

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 18, 2016

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:

THE UNIVERSITY OF TORONTO

(University)

- AND -

J [REDACTED] H [REDACTED]

(Student)

REASONS FOR DECISION

Date of Hearing: March 16, 2016 and August 9, 2016

Members of the Panel:

Mr. John A. Keefe, Barrister and Solicitor, Chair
Professor Gabriele D'Eleuterio, Faculty Panel Member
Ms. Alice Zhu, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers (March 16, 2016 and August 9, 2016)
Mr. Glenroy Bastien, Counsel for the Student (March 16, 2016 and August 9, 2016)
Professor John Britton, Dean's Designate, Office of Student Academic Integrity (March 16, 2016)
Dr. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts and Science (March 16, 2016 and August 9, 2016)

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances (March 16, 2016)
Krista Osbourne, Administrative Assistant Appeals, Discipline and Faculty Grievances (August 9, 2016)
Mr. J [REDACTED] H [REDACTED], the Student (March 16, 2016 and August 9, 2016)

THE HEARINGS

Initial Hearing – March 16, 2016

1. The Trial Division of the University Tribunal was convened on March 16, 2016, to consider charges brought by the University of Toronto (the “**University**”) against J [REDACTED] H [REDACTED] (the “**Student**”) under the *University Code of Behaviour on Academic Matters, 1995* (the “**Code**”).
2. The charges against the Student are as follows:
 1. On or about June 2 and 3, 2015, having an intent to commit an offence under the Code, you did or omitted to do something for the purpose of carrying out your intention to forge or in any other way alter or falsify an academic record, or utter, circulate or make use of such forged, altered or falsified record, contrary to sections B.II.2 and B.I.3(a) of the Code.
 2. In the alternative, on or about June 2 and 3, 2015, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.
 3. On or about June 2, 2015, you knowingly forged or in any other way altered or falsified an academic record, or uttered, circulated or made use of such forged, altered or falsified record in an email to Woodsworth College, contrary to section B.I.3(a) of the Code.
 4. In the alternative, on or about June 2, 2015, having an intent to commit an offence under the Code, you did or omitted to do something for the purpose of carrying out your intention to forge or in any other way alter or falsify an academic record, or utter, circulate or make use of such forged, altered or falsified record, contrary to sections B.II.2 and B.I.3(a) of the Code.
 5. In the further alternative, on or about June 2, 2015 you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code 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 initial hearing proceeded on the basis of an Agreed Statement of Facts which are attached as Appendix 1 to these Reasons for Decision.

4. The Student pleaded guilty to counts 1 and 3 of the Charges.
5. The Tribunal accepted the plea of guilty on these counts and the remaining counts were withdrawn by the University.
6. The hearing was then adjourned on consent for the penalty phase of the hearing.
7. Based on the finding of guilt on counts 1 and 3, pending the outcome of the hearing on sanction, on March 16, 2016 the Tribunal issued the following Order:

“That a notation be placed in Mr. H [REDACTED]’s academic record and transcript to reflect that Mr. H [REDACTED] has been found guilty of academic misconduct from the date of this Order pending the outcome of the hearing on sanction for Mr. H [REDACTED].”

The Sanctions Hearing – August 9, 2016

8. The sanctions hearing proceeded on August 9, 2016.
9. At the outset of the sanctions hearing, the Tribunal considered a request by the Student to submit ten documents even though they were not delivered in accordance with the agreed timetable. Counsel for the University objected to one of the documents, a medical report dated August 2, 2016 from Dr. Juan Kim, on the basis that it was not delivered in accordance with the agreed timetable, thereby depriving the University of the opportunity to consider and respond to the report or to cross-examine the doctor. The Tribunal allowed the report and the other documents to be admitted in evidence. The medical report together with the other documents (including other medical reports) submitted on behalf of the Student were marked as Exhibit 4.
10. The parties filed an Agreed Statement of Facts on Penalty which is attached as Appendix 2 to these Reasons for Decision.

Background Leading To The Charges

The First Offence

11. The Charges that are the subject of this proceeding are the third offence committed by the Student. The background to the two earlier offences is important to understanding the circumstances surrounding the offence in question in this proceeding. The Student was initially disciplined for academic dishonesty in 2012. The incident involved the submission of a test for a remark. Prior to submitting it, the Student corrected the test and then re-submitted it for a remark. On the day the test was re-submitted, the professor warned all the students in the course that he was concerned that some of the students were re-submitting tests for remarks after making corrections. The following day, the Student admitted his conduct to the professor. The Student's conduct was submitted to the University's discipline process. Ultimately, this resulted in the following sanction:

- (a) a zero sum for Term Test 3 and a further grade reduction equivalent to the value of the test (16.67%); and
- (b) an annotation on Mr. H [REDACTED]'s transcript from March 1, 2012 to February 28, 2014.

12. The Student's appeal of this sanction to the Vice Provost, Academic and Faculty Life was dismissed.

The Second Offence

13. The second offence occurred in September 2013. It involved submitting an academic transcript for a summer job to the Canadian Automobile Association (C.A.A.). The transcript sent to the

C.A.A. intentionally omitted the annotation on his transcript that he had been sanctioned for the first offence.

14. This led to a second disciplinary proceeding. The Student was charged with the offence of forging or otherwise altering or falsifying an academic record.
15. The hearing of the University Tribunal relating to the second offence was held on April 8, 2015. The Student pleaded guilty to the charge based on an agreed Statement of Facts and there was a hearing on sanction .
16. In its Reasons for Decision, the Tribunal fully canvassed the background facts and circumstances relating to the first and second offence, including the evidence of the Student's emotional and mental health issues and all of the mitigating circumstances concerning his stressful time at the University. After considering all these issues, the Tribunal made the following order:
 - (a) that the Student be suspended for a period of three years from the date of this decision;
 - (b) that a notation be on his academic transcript for a period of four years; and
 - (c) that the publication of this decision be done by the University with the name of the Student withheld.
17. The Reasons for Decision of the University Tribunal were available for release on May 19, 2015. However, they were not released to the Student until June 1, 2015. The delay in the release of the decision was because, at the request of counsel for the Student, the Tribunal agreed to give counsel advance notice of the impending release of the decision so that

arrangements could be made to have the result released to the Student in the presence of counsellors because of his fragile emotional state.

18. Although the normal practice of the University would be to record the result of the Tribunal on the Repository of Student Information (“ROSI”) immediately after it is rendered, the University decided not to implement the sanction out of concern for the Student’s mental health and well-being.
19. The conduct of the Student that gives rise to the current proceeding involves the Student’s conduct immediately following the release of the decision to him on June 1, 2015.
20. The decision of the Tribunal was communicated to the Student at the University counselling centre (CAPS) at 3:00 p.m. on June 1, 2015.
21. Counsel for the Student notified the University on June 2, 2015 at 8:30 a.m. that the decision had been communicated to the Student, but because University counsel was away from the office, there was a delay in implementing the sanction on the University’s system until after June 3, 2015.
22. On June 2, 2015 at 2:45 p.m., knowing that he had been suspended from the University for three years commencing May 19, 2015 and that the sanction had not been implemented on ROSI, the Student requested a total of ten transcripts using the University’s online service.
23. On June 2, 2015, the Student also asked Savitri Rose, Registrarial Assistant, Woodsworth College to provide letters regarding his academic status. At her request, he emailed her on June 3, 2015 at 10:01 a.m. and requested:

4 copies to Immigration Canada containing:

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

4 copies to "To whom it may concern":

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

2 copies to "CPA Ontario":

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

24. The Student knew that the transcripts that he ordered online and the letters he requested did not reflect his academic record and he admitted that he intended to make use of them.

THE POSITION OF THE PARTIES ON SANCTION

25. Counsel for the University requested that the Tribunal make the following Order:
- (a) to recommend to the President that he recommend to Governing Council that he expel the Student from the University;
 - (b) that the Order dated March 16, 2016 continue until the final disposition of our Decision and Reasons by the Governing Council; and
 - (c) that this case be reported by the Provost for publication of a Notice of a Decision of the Tribunal and the Sanction or Sanctions imposed remain with the name of the Student withheld.
26. Counsel for the Student requested a five year suspension. He urged the Tribunal to impose a five year suspension rather than expulsion. He submitted that this incident would be a wake-up

call to him and it would be unfortunate if the Student was prevented from ever pursuing his career at the University of Toronto given that he was operating in an extremely stressful situation. He acknowledged that the conduct demonstrated monumental poor judgment. He urged us to consider that the conduct was spontaneous.

THE EVIDENCE AT THE SANCTIONS HEARING

27. The Student testified at the Sanctions Hearing and offered some evidence about his personal background and an explanation for his conduct.
28. He testified that during his childhood, he and his family lived in Korea. They moved to Canada when he was ten years old. During his time in Korea, his family's life was comfortable until his father (a medical doctor) and his mother separated. The separation and divorce was difficult and his father did not provide support to his mother. She was forced to take him to court regularly to secure support for herself and their children. The Student and his mother moved to British Columbia where they had a much lower standard of living. Through hard work and determination, the Student achieved high grades in high school and was admitted to the University of Toronto's Rotman School of Business.
29. On several occasions during the hearing, the Student expressed his educational goal as succeeding in school so that he could earn a Chartered Accountants designation and get a high paying job.
30. While in attendance at the University of Toronto the Student became involved in a romantic relationship which ended in a dramatic fashion. During the relationship, his romantic partner became obsessive and possessive. When the relationship ended there was an incident where the Student was assaulted by his girlfriend. The police were called and this led to criminal charges

against her and a court case. Ultimately, his romantic partner entered into a peace bond. This incident together with a number of incidents caused the Student to become extremely stressed leading to his seeking treatment for mental illness.

31. The Student explained that when the result was delivered to him on June 1, 2015, he left the room at the University where the doctor was present. He explained that his mother called and asked him for documents to be used for a court proceeding in Korea to verify that the Student was still registered so that the mother could receive payment for these expenses. He testified that the reason he sought the various transcripts and letters in question was to fulfill his mother's request.
32. On further review of the evidence, the Student's request for documentation from the University went beyond merely seeking formal documentation to assist his mother in the court case. It included a request for a letter addressed to the Chartered Professional Accountants Association and to Immigration Canada.
33. He requested that the letters state that he was a "full-time student in good standing at the University and expected to graduate in June 2017". He knew that this was untrue. He admitted in the Agreed Statement of Facts that "he intended to obtain transcripts that did not accurately reflect his academic record and standing with the intention of uttering, circulating or making use of those records".
34. The Student suggested that he was acting spontaneously while under stress. However, the conduct occurred over a three day period. It is quite clear that the Student was not acting spontaneously, but rather quite intentionally in order to take advantage of the University's delay in posting the suspension.

35. In his evidence he said that after speaking to his mother, he went on the computer and noted that ROSI had not picked up the sanction imposed by the Tribunal. He said he “needed the money” and rushed to get the transcripts and the letters. Obviously, the Student was hoping to get the transcripts and letters before the suspension was recorded so that he could use them knowing they were false. Clearly, his actions involved deliberate steps rather than spontaneous actions.
36. What is particularly troubling is that the Student received sympathetic treatment from the Tribunal and the University because of his fragile mental state, yet upon receiving the result, he immediately took steps to obtain copies of his academic record which he knew were false. This demonstrates a lack of real remorse and a complete lack of respect for the basic principles of integrity embodied in the Code.

THE TRIBUNAL’S CONCLUSION ON SANCTION

37. University counsel presented the Tribunal with a number of Tribunal cases that supported her position that, where there is a pattern of dishonest conduct and prior convictions, expulsion was the appropriate penalty. The charge in the case is forgery or uttering, circulating or making use of a forged or false document. It is a very serious offence.
38. The Tribunal decisions referred to by University counsel make it clear that forgery is at the high end of the scale of wrongdoing. This offence is a third offence for the Student and it occurred immediately after being notified of the three year suspension for the second offence.
39. The Tribunal considered a number of mitigating circumstances. The Student admitted guilt on this and the prior occasions at a very early stage.

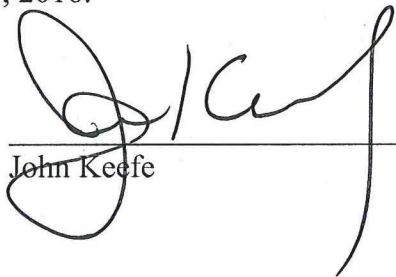
40. The Student cooperated in this proceeding by agreeing to the Agreed Statement of Facts and the Agreed Statement of Facts on Penalty. The Student attended the hearing. The medical evidence submitted indicates that the Student was suffering from significant mental distress at the time of the offence. The offence in question occurred at the lowest point in the Student's academic career, having just been told that he was going to be suspended for three years.
41. Counsel for the Student urged us to consider the statement of the Supreme Court of Canada in *R. v. Proulx* that:
- “82 The Court has held on a number of occasions that sentencing is an individualized process, in which the trial judge has considerable discretion in fashioning a fit sentence. The rationale behind this approach stems from the principle of proportionality, the fundamental principle of sentencing, which provides that a sentence must be proportional to the gravity of the offence and the degree of responsibility of the offender. Proportionality requires an examination of the specific circumstances of both the offender and the offence so that the “punishment fits the crime”. As a by-product of such an individualized approach, there will be inevitable variation in sentence imposed for particular crimes....”
42. Having considered all the evidence and the submissions, it is clear to the Tribunal that the Student has little or no understanding of the significance of the University's fundamental values of integrity embodied in the policies and procedures and the Code.
43. It is obvious to the Tribunal that the Student did not learn his lesson from the first or the second incident. It is not possible to conclude that the Student would never do it again.
44. Based on a consideration of all the evidence of this offence and the offender the Tribunal concludes that the appropriate penalty is expulsion from the University.

ORDER

45. Accordingly, the Tribunal makes the following order:

- (a) The Tribunal recommends to the President that he recommend to Governing Council that it expel the Student from the University;
- (b) that the Order of the Tribunal dated March 16, 2016 continue until the final disposition of the order made in paragraph (a); 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.

Dated at Toronto, this 7 day of November, 2016.



John Keefe

APPENDIX 1

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 18, 2016

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:

THE UNIVERSITY OF TORONTO

– AND –

J [REDACTED] H [REDACTED]

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the “Provost”) under the *Code of Behaviour on Academic Matters* (“Code”). For the purposes of this hearing, the Provost and J [REDACTED] H [REDACTED] have prepared this Agreed Statement of Facts (“ASF”) and a joint book of documents (“JBD”). The Provost and Mr. H [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document’s contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Notice of hearing, charges, guilty plea

2. Mr. H [REDACTED] admits that he received a notice of hearing for March 16, 2016, at 5:45 pm, and that he received reasonable notice of the hearing. The notice of hearing is included in the JBD at **Tab 1**.

3. Mr. H [REDACTED] admits that he received a copy of the charges filed by the Provost, which are included in the JBD at **Tab 2**.

4. Mr. H [REDACTED] waives the reading of the charges, and hereby pleads guilty to charges #1 and #3. If the University Tribunal convicts Mr. H [REDACTED] under charges #1 and #3, the Provost will withdraw charges #2, #4 and #5.

5. Mr. H [REDACTED] has been a registered student at the University of Toronto since Fall 2011. He is a member of Woodsworth College. Since Fall 2012, Mr. H [REDACTED] has been enrolled in the Management Specialist program, which is offered jointly by the Faculty of Arts and Science and Joseph L. Rotman School of Management. He has accumulated 10.0 credits. A copy of Mr. H [REDACTED]'s current academic record and history is found in the JBD at **Tab 3**.

B. Previous Tribunal hearing

6. On April 8, 2015, the University Tribunal ("Tribunal") convened to hear charges that were filed against Mr. H [REDACTED], dated June 13, 2014. Mr. H [REDACTED] was represented by counsel, Glenroy Bastien, at the hearing. Mr. H [REDACTED] pleaded guilty to the offence charged and executed an Agreed Statement of Facts. The Tribunal accepted the guilty plea and convicted Mr. H [REDACTED] of the charged offence.

7. The sanction was contested at the hearing. The University submitted that a three-year suspension and four-year transcript notation commencing on the date the Tribunal rendered its decision was appropriate. Mr. H [REDACTED] submitted that a two-year suspension retroactive to September 2014 and a transcript notation of two to three years was appropriate.

8. The Tribunal reserved its decision on sanction.

C. *Delay in the implementing the Sanction to accommodate student*

9. Prior to the hearing, Mr. H [REDACTED] had received assistance from Dr. Robert Friedman, a psychiatrist at the University of Toronto's Counselling and Psychological Services ("CAPS"), and Becky Smith, Coordinator, Student Crisis Response Programs ("Crisis Services"). Out of concern for Mr. H [REDACTED]'s mental health and well-being, the University sought to ensure that Mr. H [REDACTED] would have the appropriate supports in place when the Tribunal's decision on sanction was communicated to him. This included requesting that the Office of the Governing Council provide Mr. H [REDACTED]'s counsel with advance notice that the decision would be released to permit him to make any necessary arrangements with CAPS and/or Crisis Services to ensure that Mr. H [REDACTED] received the supports he needed. Such advance notice is not routinely requested or offered by the University in respect of the release of Tribunal decisions.

10. The day after the hearing, on April 9, 2015, Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, Office of the Governing Council, sent an email to Tina Lie, counsel for the University, and Mr. Bastien, advising that the Tribunal might not have a decision on sanction that week. A copy of the email exchange from April 9 to 15, 2015 between Mr. Lang, Ms. Lie and Mr. Bastien, regarding the arrangements that Mr. Bastien would make for Mr. H [REDACTED], is included in the JBD at **Tab 4**.

11. On April 30, 2015, Mr. Lang sent an email to Ms. Lie and Mr. Bastien, advising that his office had just received draft reasons from the Chair of the Tribunal, and giving "a heads-up in case there are arrangements" that needed to be made. A copy of the email exchange that day between Mr. Lang and Mr. Bastien is included in the JBD at **Tab 5**.

12. On May 19, 2015, Mr. Lang sent an email to Ms. Lie and Mr. Bastien, advising that the Tribunal decision had been finalized. In response, Ms. Lie and Mr. Bastien discussed the arrangements that needed to be made to ensure that the necessary supports were in

place for Mr. H [REDACTED]. A copy of the email exchange that day between Mr. Lang, Ms. Lie and Mr. Bastien is included in the JBD at **Tab 6**.

13. The next day, on May 20, 2015, Natalie Ramtahal, then Coordinator, Appeals, Discipline and Faculty Grievances, Office of the Governing Council, released the decision of the Tribunal, dated May 19, 2015, by email, to Ms. Lie and Mr. Bastien. In its decision, the Tribunal ordered that:

- (a) Mr. H [REDACTED] be suspended for a period of three years from the date of the decision;
- (b) a notation be placed on Mr. H [REDACTED]'s academic transcript for a period of four years; and
- (c) the decision be published with Mr. H [REDACTED]'s name withheld

(collectively, the "Sanction"). A copy of the email from Ms. Ramtahal, together with the Tribunal's decision dated May 19, 2015, is included in the JBD at **Tab 7**.

14. That day, on May 20, 2015, the University decided not to implement the Sanction in the University's system (the Repository of Student Information ("ROSI")) and record it on Mr. H [REDACTED]'s transcript until it received confirmation that the Sanction had been communicated to Mr. H [REDACTED], with the appropriate supports in place. A copy of an email exchange between Yvette Ali, Associate Faculty Registrar, Records & Registration, Faculty of Arts & Science, and Dr. Kristi Gourlay, Manager and Academic Integrity Officer, Office of Student Academic Integrity, regarding the implementation of the Sanction is included in the JBD at **Tab 8**. In the ordinary course, the University implements sanctions imposed by the Tribunal immediately. However, the University decided not to implement the Sanction for Mr. H [REDACTED] on May 20, 2015 out of concern for Mr. H [REDACTED]'s mental health and well-being.

15. On May 21 and 28, 2015, Ms. Lie sent emails to Mr. Bastien to request confirmation that the Sanction had been communicated to Mr. H [REDACTED], so that the University could proceed to implement the Sanction. On May 29, 2015, Mr. Bastien advised that a meeting was scheduled for Monday, June 1, 2015 at 3:00 pm at CAPS.

16. On Monday, June 1, 2015 at 3:00 pm, the Sanction was communicated to Mr. H [REDACTED] at CAPS. Accordingly, as of the afternoon of June 1, 2015, Mr. H [REDACTED] was aware that the Tribunal had ordered, among other things, that he be suspended for three years commencing on May 19, 2015 (the date of the decision) and that a notation be placed on his transcript for four years.

17. The next day, on June 2, 2015, at 8:22 am, Mr. Bastien sent Ms. Lie an email in which he confirmed that the Sanction had been communicated to Mr. H [REDACTED]. A copy of the email exchange from May 21 to June 2, 2015 between Ms. Lie and Mr. Bastien is included in the JBD at **Tab 9**.

18. Ms. Lie was on vacation at the time that Mr. Bastien sent his email on June 2, 2015. Accordingly, she did not immediately notify the University that the Sanction had been communicated to Mr. H [REDACTED]. The next day, on June 3, 2015, at 12:26 pm, Janice Patterson, Ms. Lie's assistant, sent an email to Mr. Bastien asking for confirmation that the Sanction had been communicated. That day, at 2:56 pm, Mr. Bastien confirmed again that the Sanction was communicated to Mr. H [REDACTED] on Monday, June 1, 2015. A copy of the email exchange on June 3, 2015 between Ms. Patterson, Mr. Bastien and Ms. Lie is included in the JBD at **Tab 10**.

19. On June 3, 2015, at 6:20 pm, Ms. Lie advised Ms. Ali that the Sanction had been communicated to Mr. H [REDACTED] and that the University could proceed to implement the Sanction. A copy of Ms. Lie's email to Ms. Ali is included in the JBD at **Tab 11**.

20. Mr. H [REDACTED] knew that the University had delayed implementing the Sanction, including by entering it into ROSI and on Mr. H [REDACTED]'s transcript, out of concern for his mental health and well-being.

D. Mr. H [REDACTED]'s requests for transcripts and letters

21. On June 2, 2015 at 2:45 pm, and on June 3, 2015 from 10:29 to 11:22 am, Mr. H [REDACTED] requested a total of ten transcripts and paid the corresponding fee using Student

Web Services ("SWS"). SWS is an online service that provides students with access to their records in ROSI, and to request official transcripts in exchange for a fee. To Mr. H [REDACTED]'s knowledge, the Sanction had not yet been implemented in ROSI and on his transcript, at the time he submitted the requests. A copy of Mr. H [REDACTED]'s SWS Activity Log for June 2 and 3, 2015 is included in the JBD at **Tab 12**.

22. On June 2, 2015, Mr. H [REDACTED] spoke with Savitri Rose, Registrarial Clerk, Woodsworth College on the phone in which he requested that Woodsworth College provide him with letters regarding his academic status at the University. Ms. Rose asked Mr. H [REDACTED] to send his request to her in an email.

23. On June 3, 2015, at 10:01 am, Mr. H [REDACTED] sent an email to Ms. Rose, in which he wrote:

Hi Savitri,

Good morning. Thanks for taking the time to talk to me on the phone yesterday. My student number is [REDACTED]. I need a total of 10 letters – here are the details:

4 copies to Immigration Canada containing:

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

4 copies to "To whom it may concern"

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

2 copies to "CPA Ontario"

- D [REDACTED] is a full time student in good standing at the University
- Expected to graduate in June 2017

Thanks!

24. That day, Mr. Rose forwarded Mr. H [REDACTED]'s email to Jennifer Guyatt, Associate Registrar, Woodsworth College, who forwarded the email to Dr. Gourlay, asking if the outcome of the Tribunal had been reported. A copy of Mr. H [REDACTED]'s email, as well as Ms.

Rose's email to Ms. Guyatt and Ms. Guyatt's email to Dr. Gourlay, is included in the JBD at **Tab 13**.

E. Meeting with Dean's Designate

25. On August 5, 2015, Mr. H [REDACTED] met with Professor John Britton, Dean's Designate for Academic Integrity for the Faculty of Arts and Science to discuss the allegation that he had violated the *Code* by engaging in the conduct described above. Mr. H [REDACTED] attended the meeting with his counsel, Mr. Bastien. Mr. H [REDACTED] admits that Professor Britton provided the warning that was required to be given to him under the *Code*.

26. Mr. H [REDACTED] denied that he had committed an academic offence at the meeting.

F. Admissions and acknowledgements

27. Mr. H [REDACTED] admits that:

- (a) He knew on April 8, 2015, the day of the Tribunal hearing, that he would likely be suspended by the Tribunal.
- (b) He was notified on June 1, 2015 that the Tribunal had ordered that he be suspended for three years, commencing on May 19, 2015.
- (c) He knew that the University had delayed implementing the Sanction until it received confirmation from his counsel that the Sanction had been communicated to him, out of concern for his mental health and well-being.
- (d) When he requested the ten transcripts using SWS on June 2 and 3, 2015, he knew that the transcripts that he requested did not accurately reflect his academic record and standing with the University. In particular, he knew that the Sanction had not yet been entered into ROSI and on his transcript. By requesting the transcripts, he intended to obtain ten transcripts that did not accurately reflect his academic record and standing, with the intention of

uttering, circulating or making use of those records, in violation of sections B.II.2 and B.I.3(a) of the *Code*.


- (e) When he sent Ms. Rose his email on June 3, 2015, in which he requested ten letters from Woodsworth College, he knew that:
- (i) he was not in "good standing" with the University. In particular, he knew that he had been suspended by the University for academic misconduct; and
 - (ii) he was not expected to graduate from the University in June 2017. In particular, he knew that he was suspended from the University until May 19, 2018, and needed to accumulate an additional 10 credits before he would be eligible to graduate.

By misrepresenting his academic record and standing in his email to Ms. Rose, he altered or falsified his academic record, in violation of section B.I.3(a) of the *Code*.

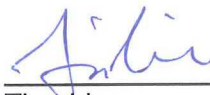
28. Mr. H [REDACTED] acknowledges that:

- (a) the Provost of the University of Toronto has made no representations or promises as to what sanction the Provost will seek in this case; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so having been given the chance to obtain the advice of legal counsel and having done so.

Signed on March 13, 2016.


J [REDACTED] H [REDACTED]

Signed on March 14, 2016.



Tina Lie
Assistant Discipline Counsel
University of Toronto

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APPENDIX 2

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 18, 2016,

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BETWEEN:

THE UNIVERSITY OF TORONTO

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J ■ H ■ ■ ■ ■ ■ H ■ ■ ■ ■ ■

AGREED STATEMENT OF FACTS ON PENALTY

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purposes of the penalty phase of this hearing, the Provost and J ■ H ■ ■ ■ ■ ■ H ■ ■ ■ ■ ■ ("Mr. H ■ ■ ■ ■ ■") have prepared this Agreed Statement of Facts on Penalty ("ASF on Penalty").

2. The Provost and Mr. H ■ ■ ■ ■ ■ agree that each document attached to this ASF on Penalty may be admitted into evidence before the Tribunal for all purposes without further need to prove the document.

A. *Prior Offence – Winter 2012*

3. In Winter 2012, Mr. H ■ ■ ■ ■ ■ was enrolled in ECO100Y1 (Introduction to Economics), which was taught by Dr. Gusatvo Indart. On or about February 17, 2012, Mr. H ■ ■ ■ ■ ■ wrote Term Test 3 in ECO100Y1, which was worth 16.67% of his final grade in the course.

4. On or about February 27, 2012, the graded Term Test 3 was returned to Mr. H [REDACTED]. Mr. H [REDACTED] received a mark of 80/100. The solution to the test was posted on the course website and students were given seven days from February 27, 2012 to submit their test papers for remarking, if they wished.
5. Mr. H [REDACTED] submitted his Term Test 3 to Dr. Indart for remarking within the seven day period. In his submission, Mr. H [REDACTED] indicated that the explanations to three of the multiple choice questions were marked incorrectly and questioned the marking of several multi-part questions.
6. Dr. Indart reviewed Mr. H [REDACTED]'s request to remark Term Test 3 and determined – with one exception – that for each of the questions that Mr. H [REDACTED] had identified for remarking, there was either no merit in the request or the answer appeared to have been altered after the test paper was returned to Mr. H [REDACTED]. The one exception related to one multi-part question, which was marked incorrectly for all students.
7. On March 7, 2012, before the remarked test papers were returned to students (including to Mr. H [REDACTED]) and before Dr. Indart discussed his concerns with Mr. H [REDACTED]'s test paper with him, Dr. Indart announced in class that some students appeared to be abusing the system by requesting a remarking of the test without proper cause and/or by submitting altered test papers for remarking. Dr. Indart also mentioned in class that he sometimes photocopied test papers before returning them to students in order to detect alterations.
8. Shortly after Dr. Indart's announcement in class, on March 7, 2012, Mr. H [REDACTED] contacted Dr. Indart to request an appointment. The next day, on March 8, 2012, Mr. H [REDACTED] met with Dr. Indart and admitted to altering some of his answers on the test paper that he had submitted for remarking. The matter was subsequently forwarded to the Dean's office.
9. On April 12, 2012, Mr. H [REDACTED] met with Professor Adrienne Hood, Dean's Designate for Academic Integrity for the Faculty of Arts and Science, and Dr. Gourlay regarding the

allegation of academic misconduct. Mr. H [REDACTED] admits that Professor Hood provided the warning that was required to be given to him under the *Code*.

10. During the meeting on April 12, 2012, Mr. H [REDACTED] admitted that he had altered his test paper for Term Test 3 before submitting it for remarking, and he knew that it was wrong to do so. He explained that his parents were divorced and he was under a lot of pressure to take care of his sister and mother. He had studied very hard for Term Test 3, but suffered from test anxiety, and was ultimately disappointed with his grade. He was apologetic for his conduct. He described his conduct as shameful and explained that it was his shame that caused him to confess to altering the test paper to Dr. Indart. He stated that he had learned his lesson and the importance of ethics and integrity.

11. Professor Hood and Dr. Gourlay advised Mr. H [REDACTED] that the typical penalty for a serious offence of the nature that Mr. H [REDACTED] had committed was a zero in the course and a suspension of some length. However, Professor Hood advised Mr. H [REDACTED] that she appreciated the fact that he was honest with both her and Dr. Indart, including by proactively approaching Dr. Indart to admit his mistake. As a result, Professor Hood imposed a more lenient sanction of:

- (a) a zero for Term Test 3 and a further grade reduction equivalent to the value of the test (16.67%) in ECO100Y1; and
- (b) an annotation on Mr. H [REDACTED]'s transcript from March 1, 2012 to February 28, 2014.

12. On April 17, 2012, Professor Hood sent an email to Mr. H [REDACTED], summarizing their meeting of April 12, 2012 and imposing the sanction described above. Professor Hood concluded her letter by stating:

I strongly recommend that you seek the advice of your registrar regarding your academic goals and how best to achieve them while adhering to the highest standard of academic integrity. If you suffer from test/exam anxiety, there are resources at the University to assist you in developing strategies to overcome this challenge.

While I trust that you have learned from this experience, this letter is a warning to you that all future academic work must be conducted in accordance with the rules and regulations of the University, with which you are expected to be familiar. If you should come to my attention again for another allegation of academic misconduct, the consequences will be much more severe.

13. A copy of Professor Hood's email is attached at **Tab 1**. Mr. H [REDACTED] acknowledges that Professor Hood's letter accurately describes the contents of their meeting on April 12, 2012.

14. On or about May 4, 2012, Mr. H [REDACTED] sent a letter to Professor Edith Hillan, Vice-Provost, Faculty and Academic Life, requesting reconsideration of the sanction imposed by Professor Hood. A copy of Mr. H [REDACTED]'s letter is attached at **Tab 2**.

15. On or about June 1, 2012, Professor Hood sent Professor Hillan a response to Mr. H [REDACTED]'s request for reconsideration of the sanction. A copy of Professor Hood's letter is attached at **Tab 3**.

16. On June 15, 2012, Professor Hillan dismissed Mr. H [REDACTED]'s request for reconsideration of the sanction. A copy of Professor Hillan's letter is attached at **Tab 4**.

B. Prior Offence – Fall 2013

17. On June 13, 2014, Mr. H [REDACTED] was charged under the *Code* as follows:

On or about September 13, 2013, 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 academic record, namely, a transcript that you submitted to a prospective employer, contrary to section B.I.3(a) of the *Code*.

18. On April 8, 2015, the Tribunal convened to hear the charge. Mr. H [REDACTED] pleaded guilty. He admitted, among other things, that:

(a) On or about September 12, 2013, he submitted an application for a summer internship program with the Canadian Automobile Association ("CAA"). His application included a document purporting to be his academic history with

the University of Toronto (the "Purported Academic History"). The Purported Academic History did not include Mr. H [REDACTED]'s academic record in Fall 2011 and Winter 2012; and

- (b) when Mr. H [REDACTED] submitted his application to CAA, the annotation respecting his sanction for academic misconduct in ECO100Y1 remained on his transcript. He deliberately omitted his academic record in Fall 2011 and Winter 2012 from his application to CAA in order to conceal from CAA both his grade in ECO100Y1 and the annotation relating to his prior academic misconduct.

19. On May 19, 2015, the Tribunal released its decision. The Tribunal imposed the following sanction on Mr. H [REDACTED]:

- (a) that the Student be suspended for a period of three years from the date of this decision;
- (b) that a notation be on his academic transcript for a period of four years; and,
- (c) that the obligation of this decision be done by the University with the name of the Student withheld

20. A copy of the Tribunal's decision is attached at **Tab 5**.

C. Acknowledgements

21. Mr. H [REDACTED] acknowledges that:


- (a) the Provost has advised Mr. H [REDACTED] of his right to obtain legal counsel and that Mr. H [REDACTED] has done so; and
- (b) he is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

Signed on March 15, 2016.



J H [REDACTED] H [REDACTED]

Signed on March 17, 2016.



Tina Lie
Assistant Discipline Counsel
University of Toronto

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