

**Abstract of the Honor Council**  
**Case 5, Fall 2009**  
**December 14, 2009**

**Members Present:**

Lindsay Kirton (presiding), Deian Tabakov (clerk), Kaleb Underwood, Ben Cuthrell, Brian Lucero, Michael Matson, Travis Smith, Kate Snyder, Andrew Briggs

**Ombuds:** Meghan Binford

**Letter of Accusation:**

The Honor Council received a letter accusing Students A, B and C of receiving or providing assistance on a final exam for a graduate level Management course.

**Evidence Submitted:**

- Letter of Accusation
- Student A's written statement
- Student B's written statement
- Student C's written statement
- Course syllabus
- Assignment Prompt
- Student A's Exam (Graded)
- Student B's Exam (w/ Professor's Comparison Marks to Student A's Exam)
- Student C's Exam (w/ Professor's Comparison Marks to Student B's Exam)
- Final Exam Answer Key
- Professor Deposition
- Professor Deposition #2
- Student A's Deposition regarding Evidence
- Student B's Deposition regarding Evidence
- Student C's Deposition regarding Evidence
- Samples of Other Students' Exams
- Lecture Slides from Course
- Student A's personal notes
- Students A, B, and C's Exams as submitted on Owl-space
- Student B's and C's Graded Exams (\*Student A's Graded Exam included in Packet\*)

**Plea:**

Student A pled "Not In Violation."

Student B pled "In Violation."

Student C pled "In Violation."

**Testimony:**

Student B stated that he did consult Student A's solutions while taking the exam, but the

violation was not premeditated. Student B did not seek the exam from Student A, and got a hold of it accidentally after a transfer of files via a flash drive from Student A.

Student C stated that the instructor was fine with students using others' notes. Some of his answers on the exam were from Student A's notes, and some were from the book. Student C mistakenly assumed that the exam included with Student A's notes on the flash drive was a sample exam. When he realized that it was not a sample exam but the actual exam, Student C shredded A's exam.

Student A presented the notes and the exam to Student B and Student C "carelessly" because they were in the same folder of course materials that he transferred onto a flash drive. Student A thought that he had deleted the exam at the time when he shared the materials with Student B and Student C.

Student C never directly copied the answers from Student A's exam, but he said that he may have remembered the answers that he had seen (while under the impression it was a sample exam). Student C spent about 3 minutes reading Student A's exam.

Student B studied on his own and had already started the exam when he found Student A's exam among the shared materials. According to Student B, Student A's answers on the exam helped Student B complete the answers to two questions. Student B used about 75% of the wording used in the course, and about 25% of the wording that Student A used on the exam. Student A was not able to tell the council whether or not the wording used in the answers of Student B was in the proportion described by Student B.

Student C did not let Student A know that Student A's finished exam was on the flash drive.

Student B studied the notes and the other materials, which were shared by Student A. Student B did this before he started his exam. Student B studied with other students and used various materials during those study sessions. Student B did not have the materials that were shared via the flash drive until 3-4 days before the exam was due.

Student C confirmed that on the exam he copied information directly from the textbook, either from the glossary or from the relevant chapters. Student C pointed out some of the specific answers where he copied information from the book. After further discussion, Student C clarified that the book was not an electronic document, and the copying was not an electronic "copy and paste."

Student B pointed out a few of his answers which were strongly influenced by the answers provided by Student A. Student B was trying to complete the exam and at the time did not stop to think whether he was committing a violation. Student B spoke with an instructor unrelated to this class regarding what had happened (this conversation took place before the accusation letter was submitted), and was advised to speak with the course instructor of this class. Student B spoke with the course instructor after he received notification from the Honor Council, and in that conversation notified the

instructor about the particular circumstances related to the violation.

Student A spent about 3 hours taking the exam. Student C spent about 2:45 hrs. Student B spent about 2:15 minutes. Student B could not explain why the IT records show that Student B had downloaded the exam less than an hour before submitting the answers. Student B claimed he worked on the exam between 6:30– 8:30 PM. Both Student A and Student C confirmed that the IT records of the exam download/submit were consistent with how they remembered the dates/times.

Student C stated that he pled “In Violation” because he took notes when tutored by A, and subsequently used those notes during the exam. Student C was under the impression that using those notes was not allowed.

After being asked by a council member, Student A explained how he derived an answer to a particular question (which was subsequently determined by the instructor to be incorrect). Student C’s answer on the exam was similar to Student A’s answer. Student A stated that he was under the impression that this was the correct answer, and this was reflected in his notes as well. Student C explained that his answer was influenced by the notes of Student A and that is why they are similar.

When Student C was taking the exam, he used the book and if he couldn’t find the answer he would look at Student A’s notes and the notes that Student C had taken during the tutoring sessions with Student A.

When Student A was taking the exam, he didn’t use his notes. He used the book for Part 1, question #1, and the last question only. When reading the book, Student A usually took notes on the material, but he completed the exam from memory except for the two questions pointed out.

When Student B took the test he specifically referenced Student A’s exam.

Student C started the exam about 3 days after looking at Student A’s exam. Student C first thought that the exam from Student A was a sample exam. Student C said that the instructor did not mention that a sample exam may be provided, but sample exams were provided in other classes and he didn’t attend the review.

Student A provided the materials on the flash drive after completing the exam. Student A provided the hand-written notes to Students B and C before Student A started the exam.

Student C explained that wording shared by Student A and Student C was due to the tutoring that Student A gave to Student C. Student C was taking word-for-word notes during those tutoring sessions.

Student A stated that he needed to be more careful when providing information and notes to his classmates in the future.

Student B stated that he had been honest from the beginning. He admitted that he had made a mistake. He knew that the exam was worth a large portion of the grade. He reiterated that he had been honest and open about the mistake.

Student C was not sure if he was allowed to use other peoples' notes, and whether he could use the words of another student as recorded during the tutoring sessions.

**Verdict Deliberations:**

Council members believed that there was clear and convincing evidence that a violation occurred because at least one person violated the instructions for taking the exam and the Honor Code.

Council members felt that Student B's testimony and the evidence in front of the Council clearly showed that Student B had violated the Honor Code. Some members also felt that Student C violated the code by referring to Student A's exam. Others brought up that Student C's quoting from the book without attribution may also be violation of the Honor Code, and requested more discussion on this point.

Members also raised the question of whether Student A had committed a violation by providing the exam to the other two students and thus did not use proper diligence in providing materials. Others felt that Student A was not in violation because his actions and the evidence suggested an honest mistake which he committed while trying to help his fellow classmates.

Members pointed out that the instructor's deposition made clear some rules about taking the exam and using others' notes, but those rules may not have been made clear to the students. Thus the Council should not find a student in violation solely for violating one of these rules unless the Council has evidence that the students were aware of those rules.

**Straw Poll #1:** Is there clear and convincing evidence that a violation occurred?

Yes: 9  
No: 0  
Abstentions: 0

The Council then discussed whether or not Student A committed a violation. The members felt that the actions of A were done in good faith and without malicious intent.

**Straw Poll #2:** Is there clear and convincing evidence that Student A is "In Violation?"

Yes: 0  
No: 9  
Abstentions: 0

The Council then discussed whether or not Student B committed a violation. Members

felt that the testimony of Student B and the evidence in front of the Council provided indisputable evidence that Student B was in violation.

**Straw Poll #3:** Is there clear and convincing evidence that Student B is “In Violation?”

Yes: 9

No: 0

Abstentions: 0

The Council then discussed whether or not Student C committed a violation. Members brought up a few answers where Student C’s answers included phrases that matched phrases from the parallel answers in Student A’s exam. Others pointed to key words that were only used in Student A and Student C’s answers to the same question. Some answers were similar and wrong, and similar answers were not given by other students from the sample of 10 exams provided by the instructor.

Other members pointed out that Student C had read Student A’s exam and thus he had received unauthorized aid on the exam by virtue of seeing questions on the exam, even if Student C did not copy the answers from Student A’s exam.

There was a discussion of whether there was clear and convincing evidence that the answers of Student C were influenced by the answers in Student A’s exam. Some Council members felt that there was a very large number of “highly similar” answers on parallel questions, and that there is no logical explanation for the shared phrases other than Student C copying or paraphrasing Student A’s exam. Other members felt that the evidence did indeed raise doubts, but was not passing the threshold of clear and convincing due to Student C having been tutored by Student A.

The Council felt that there was not clear and convincing evidence that Student C had violated the Honor code by copying directly from the book, which was prohibited by the final exam’s instructions and thus did not pursue this.

**Straw Poll #4:** Is there clear and convincing evidence that Student C is “In Violation?”

Yes: 9

No: 0

Abstentions: 0

Straw Polls #1, #2, #3, and #4 were made binding.

### **Penalty Deliberations:**

Council members opened by discussing mitigating circumstances for Student B. Council members pointed out that several items of evidence contradicted statements made by Student B, particularly regarding how much of Student A’s exam answers he had used. Others felt that the student was truthful and honest in his statements.

Some brought up the issue of the timestamps of downloading/submitting of the exam by Student B as reflected in the IT logs on OwlSpace. The timestamps suggest that he only

had the exam for 51 minutes, in contradiction to his statement that he had the exam for about two hours. However, others pointed out that we do not have enough information about the workings of the Owlspace log system to verify the validity of the download/upload times.

Council members did not find any aggravating circumstances related to Student B's violation.

**Straw Poll #5:** What is the appropriate penalty for Student B?

F in the course and 3 semesters of suspension:	0
F in the course and 2 semesters of suspension:	8
F in the course and 1 semester of suspension:	1
F in the course:	0
3 letter grade reduction:	0
2 letter grade reduction:	0
Abstentions:	0

The member who voted F+1 stated that they mitigated about half step on cooperation. Others pointed out that there were certain inconsistencies in the student's testimony contradicting the hard evidence, so they were not convinced that Student B's cooperation deserved mitigation.

**Straw Poll #6:** What is the appropriate penalty for Student B?

F in the course and 2 semesters of suspension:	8
F in the course and 1 semester of suspension:	1
F in the course:	0
Abstentions:	0

Council members next discussed mitigating circumstances for Student C. Some members said that they would mitigate on the nature because Student C's violation was less severe than Student B's violation. Others pointed out that the violation of Student C when taken by itself might not warrant mitigation. Some members felt that the student's testimony contradicted the evidence in front of the Council, and that the student did not cooperate because he gave evasive answers to some of the Council's questions. Despite doubts raised about how much Student C actually took from Student A's exam, the Council agreed that Student C's answers were influenced by having seen Student A's exam and answers.

When discussing aggravating circumstances, some members felt that Student C was not truthful and attempted to deceive the council, while others felt that the evidence was not enough to warrant aggravating.

**Straw Poll #7:** What is the appropriate penalty for Student C?

F in the course and 3 semesters of suspension:	2
F in the course and 2 semesters of suspension:	4
F in the course and 1 semester of suspension:	1

F in the course:	1
3 letter grade reduction:	0
2 letter grade reduction:	0
Abstentions:	1

The abstaining member stated that they were not sure how much to mitigate on cooperation. Some members mitigated on cooperation and nature of the violation. Others felt that the cooperation was not extraordinary in terms of what the Council would expect to see. Some members thought that the testimony conflicted with the evidence in front of the council. Many members thought that the evidence showing deceit (and thus possibly warranting aggravation) and the evidence regarding the nature of the crime that possibly warrants mitigation both raised issues of doubt.

**Straw Poll #8: What is the appropriate penalty for Student C?**

F in the course and 3 semesters of suspension:	1
F in the course and 2 semesters of suspension:	5
F in the course and 1 semester of suspension:	1
F in the course:	2
Abstentions:	0

Some council members felt that Student C's cooperation should be mitigated on. Others pointed out that the possibility that the student had not intended to deceive the Council should make the Council err on the side of the student by penalizing less rather than more, which is why they voted from F+3 down to F+2. It was also pointed out that 4 members are on the boundary between F+3 and F+2 and that the record should reflect that the Council is not convinced that there was a lack of deceit. The member who voted F+3 stated that they are viewing the case based on what is reasonable, and what seems "reasonable to them" based on the evidence and the testimony is that Student C deceived the Council. The same member said that they had not heard arguments that in their opinion were reasonable that reconciled the multiple similarities between Student A and Student C's exam.

Members who voted for a lower penalty were asked to provide more details about their decision process. The members stated that they mitigated on the nature of the violation because they were not convinced that the time that Student C claimed he took in reading the exam was enough to blatantly copy answers from Student A. Others pointed out that we should consider the student innocent of deceit until proven guilty beyond reasonable doubt. Some members also raised the point that the Council should be issuing the standard penalty if we are not convinced whether or not Student C was deceitful. However, it was also pointed out that mitigating factors could still bring down the penalty from the standard penalty. Members brought up the fact that comparing Student C's violation to Student B's violation might be causing members to unfairly mitigate since his actions were less severe than Student B's; members claim that in the absence of Student B's violation some members would not be mitigating as much.

Some members pointed out that Student B's violation was more severe than Student C's,

yet the Council agreed that the comparison should not be considered and Student B should be given the standard penalty. Others replied that Student B's testimony was more consistent with the evidence, while there were large discrepancies between Student C's testimony and the evidence in front of the Council.

After this discussion some members were convinced that the nature of the violation did not warrant as much mitigation as they had previously decided.

**Straw Poll #9:** What is the appropriate penalty for Student C?

F in the course and 3 semesters of suspension:	1
F in the course and 2 semesters of suspension:	6
F in the course and 1 semester of suspension:	1
F in the course:	0
Abstentions:	1

The abstaining member was not sure whether to vote F or F+1. The member stated that for them the nature of the violation was enough reason to mitigate down, and they were also mitigating on cooperation. Others pointed out that the arguments presented for aggravating for deceit were strong and had as much weight as the arguments for mitigating, and there was speculation for both, thus the standard penalty should apply.

**Straw Poll #10:** What is the appropriate penalty for Student C?

F in the course and 3 semesters of suspension:	0
F in the course and 2 semesters of suspension:	7
F in the course and 1 semester of suspension:	2
F in the course:	0
Abstentions:	0

A council member stated that he/she felt conflicted because the testimony he/she had heard at the investigation potentially contradicted the testimony presented at the hearing. However, since this knowledge should not be used to support deceit, this member moved down in his/her penalty decision. This member stated that, disregarding the information from the investigation, he/she is still convinced that Student C deceived the Council.

The chair asked all members who voted for an "F in the course and 2 semesters of suspension" to justify their vote. Some pointed out that there was a lot of gray area on the issue of deceit, so they did not aggravate. They also felt that for the same reason they did not mitigate on cooperation. Some felt that Student C's cooperation was not clear and thus they did not mitigate on cooperation. Members pointed out that Student C signed the honor pledge on his exam with the full knowledge that he had seen the exam of Student A. Other members also pointed out that the similarities between Student A and Student's C exam pointed to a larger influence from Student A's exam than Student C claimed.

Straw Poll #6 and #10 were made binding.

The Honor Council thus finds Student A "Not In Violation" of the Honor Code; the



Honor Council finds Student B “In Violation” and recommends that he receive a penalty of F in the course and a 2-semester suspension; the Honor Council finds Student C “In Violation” and recommends that he receive a penalty of F in the course and a 2-semester suspension. A Prior Violation Flag is also attached to Student B’s and Student C’s record.

Time of testimony and deliberations: 5 hours and 5 minutes.

Respectfully submitted,  
Deian Tabakov  
Clerk