

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL**

IN THE MATTER OF charges of academic dishonesty filed on March 20, 2017

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] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: May 11, 2017

Members of the Panel:

Mr. Paul Michell, Chair
Professor Richard Day, Faculty Panel Member
Ms. Natasha Ramkissoon, Student Panel Member

Appearances:

Robert A. Centa, Assistant Discipline Counsel for the University, Paliare Roland Barristers
Ms. Emily Home, Articling Student, Paliare Roland (Discipline Counsel for the University)
Ms. Sana Kwar, Manager, University of Toronto Transcript Centre

In Attendance:

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances
Dr. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts and Science
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not In Attendance:

Mr. J [REDACTED] Z [REDACTED], Student

A. Charges and Hearing

1. On May 11, 2017, this panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto against J. [REDACTED] Z. [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 1995*.

2. Those charges were detailed in a letter to the Student dated March 20, 2017, as follows:

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 2, 2015, 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 the Code to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.

3. The Student is an undergraduate at the University in the Faculty of Arts and Science. As we note below, he is currently under an academic suspension.

4. The Student did not attend the hearing. He was not represented by counsel. The Tribunal called the hearing to order at the scheduled 1:45 p.m. start time, and waited 15 minutes. The Student did not appear then, or during the course of the hearing that followed.

5. At that point, the Provost asked the Tribunal to grant an order that the hearing proceed in the Student’s absence.

6. The Provost led evidence that the notice of hearing and charges had been sent to the University email account provided by the Student. The Provost also led evidence that the Student's email account had been accessed within the week before the hearing and was active.

7. In light of this evidence, and on being advised that the Provost had received no response from the Student, the Tribunal found that it was a reasonable inference that the Student had received adequate notice of the hearing and the charges made against him. The Tribunal ordered that the hearing should proceed in the Student's absence.

B. Liability

8. The Provost called Sana Kavar, manager of the University of Toronto Transcript Centre, which provides transcripts to academic institutions, potential employers, and students.

9. In December 2016, Ms. Kavar received an email inquiry from a colleague at York University about the Student's transcript, which had been sent to her. The colleague attached a copy of the transcript (dated September 2, 2015) and asked Ms. Kavar to verify its authenticity.

10. Ms. Kavar reviewed the 2015 transcript and compared it to the information about the Student's academic record in the University's records. She identified several inconsistencies between them. This led the Provost to bring charges against the Student.

11. Along with the 2015 transcript (as noted in *C.A.* [Case No. 828; April 11, 2016], at para. 6, the 2015 "transcript" deserves quotation marks to reflect that, as we find below, it was falsified) the Provost entered into evidence a recent copy of the Student's actual University transcript.

12. The Student's actual transcript reveals a weak academic record, including a notation that in Summer 2015, the Student was suspended for three years. Ms. Kavar confirmed that this was

an academic suspension. A comparison of the 2015 transcript provided to York and a copy of the Student's actual transcript reveals key discrepancies. In multiple courses in Fall 2012, Winter 2013, Summer 2013, Fall 2013, Winter 2014, and Summer 2015, the mark, grade, and GPA scores had been altered to increase them in the 2015 transcript. In three courses, the mark and grade had been increased from an F (fail) to something slightly higher, making it appear that the Student had passed the course when in reality he had not. Interestingly, in one Summer 2015 course, the mark and grade had been *decreased* in the 2015 transcript (from a B to a C-), although this may have been a consequence of another course having been deleted entirely so that it did not appear in the 2015 transcript. Tellingly, the notation on the actual transcript that the Student had been placed under an academic suspension for three years in 2015 did not appear on the 2015 transcript.

13. The Tribunal deliberated to consider this evidence. The logical inference from it is that the Student modified his transcript, or caused it to be modified, and in either case, made use of it in an effort to cast his academic record in an undeservedly positive light, with the aim of improving his odds of admission to York University. Our conclusion was that the Provost had made out its case that the Student was guilty of the first charge in connection with the falsification of the 2015 transcript, and we so stated at the hearing. The most reasonable conclusion from the evidence is that the Student was involved in falsifying his academic transcript, which was submitted to York University in connection with his application for admission to an academic program there.

14. In light of the Tribunal's findings on the first charge, the Provost withdrew the second charge.

C. Sanction

15. The hearing then moved to the sanction phase. The Provost sought an order imposing the following sanctions on the Student:

- (a) he be suspended from the University for up to five years, commencing May 11, 2017;
- (b) that the Tribunal recommend to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
- (c) the decision be reported to the Provost, for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University newspapers, with the Student's name withheld.

16. The Provost led no evidence during the sanction phase. Counsel for the Provost submitted a book of authorities and a chart categorizing the case law, and referred to several cases in argument.

17. After deliberation, the Tribunal advised that it accepted the Provost's submissions on penalty, and signed the Provost's draft order. These are the Tribunal's reasons for that decision.

18. In imposing a penalty for forgery or falsification of an academic record, the Tribunal has considered the following principles.

19. First, forgery or falsification of academic records is among the most serious academic offences: *N.R.* [Case No. 714; October 11, 2013], at para. 22; *D.D.* [Case No. 593; September 3, 2010] at para. 9; *M.K.* [Case No. 491; November 5, 2008], at para. 43. Such misconduct undermines the integrity of the University's academic mission. It misrepresents a student's accomplishments. If undetected, it may result in the student obtaining a benefit which he or she

does not deserve, deprive another more deserving student of that benefit, and tarnish the reputation of the University, and by extension, that of other students, alumni, and faculty: *A.K.G.* [Case No. 508; October 14, 2008], at para. 18.

20. Second, forgery may be difficult to detect. Some forgeries are crude and easily revealed. But others are more cunning. To the untutored eye, the 2015 transcript here appears to be genuine. Deterrence is thus a significant consideration. The fact that the 2015 transcript purported to be an official transcript from the University (rather than, say, an unofficial printout without the security features of an official transcript) compounds the gravity of the offence.

21. Third, by its nature, forgery is only rarely an offence that can occur through a student's negligence or inadvertence. It is usually the product of planning and knowing participation, not a moment of weakness or poor judgment. That was the case here.

22. Given these considerations, the cases commonly impose the most serious sanction a recommendation of expulsion other than in exceptional circumstances: *N.R. supra*, para. 25. This sanction has been imposed even where the Student participated in the discipline process, agreed to a joint statement of facts or joint statement on penalty, or showed remorse.

23. Regardless of whether the fabricated transcript is an "outgoing" transcript purporting to be an official University transcript being sent to another academic institution (as in this case, and in *C.A.*), or a potential or current employer (as in *S.M.* and *S.D.* [Case No. 406., May 1, 2007]); an "incoming" transcript purporting to be an official transcript sent to the University from another academic institution (as in *M.T.M.* [Case No. 496; April 30, 2008], *A.K.* [Case No. 523; January 14, 2009] and *M.K.*); or an "internal" transcript used by a student at the University applying to another program at the University (as in *D.D.* at para. 2), the gravity of the offence is severe.

24. Here, the Student played no role in the discipline process. Without the Student's participation, there was no evidence before the Tribunal of any possible explanation, or any mitigating circumstances that might exist, other than the advice of counsel for the Provost that the Student had no prior record of academic offences.

25. For these reasons, the Tribunal accepted the Provost's submissions on sanction, and held that the following sanction should be imposed on the Student:

- (a) that he be suspended from the University for up five years commencing May 11, 2017;
- (b) that the Tribunal recommend to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
- (c) that the decision be reported to the Provost, for publication of a notice of the decision of the Tribunal and the sanctions imposed, in the University newspapers, with the Student's name withheld.

Dated at Toronto, this 5th day of June, 2017.


Paul Michell, Chair