

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on August 22, 2019.

**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**

- and -

**Z [REDACTED] D [REDACTED]** (the “Student”)

**REASONS FOR DECISION**

**Date of Hearing:** March 12, 2020

**Members of the Panel:**

Ms. Erin Dann, Chair  
Professor Richard Day, Faculty Panel Member  
Mr. David Allens, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland, Rosenberg, Rothstein LLP  
Ms. Renuka Koipillai, Downtown Legal Services, Representative for the Student  
Ms. Meg Cormack, Downtown Legal Services, Caseworker

**Hearing Secretary:**

Mr. Christopher Lang, Director, Office of the Appeals, Discipline and Faculty Grievances,  
University of Toronto

**In Attendance:**

The Student

## Charges and Hearing

1. This Panel of the University Tribunal held a hearing on March 12, 2020 to consider the charges brought by the University of Toronto (the “University”) against Z ■ D ■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995*.
2. The charges against the Student are as follows:
  - (a) Charge 1: On or about February 25, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 1 in PAP124H1: Clinical Skills II (“PAP124” and “PAP124 Test 1”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (b) Charge 2: On or about March 11, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in PAP127H1: Pharmacology I (“PAP127” and “PAP127 Test 2”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (c) Charge 3: On or about March 18, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in PAP122H1: Pathology (“PAP122” and “PAP122 Test 2”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (d) Charge 4: On or about April 15, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in PAP124 (“PAP124 Test 2”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (e) Charge 5: On or about April 16, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 3 in PAP127 (“PAP127 Test 3”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (f) Charge 6: On or about April 17, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final exam in PAP125H1: Diagnostic Tech & Procedure I (“PAP125 Final Exam”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (g) Charge 7: On or about April 18, 2019, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 3 in PAP122 (“PAP122 Test 3”) by accessing the internet and performing Google searches, contrary to section B.I.1(b) of the *Code*.
  - (h) Charge 8: In the alternative, 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*, in connection with the following tests:

- (i) PAP124 Test 1
- (ii) PAP127 Test 2
- (iii) PAP122 Test 2
- (iv) PAP124 Test 2
- (v) PAP127 Test 3
- (vi) PAP125 Final Exam
- (vii) PAP122 Test 3.

3. In brief, the allegations are as follows: At the material times, the Student was enrolled in the Physician Assistant program. In the 2019 Winter term, she was enrolled in several courses in which tests were conducted online. No aids were allowed to be used during the tests and students were not permitted to access any online or outside assistance. The charges above allege that the Student knowingly possessed and /or used information accessed on the Internet during the tests as an unauthorized aid.
4. The Student appeared at the hearing and was represented by Downtown Legal Services. The hearing proceeded on the basis of an Agreed Statement of Facts (the “ASF”), which was marked as Exhibit 1. The parties also presented a Joint Book of Documents (the “JBD”) that is referred to in the ASF, which was marked as Exhibit 2. The Panel reviewed the documents in the JBD during the course of the hearing to be satisfied that they supported the facts agreed to in the ASF. The facts admitted in the ASF relate to Charges 1, 3, 4, 5, 6 and 7. A summary of the agreed facts follows.

### **Evidence and Findings**

5. The Student first registered at the University of Toronto, Faculty of Arts and Science in Fall 2011, and graduated with distinction with an Honours Bachelor of Science in June 2015.
6. In the 2018 Fall Term, the Student enrolled in the Faculty of Medicine Bachelor of Science Physician Assistant program (“PA Program”). As of March 2, 2020, she had earned 3.50 credits in the PA Program with a CGPA of 3.8.
7. In the 2019 Winter term, the Student was enrolled in five courses in the PA Program, four of which are the subject of the academic misconduct allegations.
8. Students in the PA Program courses were required to write a number of tests and exams, administered on line, to complete the courses. Each test at issue was worth between 25%

and 35% of the course mark. The tests were conducted online using Canvas software on the Quercus learning management system (“Quercus System”).

9. The tests and exams contained a statement warning that the exam was proctored and electronically monitored, and that the use of any written or electronic material was not permitted. Reference to academic conduct and offences with a link to the *Code of Behaviour on Academic Matters* was also included on the tests.
10. One of the features of the Quercus System is that it logs a student’s activity while they are engaged in writing a test or exam online. The Student’s actions – starting the session, viewing and flagging questions, answering questions, stopping viewing the test-taking page, etc. – are all logged with time stamps (“Action Logs”). In addition, for tests written using the Google Chrome browser, a browser history shows all of the student’s online activity during the taking of the test or exam. These browser histories show, for example, any Google Internet searches performed while the Student was taking the test.
11. The Student took her PA Program tests and exams on the Quercus System in the Medical Science Computer Lab.
12. During the PAP124 Test 2 on April 15, 2019 (Charge 4), an exam invigilator became suspicious that the Student was accessing online resources. At the conclusion of the test, a Chrome browser history was downloaded for preservation. Chrome browser histories were also preserved for the Student’s PAP125 Final Exam on April 17, 2019 (Charge 6) and her PAP122 Test on April 18, 2019 (Charge 7). No browser histories were preserved from earlier tests and for a test where the Student used a Firefox browser (Charges 1, 3 and 5).
13. The Action Log for each test, the Student’s tests results and the Chrome browser histories, where available, were included in the JBD.
14. In relation to Charge 1, the Student admitted that on February 25, 2019, while writing PAP124 Test 1, she knowingly accessed the Internet to search for relevant information to assist her in answering questions on the test. This admission is consistent with entries on the Action Log for that test which show that the Student was inactive or stopped viewing the test and accessed another browser or window on the computer repeatedly during the test period.
15. The Student similarly admitted to knowingly accessing the Internet to search for relevant information to assist her to answer questions while writing PAP122 Test 2 on March 18, 2019 (Charge 3), and while writing PAP127 Test 3 on April 16, 2019 (Charge 5). Again, these admissions are consistent with the entries on the Action Log for the respective tests.
16. In relation to Charge 4, the Student admitted that while she was writing the PAP 124 Test 2, on April 15, 2019, she knowingly accessed the Internet multiple times to search for relevant information to assist her to answer questions on the test. That admission is consistent both with the entries on the Action Log, and also with the browser history from the test period. This browser history shows that the Student, during the taking of the test, performed Google searches for terms and phrases taken directly from the test questions.

For example, at approximately the time as the Student was viewing questions relating to essential hypertension, the browser history shows that the Student conducted a Google search for “essential hypertension.”

17. Similarly, in relation to Charges 6 and 7, the Student admitted to conducting multiple Internet searches to assist her in answering questions on the PAP125 Final Exam (Charge 6), taken on April 17, 2019, and on PAP122 Test 3 (Charge 7), taken on April 18, 2019. These admissions are consistent both with entries on the respective Action Logs, and also with the browser histories for each test period.
18. On May 8, 2019 the Board of Examiners for the PA Program met to consider the issues raised by the allegations described above. The Student provided a written statement to the Board during their considerations, in which she accepted responsibility for her actions. The Board referred the matter in keeping with the *Code of Behaviour on Academic Matters*.
19. On May 23, 2019, the Student met with Dr. Lynn Wilson, Vice-Dean, Partnerships, Faculty of Medicine. During this meeting, the Student took responsibility for her actions of academic misconduct and stated that she regretted her actions. The Student explained that she was studying all the time and worked very hard in the program but continued to receive marks around the class average. She said that she became anxious during the exams and apologized for her actions.
20. Due to the nature of the program, which requires continual and consistent progression through the program in sequence, the Student was suspended from the PA program pending completion of the Tribunal process.
21. Following deliberations and based on the ASF and the JBD, the Panel concluded that Charges 1, 3, 4, 5, 6 and 7 had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of those charges. The Panel was advised that if the Tribunal convicted the Student on those charges, the University would withdraw Charges 2 and 8 (the alternative charge) and those charges were so withdrawn.

### **Penalty**

22. The Student and University submitted a Joint Submission on Penalty (“JSP”) in support of the following penalty:
  - (a) A final grade of zero in the following courses in the 2019 Winter term:
    - (i) PAP122H1;
    - (ii) PAP124H1
    - (iii) PAP125H1; and
    - (iv) PAP127H1.
  - (b) That the Student be suspended from the University of Toronto from May 23, 2019 to August 31, 2022; and

- (c) A notation of the sanction on her academic record and transcript from the day the Tribunal makes its order to August 31, 2024 or her graduation from the Physician Assistant Program, whichever occurs first.
23. The parties also submitted that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.
24. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint statements on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty “may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute” (para 25).
25. In the Panel’s view, the joint submission in this case is reasonable and appropriate. In arriving at this decision, the Panel took into consideration the nature of the offences, the detriment to the University occasioned by the offences, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence.
26. These are very serious offences. Cheating on an exam is profoundly unfair to other students. As this Tribunal has previously noted, “the integrity of examinations is a cornerstone of academic life” *Y.Y.* (, Case No. 851, March 1, 2017). The misconduct at issue took place repeatedly over several months. It was not a one-time lapse in judgment.
27. However, there were also mitigating factors to consider. The Student has no prior history of academic misconduct at the University. She admitted guilt an early opportunity and has cooperated throughout the process, including entering into the ASF and JSP. These actions demonstrate insight and remorse, as did the Student’s testimony before the Tribunal. The Student spoke eloquently about the mistakes she had made, the stresses she was under at the time she engaged in the misconduct at issue, the steps she is taking to ensure there is no repetition of the conduct, and her gratitude for being given an opportunity to return to her studies in the future.
28. In general, sanctions should commence from the date the sanction is imposed by the Tribunal. In exceptional circumstances, however, the commencement of a sanction can date back earlier. Here, the parties jointly submit that the Student’s suspension should begin on May 23, 2019. The Panel notes that the Student admitted guilt at an early stage and has not contributed to any delay in resolving the Charges. Moreover, due to the nature of the Physician Assistant program, which requires continual and consistent progression through the program in sequence, the Student will need to go back and repeat her first semester. The Panel agrees that, in the circumstances of this case, it is appropriate to backdate the commencement of the sanction.

29. Accordingly, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:
- (a) **THAT** the Student is found guilty of six counts of knowingly using or possessing an unauthorized aid(s) or obtaining unauthorized assistance contrary to section B.I.1(b) of the *Code*.
  - (b) **THAT** the Student shall receive a final grade of zero in the following courses in the 2019 Winter term:
    - (i) PAP122H1;
    - (ii) PAP124H1;
    - (iii) PAP125H1; and
    - (iv) PAP127H1.
  - (c) **THAT** the Student be suspended from the University of Toronto from May 23, 2019 to August 31, 2022.
  - (d) **THAT** a notation shall be placed on the Student's academic record and transcript from the day the Tribunal makes its order to August 31, 2024 or her graduation from the Physician Assistant Program, whichever occurs first; and
  - (e) **THAT** this case shall 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 6th day of May, 2020.



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Erin Dann, Chair