

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on March 23, 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

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

J [REDACTED] F [REDACTED]

REASONS FOR DECISION

Hearing Date: October 25, 2017

Members of the Panel:

Mr. Shaun Laubman, Lawyer, Chair

Professor Bruno Magliocchetti, Faculty Panel Member

Mr. Chad Jankowski, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers

Professor Eleanor Irwin, Dean's Designate, University of Toronto – Scarborough

In Attendance:

Ms. Tracey Gameiro, Hearing Secretary and Associate Director, Appeals, Discipline and Faculty Grievances, University of Toronto

Ms. Cheryl Woodin, University Tribunal Co-Chair, Observer

Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not in Attendance:

Mr. J [REDACTED] F [REDACTED], the Student

1. The Trial Division of the University Tribunal heard this matter on October 25, 2017.
2. J [REDACTED] F [REDACTED] (the "Student") did not attend and the hearing proceeded in his absence. The Student consented to the hearing proceeding in his absence and signed a consent, dated October 20, 2017, in which he confirmed that he did not wish to attend or participate in the proceeding.
3. The Student was charged as follows:
 - a. On or about March 24, 2016, 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 letter purportedly from the University of Toronto Scarborough Office of the Registrar, dated March 24, 2016, which indicated, among other things, that you had completed your Bachelor of Arts degree, contrary to section B.I.3(a) of the Code.
 - b. On or about March 24, 2016, 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 letter purportedly from the University of Toronto Scarborough Office of the Registrar, dated March 24, 2016, which indicated, among other things, that you had registered in the law program at the University of Toronto Scarborough, contrary to section B.I.3(a) of the Code. (the "Charges")
4. The Student and the University entered into an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP").
5. The relevant portions of the ASF are set out below:
 - a. This matter arises out of charges of academic misconduct filed on March 23, 2017 by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code").

- b. The Student admits that he received a copy of the charges filed by the Provost.
- c. The Student admits that he received a copy of the notice of hearing in this matter and that he has received reasonable notice of this hearing.
- d. The Student waives the reading of the charges filed against him, and pleads guilty to charges #1 and #2.
- e. From Fall 1998 to Winter 2001, the Student was a student at the University of Toronto Scarborough Campus ("UTSC").
- f. On or about March 23, 2016, the Student requested a letter, by email, from the UTSC Office of the Registrar confirming that he attended at the University of Toronto from 1998 to 2002 for the purposes of a job application.
- g. On March 24, 2016, the UTSC Office of the Registrar provided the Student with a letter, dated March 24, 2016, which indicated that the Student was registered at UTSC from Fall 1998 to Winter 2001 (the "UTSC Letter").
- h. The Student did not submit the UTSC Letter to his prospective employer or the background checker retained by his prospective employer.
- i. Instead, on March 24, 2016, the Student submitted two letters dated March 24, 2016, purportedly from the UTSC Office of the Registrar, to his prospective employer and/or the background checker retained by his prospective employer, in support of his application for employment, as follows:
 - i. the first letter indicated that the Student was registered at UTSC from Fall 1998 to Winter 2002 and that he had completed his Bachelor of Arts in Sociology on June 18, 2002 (the "First Forged Letter"); and

- ii. the second letter indicated that the Student was registered at UTSC from Fall 2002 to Winter 2005 in its “law program” (the “Second Forged Letter”).
- j. The UTSC Office of the Registrar did not sign the First Forged Letter or the Second Forged Letter.
- k. The Student was not registered at UTSC in Fall 2001 to Winter 2002 Winter, and did not complete a Bachelor of Arts degree with UTSC, as indicated in the First Forged Letter.
- l. The Student was not registered at UTSC from Fall 2002 to Winter 2005 in its “law program”, as indicated in the Second Forged Letter.
- m. On March 24, 2016, the University of Toronto received a degree verification request from Jennifer Luc at First Advantage, a background checking service, seeking to confirm that the Student had received a Bachelor of Arts degree and a Bachelor of Law degree from the University.
- n. On March 28, 2016, Terry Johnston of the Office of Convocation, University of Toronto, advised Ms. Luc that no degree had been granted to the Student. In response, Ms. Luc sent Mr. Johnston copies of the First Forged Letter and the Second Forged Letter. Mr. Johnston responded, confirming that he had contacted UTSC and received confirmation that no degree had been granted to the Student.
- o. On April 12, 2016, Professor Wayne Dowler, Dean’s Designate for Academic Offences at UTSC, sent a letter to the Student inviting him to a meeting to discuss the allegation of a possible academic offence relating to the First Forged Letter and the Second Forged Letter.
- p. On September 23, 2016, in response to emails from Nisha Panchal, Student Conduct & Academic Integrity Officer, Office of the Dean & Vice-Principal Academic at UTSC, to schedule the Student’s meeting with the Dean’s

Designate, the Student sent an email to Ms. Panchal advising that he had agreed to admit to the offence set out in the Dean's Designate's letter.

- q. On October 5, 2016, the Student had a telephone meeting with Professor Eleanor Irwin, Dean's Designate for Academic Offences at UTSC. Ms. Panchal was in attendance and heard both sides of the conversation and was present to take notes, but was not involved in the discussion. At the meeting, the Student pleaded guilty to:
 - i. forgery of the First Forged Letter, a document purporting to be a letter from UTSC dated March 24, 2016 stating that he had completed a Bachelor of Arts in Sociology from Fall 1998 to Winter 2002, which was circulated to an employment agency (contrary to s. B.I.3(a) of the *Code*);
 - ii. forgery of the Second Forged Letter, a document purporting to be a letter from UTSC dated March 24, 2016 stating he had been registered in the law program at UTSC from Fall 2002 to Winter 2005, which was circulated to an employment agency (contrary to s. B.I.3(a) of the *Code*).
- r. The Student admits that he knowingly:
 - i. forged, altered or falsified the First Forged Letter and the Second Forged Letter (contrary to s. B.I.3(a) of the *Code*);
 - ii. submitted the First Forged Letter and the Second Forged Letter to a prospective employer and/or background checker retained by the prospective employer, knowing that they both contained false information and that they had been forged, altered or falsified; (contrary to s. B.I.3(a) of the *Code*); and
 - iii. uttered, circulated or made use of the First Forged Letter and the Second Forged Letter by submitting them to his prospective

employer and/or background checker retained by his prospective employer (contrary to s. B.I.3(a) of the Code).

- s. The Student acknowledges that:
 - i. the Provost had advised him of his right to obtain legal counsel; and
 - ii. he signed the ASF freely and voluntarily, knowing of the potential consequences he faces.
6. Given the Student's admissions and guilty plea in respect of the Charges, as set out in the ASF, the Tribunal found him guilty of two counts 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.

Penalty

7. Following the findings on liability, the Tribunal heard from the University regarding the JSP.
8. The University and the Student agreed that, in all the circumstance of the case, it was appropriate to impose the following sanctions on the Student:
 - a. a recommendation to the President of the University that he recommend to the Governing Council that the Student be expelled from the University;
 - b. the Student be immediately suspended from the University of Toronto for a period of up to 5 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 his academic record and transcript; and
 - c. that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.

9. The Student acknowledged that:

- a. the Provost had advised him of his right to obtain legal counsel; and
- b. he signed the JSP freely and voluntarily, knowing of the potential consequences he was facing and knowing that the Tribunal is not bound by the JSP and has the discretion to impose a different penalty.

10. Given the seriousness of the Student's misconduct, the Tribunal was satisfied that the recommended penalty was appropriate. The forgery at issue in this case threatens the University's reputation amongst employers and a strong deterrent against similar conduct by others in the future is warranted.

11. Accordingly, the Tribunal imposed the following penalty on the Student:

- a. he be immediately suspended from the University of Toronto for a period of up to 5 years from the date of this order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on his 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; and
- c. that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

Dated at Toronto, this 10 day of January, 2018



Shaun Laubman, Co-Chair