Jake and Bob

Jake, a student in a computer science class, was suspected of copying an assignment from his friend Bob and turning it in as his own work. The assignment in question was due at the end of classes. Professor Jones noticed that the programs were similar, and spoke to a colleague in his department about the situation. He sent Jake two notes over two weeks, asking Jake to come and speak to him. When Jake did not respond, Professor Jones contacted the Honor Council Chair. In response to a letter from the Chair, Jake met with Professor Jones, but was unable to ease his suspicions. The Honor Council Chair also met with Jake, who said that he turned in his own work. The Chair then spoke to Bob, who said that he knew nothing about the situation, and had not given his program to Jake.

Honor Council met and reached consensus that a trial was necessary to determine if Jake copied the assignment. Bob was told that he would need to be present because his program was involved, although he was not a confronted party at the start of the trial. Due to extenuating circumstances, the confrontation occurred a month and a half after the assignment was due, and the trial took place two and a half months after the events.

Fact-Finding:

Professor Jones said that he received programs from Jake and Bob, and noticed that they had the same mistake. Examining them further, he saw that Jake's program was the same as Bob's, except for the fact that two lines in Jake's program were not in Bob's.

In addition, the programs contained "time codes" which showed when the programs had been opened and closed for the last time before they were turned in. Bob finished working on his program at 3:23, and Jake's program was opened at 3:34. (The programs were due at 4:00.) Professor Jones cautioned that the clocks might have been from two different computers, but the fact that Jake's file had been opened so soon after Bob's had been closed seemed suspicious to Professor Jones.

The codes also showed that Jake worked on his program for a total of 12 minutes the last time it was opened before it was turned in. The fact that Jake worked for 12 minutes was not in itself unusual—many students changed the filename of a program just before they turned them in and so a number of programs showed that they were worked on for only a minute or two. But, in this case, the professor suspected that Jake could have made the changes to Bob's program in the 12 minute span, and then turned it in as his own.

To Professor Jones, the most conclusive evidence that Jake had cheated was the similarities of the programs. Although the students were given a "shell" to work from, and such a "shell" would increase the odds that programs could be similar, he said that all the other programs had "vast differences" from one another, while Jake's and Bob's were identical, except that Jake's had two lines added. (A "shell" is a template for a program in which you are asked to fill in the
blanks.) In fact, all the tabs and spaces used to space out the lines were the same. If Bob used four hits of the space bar and three tabs to get to a certain point in a line, then Jake did the same thing. Also, Jake and Bob used the same variables, which were the ones given with the "shell". The professor said: "everything was identical, and some of the identical things were unusual."

Professor Jones then explained why he suspected Jake of copying from Bob, and not vice versa. He said that he had been helping Bob in the computer center earlier that afternoon for a couple of hours, and, when grading the program, saw hints in Jake's program that he had given Bob. Combined with the pattern of the "time codes", this made Professor Jones think that Bob had done his own work, and that Jake had copied Bob's program.

Jake then spoke. He said that he had done his own work, and that the time codes showed only 12 minutes of work because he only needed to change a small thing on the last day.

Bob said that he remembered working on his program, but that he couldn't remember much else about the situation. He said that he had not given Jake his program. He said that he and Jake would swap "shells" for assignments if they had not gone to class, and that they would help each other on homework. He added that he might have worked on a "shell", and then if Jake needed it, he would erase his work and give it to Jake. Bob said this would explain the similarities of spaces and tabs, because he had erased his work and given the shell to Jake.

The jurors then asked clarifying questions. Professor Jones said that the process of erasing work on a "shell" would not explain the similarities of space and tabs, since they would disappear along with the work. A juror asked if Jake and Bob swapped the shell for this assignment. Bob said he didn't remember and Jake said no.

Professor Jones stressed that he told Jake to get any notes or disks that would help exonerate him when they spoke during the confrontation. Jake said that he didn't have the disks or notebooks, because he didn't care very much about the course. He added that the notes wouldn't help much, even if he had them.

In response to a question about Jake's standing in the class, Professor Jones said that he attended class infrequently and was doing around a 1.3 before the assignment. He added that the assignment in question got a reasonably good grade.

Professor Jones explained the process by which the programs were turned in. The students had to electronically transfer their program to a "locked box" on the hard drive of the computer lab. Once a program was in this box, it could not be retrieved. Professor Jones explained that Bob would have to reopen his program for it to remain on the screen once it was entered in the "locked box".
When asked to speculate how the copying might have occurred, Professor Jones said that he thought that Bob probably gave Jake the disk with the program outside the computer lab. A juror asked if the copying could have occurred while Bob was in Professor Jones' office. He said that this was unlikely, because Bob only came in the office for a short time, and because he had not seen Jake in the lab. Bob said that he saw Jake working on a project for another course in another part of the building earlier in the day.

Finally, Jake and Bob were asked if they could explain the similarities in their programs. Jake stressed that the assignment had a "shell" and that this explained the similarities. Bob added: "The shell is similar to our work. It's not as different as you think it is"

Jake reiterated that he handed in his own work. Bob restated that he had not given Jake his disk. Jake and Bob complained that Professor Jones had prepared a 12-page packet containing all the relevant papers, including a detailed analysis of the similarities between the two programs. Bob said that he wished he had more time to make such a polished document which would make his claims of innocence more convincing. When asked what he would have added to his explanation if he had more time, Bob further complained about the "polished" nature of Professor Jones' presentation.

After 2 hours, the fact-finding portion of the trial ended.

**Jury Deliberation on Violations:**

Jurors were very disturbed at the evidence against Jake. They cited several reasons for his guilt:

1) The program got a high grade, while he was doing poorly in the course.
2) Jake's program contained suggestions which Bob had gotten from Professor Jones when Bob worked on his program that afternoon. Jake said he never met with Professor Jones, and that he had used the book to solve the program. If so, then his program wouldn't have these suggestions.
3) Both programs contained the same mistake.
4) The programs were identical, down to the spaces and tabs, except for two additions in Jake's program. This led jurors to believe that Bob had finished his program, turned it in, and then given it to Jake to copy. Jake then tried to fix a couple of things, and turned it in himself. The time codes also supported this theory.
5) Jake could offer little in his defense except repeated assertions of his innocence.

After 40 minutes of deliberations, the jury reached consensus on the following statement of violation:

"Jake violated the Honor Code by slightly modifying Bob's program and turning it in as his own."
One juror noted that Jake had lied to Professor Jones and to the jury, and jurors discussed whether or not his lying constituted a separate breach of the Honor Code. Someone pointed out that the first violation would be the same whether or not Jake had confessed, and the jury reached consensus on the following statement of violation:

"In response to the confrontation, Jake lied to both Professor Jones and to an Honor Code jury, thus committing a second violation of the Honor Code."

Having concluded that Jake was guilty, the jury then turned to the question of how he acquired the program. There was suspicion that Bob had violated the Honor Code by giving him the program. It was decided that the Chair would ask Bob if he wanted a new trial, or if he wanted to be tried by the same jury. If he chose to return, then Bob would come back for a new set of fact-finding questions, since many jurors felt he had previously been speaking in defense of Jake and not himself.

The Chair met with Bob the next day, and said that a suspicion of academic dishonesty existed that would have to be resolved in a trial. When given the option of a new trial or the same trial, Bob said that he wanted to speak for himself and said that he would join the trial in progress as a confronted party. When Bob arrived at the trial room that night, the Chair reconfirmed his wishes to join the existing trial.

**Fact-Finding II:**

The Chair began by telling Bob that Jake had been found in violation of the Honor Code, and that the jury now wanted to consider his role in the copying of the program. The Chair urged Bob not to tell Jake about the violations, because he wanted to tell Jake in person the next day.

Bob said that he worked most of the day on the computer assignment, and that he had seen Jake working on another project in the same building. When asked if he saw Jake in the computer lab, he said that he wasn't looking for Jake and couldn't remember if he saw him or not. He said that he didn't leave the lab for an extended period of time, because he was trying to get the program done. He would go to Professor Jones' office to ask a question, and then return to the computer. He added that there was sometimes a line to see Professor Jones.

Bob emphasized several times that he didn't want to tell the jury anything he wasn't sure of, and that it was hard to remember the events which had occurred the previous semester. Bob was asked if he took his disk with him when he left the computer lab. He replied, "I can't say 100%, but I would have." He said that he would have given Jake the shell for the assignment if he needed it, but did not remember if he gave it to him for this particular assignment.
Jury Deliberation on Violations II:

Jurors were disturbed by the lack of information and evidence on which to base a decision whether or not Bob had given his program to Jake. The existing evidence pointed against Bob, and both Jake's and Bob's testimonies were very questionable.

The jury decided to use the following basis for making a decision. If a reasonable scenario could be found in which Jake got Bob's program without Bob giving it to him, then the jury would not be able to find Bob in violation. The first possible scenario was that Bob was working in the computer lab, took a break or went to see the professor, and Jake came in and copied the program while he was gone. The second possibility was that Bob either left behind his disk or left the program in the computer, and Jake found it and copied it.

There were several reasons why the first scenario was deemed unreasonable. First, Bob said that he never left the lab for a long time. Second, both Bob and Jake said that Jake was not working in the computer lab while Bob was doing his program. Thus, Jake would have had to come in at precisely the right moment when Bob wasn't at his terminal, find the terminal, decide to cheat, and then copy the program before Bob returned.

The most outstanding problem was that Jake essentially turned in the final version of Bob's program. In order to do this, Jake had to copy Bob's program within the last few minutes of when he was working on it, since Bob said he was working furiously to finish. With the time frame narrowed so closely, and the chance that Jake happened to find Bob's program unlikely, the jury discarded this possibility.

There were also problems with the second scenario. First, Bob did not remember leaving his disk behind. Also, the odds of happening upon the disk of your closest friend in the class, deciding to use it to cheat, and then copying the program seemed pretty unlikely. A much more likely possibility was that Bob gave Jake the program.

With both possibilities deemed unreasonable, the jury felt that it could say that Bob gave Jake the program beyond a reasonable doubt, and reached consensus on the following statement of violation:

"Bob violated the Honor Code by allowing Jake access to his computer program."

Since the jury had concluded that Bob gave Jake the program, it also reached consensus on the following statement of violation:

"In response to jury questioning, Bob lied to an Honor Code jury, thus committing a second violation of the Honor Code."

Circumstantial:

Jake and Bob were informed of the jury's findings and returned for the circumstantial portion of the trial. The session was quite hostile, with Jake and
Bob continuing to assert their innocence. Jake asked the jury if they were 100% positive that he had cheated. A juror responded that while there was no concrete proof, there were also no reasonable doubts. Bob continued to complain about Professor Jones' presentation, to which one juror replied: "It's not the beauty of the packet [which Professor Jones prepared]. It's the content."

Jake ended by saying that the jury was making a mistake. He said that a decision could not be made by probability.

There were no circumstantial questions, since Jake and Bob said they were innocent.

**Jury Deliberations on Resolutions:**

The jury quickly reached consensus that Jake should fail the class. He handed in illegitimate work and broke the trust of the class. The resolution read: "The jury recommends that Jake fail the class."

The jury then turned to the question of whether or not Jake should be separated. Many felt strongly that they could not imagine two worse violations of the Honor Code. Jake had cheated and then lied to a professor and a jury about it. They felt that Jake needed to think for a long time if he was to return to Haverford, and that not separating him would be like condoning his actions.

Some jurors were wary, because they felt that Jake was being sent away to think, but was given little to think about. Also, one juror said that Jake's natural reaction would be anger, and that this anger would be counterproductive. When these jurors saw that the others were concerned about Jake's future and were willing to help him think about his action, they agreed that separation was the right move.

The jury decided that the separation should be immediate, and that it should last for a semester. Some jurors pushed for a year-long separation, but others said that an immediate separation plus a semester would almost equal a year in length. If he was separated for an entire academic year, then Jake would not return for almost a year-and-a-half, during which time many jurors felt he would lose touch with the community and with what he was supposed to think about.

The jury also decided that Jake should have to go through a readmission process, so that his progress could be evaluated and it could be determined whether or not he deserved to reenter Haverford.

The jury reached consensus on the following resolution:

"Jake will be separated from the community immediately. His separation will last for one semester. He will be allowed to apply for readmission for the 2nd semester of the [following] academic year. The readmission board will be comprised of a dean of Jake's choosing, a member of the Admissions office, the Honor Council Chair, and the student representative in the Admissions office.

During his separation, Jake is encouraged to maintain contact with members of the Haverford community."
The jury then discussed if anything could be done for Jake which might help make his time away more useful. Some jurors expressed concern that students are separated, and then forgotten. If we really wanted Jake to think about the Code, they reasoned, then we needed to show him that he wasn't forgotten.

With this in mind, the jury reached consensus on the following two resolutions. In order to increase their effectiveness, the jury decided to keep the resolutions secret, so that Jake would receive the packet as a surprise.

"At the end of this academic year, several members of the Honor Council from the jury will prepare a packet to send to Jake. This packet will contain materials designed to help foster his thinking about the Honor Code."

"Jake will be given the opportunity, both in the packet and during the re-evaluation, to meet with an HCO upon his return to Haverford to undergo a mini HCO session."

With all the resolutions involving Jake finished, the jury then turned to discussing resolutions for Bob. The jury spent a long time discussing whether or not Bob should fail the class. Some jurors felt that he shouldn't be punished academically when he handed in honest work all semester. They saw his violation as a social problem. These jurors thought other resolutions would better address the roots of the violations, and felt that failing the class was merely punitive.

Other jurors countered that by giving Jake his program, Bob had done dishonest work in the class. A professor expects you to hand in an assignment, and expects that only one copy of the assignment exists. Also, a class is a community in which a common trust exists, and giving Jake his program clearly violated that trust. Someone pointed out that the jury would have quickly failed Bob if he had told us the truth—that he had given Jake the program. In that sense, the jury would be rewarding his lie by not failing him.

Finally, a juror pointed out that Professor Jones' explicit instructions were that no collaboration was allowed on this particular assignment. By giving Jake access to his program, even if he did not think Jake would copy it, Bob thus did dishonest work in the class by violating the instructions.

After much deliberation, the jury reached consensus on the following resolution:

"The jury recommends that Bob fail the class."

Jurors then turned to the question of whether or not to separate Bob. Some felt that his lying and his academic violation had severely breached our community standards, and that only time away would help him reflect. Many jurors expressed a basic distrust of him, since they thought they had been lied to. When Bob said that he had lost faith in the Honor Code because he had been found guilty, many jurors saw this as manipulative and did not believe that he
was sincere. With such fundamental mistrust, they argued, how could Bob remain at Haverford?

Some jurors were concerned that the jury was considering separation for Bob based on his attitude, and that the reasons for Jake’s separation were much more direct. One juror countered that it wasn’t Bob’s attitude that was the problem, but the manifestation of his attitude in his two violations. Disrespect alone means nothing, but cheating and lying need to be addressed.

After a good deal of discussion, the jury reached consensus on the following statement of violation:

"Bob will be separated from the community immediately. His separation will last for one semester. He will be allowed to apply for readmission for the 2nd semester of the [following] academic year. The readmission board will be comprised of a dean of Bob’s choosing, a member of the Admissions office, the Honor Council Chair, and the student representative to the Admissions office."

The jury quickly reached consensus on the same secret provisions as they set out for Jake:

"At the end of this academic year, several members of Honor Council from the jury will prepare a packet to send to Bob. The packet will contain materials designed to help foster his thinking about the Code."

"Bob will be given the opportunity, both in the packet and during his reevaluation, to meet with an HCO upon his return to Haverford to undergo a mini HCO session."

**Presentation of the Resolutions:**

Jake and Bob were presented with the resolutions that night, and then came to hear the reasoning of the jury the next day. Jake brought up previous abstracts from 1988, as well as the Brenda case, as examples where a student was believed and not found in the violation because the jury was uncertain. He also mentioned cases like Zoe, where plagiarism received lesser resolutions than his. Professor Jones disagreed with this assertion. Bob’s support person said that similar mistakes in a program, not similar answers, had been the factor in previous cases that made the jury find students in violation. Professor Jones pointed out that there were identical mistakes, and one juror emphasized that the programs were not similar, but identical.

After being informed about the appeals process, Jake and Bob left. The jury reached final consensus on the resolutions.
Both Jake and Bob appealed the decision of the Honor Code jury—the fact that they were found in violation as well as the resolutions which were handed down. The initial appeal was handled by the Dean of the College, and what follows is his account of that part of the trial process:

"The Dean of the College asked two of his colleagues to help with the process of reviewing the case. This group reviewed all documents submitted by Honor Council, as well as documents submitted by Jake and Bob. The group also met with Jake and Bob, both individually and together, to hear their objections to the Jury's findings and any other concerns they may have had.

"In addition to reviewing the documents presented by the Jury, Bob, and Jake, the Dean solicited the advice of two professional computer consultants. The consultants received electronic and printed versions of the work for all students who completed the assignment in Professor Jones' class. The consultants received the instructions for the assignment, as well as the template or "shell" that was used by all students. Their task was to make comparisons of all students' work and to determine if the similarities between Jake's and Bob's work could have occurred by chance. Both consultants concurred that the similarities could not have occurred by chance. Both concurred that contrary to the arguments made by the students in their appeal, attending the same classes, studying together, and using the same template could not have produced such striking similarities.

"Thus, given the expert testimony and the review of the documents provided by Honor Council, as well as those provided by Jake and Bob, the Dean of the College agreed with the jury that Jake copied Bob's work. The Dean of the College upheld the Jury's findings and recommendations for sanctions with regard to Jake's actions.

"With regard to Bob, however, the Dean of the College (in consultation with his advisory group) could not find that the evidence was sufficient for determining that Bob had given Jake access to his work. There were no witnesses and no evidence to prove that Bob handed his work to Jake.

"Therefore, the Dean felt that the charges brought against Bob could not stand. The Dean recommended that all charges and sanctions be dropped.

"Bob and Jake were offered the opportunity to find a third and independent computer consultant. The Dean's office would cooperate fully in providing the necessary information. Although Jake was provided with the same information that was provided to the consultants for the Dean's office, no report from an independent consultant was produced."

When the Dean met with the jury to present his changes, he told them that the College might face a lawsuit as a result of this case. He told them that the
College would handle any legal matters, and that jurors should not speak to anyone, either inside or outside the community, about the case.

Jake appealed the Dean's decision to the President of the College, who also reviewed the Dean's decision in Bob's case. What follows is the President's account of the results of the appeals and the final result of the case:

"Jake appealed the outcome of his trial to me in accordance with the right of appeal to the President provided in the Code. He made his appeal on both procedural and substantive grounds."

"On procedural grounds, Jake argued that the trial became confused and unfair as the nature of the case and the information uncovered led the Jury to confront Bob for possible violations of the Honor Code. Handling two interrelated trials sequentially contributed to irregularities in the timing and means of notification of the outcome of Jake's trial. I concluded that this portion of his appeal had merit."

"I mean not to fault those involved in the handling of this case. It was extremely complicated because of the technical nature of the assignment, the nature of the evidence, and the involvement of first one and then a second student as violators in the same case. These considerations, however, do not reduce Jake's rights to appropriate treatment."

"Jake's substantive appeal was not based on any new information, and was essentially a repetition of his statement's to the Jury. He continued to deny that he was guilty of either copying another student's work or colluding with a fellow student on an assignment when the professor had given clear instructions that all students should work independently. He also continued to assert that there was no proof other than the outcome that he had either copied Bob's work or colluded with him on it."

"The analysis obtained from independent experts by the Dean's office indicates that the work of the two students could not have been done independently. Some may have thought this a possibility during the course of the trial. The outside analysis carried out after the trial establishes that copying or collusion clearly took place. Either one is a serious violation of the Honor Code. I therefore concurred with the Jury's findings and decided that Jake's substantive appeal had no merit."

"In addition, my review of all the material in the case led me to agree with the Jury's finding (and not with the Dean's conclusion in his administrative review) that both students bore responsibility in the case whether it be copying or collusion. However I did not concur with the Jury's resolutions for the students.

"Specifically, I did not find it possible to support the separation of both students for a period of time as the Jury recommended because of the impossibility of assigning specific blame to either or both. While this may mean
that one student may not have received sufficient sanction, my concern with not sanctioning the second student excessively prevailed in my conclusion. In writing to the students, I put it this way:

' I have taken all stages of the case into consideration, from the distribution of the assignment by Professor Jones with the instructions governing its completion, through the appeals process before me. Since the entire sequence is governed by the Honor Code, I find it impossible to exonerate either one of you although I cannot assign responsibility for specific actions at any particular stage, in part because neither of you provided any supporting information or materials.'

"In summary, it is clear that copying or collusion occurred. In view of the procedural issues in Jake's case and the impossibility of assigning specific or shared responsibility among Jake and Bob, I concluded that separation was not warranted. I recommended that both students fail the course and that this case be brought to the attention of the Jury should either student become involved in another infraction of the Honor Code while at Haverford."