of repetition of the offence, nature of the offence committed, existence of extenuating circumstances, detriment to the University and the general need for deterrence.

Character, Extenuating Circumstances and Likelihood of Repetition

17. With respect to the Student's character, extenuating circumstances and likelihood to reoffend, the Panel notes that the Student has not participated in the academic discipline process or in this proceeding at all. The Student has no prior offences but has engaged in deliberate dishonesty, making use of a forged degree. There is no evidence before the Tribunal of character or extenuating circumstances that lean in

favour of leniency. Because the Student has failed to participate, the Panel has no evidence before it of any remorse or insight gained by the Student. It also has no evidence that the Student has learned or taken responsibility for their conduct.

18. The Panel finds that the Student exhibited dishonesty and unethical character. There are no known extenuating circumstances. In light of the factors outlined above, the Panel considers that there is a likelihood of repetition of the offence.

Nature of the Offences Committed, Detriment to the University, and Deterrence

19. These factors overlap with one another. The forgery of an academic record is one of the most serious offences a student can commit. In its previous decisions, this Tribunal has noted the seriousness of a charge that a student forged a degree certificate. For example, in *The University of Toronto v. S.K.* (Case No. 492, July 31, 2008) the Tribunal stated that forgery is “probably the most serious offence” and “an offence of the utmost seriousness.” Similar statements can be found in other cases dealing with forged degree certificates.

20. The Tribunal also wrote in *University of Toronto v. J.R.* (Case No. 1018, November 26, 2019) at paragraph 19:

There can be no question that forging and circulating a degree certificate is an extremely serious offence. Forged certificates damage the University’s reputation, undermine the trust prospective employers and other academic institutions have in the University and its students, and harm students who have earned their degrees by forcing them to compete for positions against students who have not earned the qualifications they claim to hold.

All of these comments are applicable in this case. The importance of maintaining the integrity of the University’s academic records and deterring students from engaging in forgery of degree certificates cannot be overemphasized.

21. Counsel directed the Panel’s attention to nine cases involving forgery of an academic record (either degree certificates or transcripts). In all of these cases but one, the students had no prior offences. In all but one, the students did not participate. In all of these cases, the Tribunal ordered a suspension for five years and recommended expulsion. While these cases are not legal precedents, it is important that there be consistency in sanctions for students facing like charges.

22. After considering all of the above factors, and the cases provided by the University, the Panel is satisfied that the University's suggested penalty is appropriate. The Student shall be immediately suspended from the University for a period of up to five years from April 7, 2021 or until Governing Council makes its decision on expulsion, whichever comes first, and a corresponding notation shall be placed on the Student's record and transcript. The Panel also recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University. This case shall be reported to the Provost, with the Student's name withheld, for publication of a notice of decision of the Tribunal and the sanctions imposed.

Dated at Toronto this 20th day of August, 2021.



Lisa Talbot, Chair

On behalf of the Panel