Summary

Linda suspected John of an academic violation. She brought the matter before Honor Council. Because the suspected violation was of an academic nature, Council decided the matter should go to trial. Eight Council members and four random jurors commenced trial procedures with John and Linda. Since the jury could not reach consensus that a violation had occurred, the trial came to an end.

Fact-finding

When the trial convened, the chairperson first gave an explanation of all the procedures, and then a moment of silence was observed. Linda first gave her account of what had happened. Then John gave his. The jury learned the following from the two accounts.

Linda and John had to write a critical review for their 300-level Spanish course, on a book by A. Garcia. Three weeks before the due date, they had been given the assignment with an outline of what to include.

While chatting in the hallway the day the paper was due, Linda and John discussed the assignment. By Linda's account, John said that he had "read the first part and the last part and then just read the reviews" [referring to professional reviews found in the library]. Not until John had difficulty explaining in class how he approached his review did Linda doubt the integrity of his work. She spoke with the professor after class, without explicitly referring to John, and she told the professor what she believed had happened. The professor indicated that such was not fair. At the time, he supported the idea that she speak with the Honor Council chairperson. Linda said that she did not feel that she "was in a position to really accuse anyone of anything -- I just have this concern. It would need a more thorough fact-finding process."

In class, the professor had offered to the students the chance to revise their assignments. So the professor suggested that he and Linda see whether John would hand in a rewrite. If he did, they would drop the matter; and, if he did not, then the matter would be taken to Honor Council.

Linda then spoke with the chairperson to explain the situation and to learn the proper procedures. The next day she contacted the professor to determine whether John had rewritten his paper. The professor, still not knowing John's name, read to Linda a list of those who turned in revisions. Since John's name was not on the list, Linda was to take the issue to Council. But at this point, the professor made it very clear to her that he did not want the issue handled by Honor Council. Instead, he wanted to handle the matter within his department.
The Council chairperson herself spoke with the professor. Although the professor wanted to deal with it himself, he conceded to the chairperson that the matter fell under Council's jurisdiction as required by the Code. Even though the professor had not yet read the paper, he said that it was "a waste of time -- you'll never find anything [wrong] here."

Linda contacted John to confront him. They discussed the matter without reaching a resolution. In cooperation with procedures, John spoke with the professor and with the Council chairperson. John explained to the professor all that he done, including his use of reviews. The professor told John that he "was comfortable" with what he heard and said that use of the reviews was a "normal course of action."

From their accounts and answers to the jury's questions, it became apparent that Linda had misperceived the amount of Garcia's book that John had read. John said that he had read carefully the first and last portions, which together constituted nearly half of the book. John said that he had skipped through the middle portion of the book, not reading very carefully, because it presented mostly factual information with which he was familiar. He explained that he had had previous knowledge of the material from earlier studies, so he was only interested in reading the parts which conveyed Garcia's thesis.

John explained that he had looked up two reviews. He believed that the professor had referred to reviews in the library when the assignment was handed out. Linda did not recall the professor saying so. When his review was nearly due, John located in the library two published reviews of Garcia's book. One review he photocopied; the other he looked over and then discarded. John carefully read the photocopied one, underlining a few portions.

John said that, before going to the library, he had known what he was going to say, and even had outlined his ideas. He explained to the jury that he consulted these reviews mostly to learn the format of book reviews, with the possibility of using content as well. "As it turned out," he said, "I did not feel that the reviews added content to my essay." John described this decision not to cite as a "judgment call; in my judgment my review didn't merit" citation of either published review.

Jury Deliberation

Once Linda and John had given their accounts, the jury asked them to leave. After a short break, the jury began a heated deliberation to determine whether a violation had occurred. Two questions concerned the jurors: (1) did John only look over critics' reviews, or did he use their content in writing his paper; (2) if John did in fact only look at the published material, would he still have been obliged to cite it? These questions forced the jury to consider whether there had been plagiarism.
Since copies of John's paper and the two reviews were at hand, the jury perused the texts. One juror made attempts to draw comparisons. Another had a "suspicion that there may have been foul play, but not being able to put our fingers on it, our hands are tied." The jury as a whole decided that it was not possible to determine whether there had been plagiarism, intentional or unintentional. One juror said that, even though John had consulted reviews, "we are not qualified to judge whether the content [of his paper] was changed." John had covered enough of the book and material to say anything which the reviews said.

Someone raised a question of whether John's use of secondary sources gave him an unfair advantage over other students in the class. Linda had said earlier that, while "no one said we weren't allowed to read the reviews or other outside sources," she and friends specifically avoided outside sources because they had assumed they were not supposed to consult them. The chairperson found out that the professor had no policy regarding this matter. Hence, a juror noted that John's consultation of other sources wasn't unfair since other students could have used secondary sources.

Nonetheless, the jury was still concerned that there might have been improper citation. The code states that "Students are expected to properly cite (in footnotes, quotations, and bibliography) all sources used in the preparation of written work..." (II, E). As students have this responsibility to cite sources used in preparation, the question for the jury became: did John's use of the reviews fall under "preparation"?

Some jurors felt that looking to the reviews for format and with a eye to content is part of "preparation," so that John's failure to note them constituted a violation in terms of citation.

Other jurors felt that his careful reading of the one review necessarily would have influenced him some, so that he should have cited. A juror said that "You need a sixth sense to be sure that you are not being influenced by something you read."

One juror wondered why John would have mentioned to Linda that he looked at the reviews if it wasn't significant -- that it could not have been as unimportant as he suggested.

Another juror drew the following distinction: the photocopied and underlined review was part of his preparation and it should have been cited; the second, which he merely glanced through and then discarded, did not fall under "preparation" and did not need citation.

Some jurors, feeling that John's consultation of the published review was or could be considered "preparation," thought that he should have cited its use, but that he did not have to. A juror remarked that "he should have cited out of conventional wisdom, but I cannot say that he should have cited it out of the Code, or that he broke the trust of the community."
With a similar line of thought, a different juror spoke of a "works consulted" list. A "works cited" list can cover those sources from which ideas or quotations are taken. A "works consulted" list can cover other sources, such as that photocopied review.

After several hours of discussion, most jurors did not believe that John was required to have cited the review under the Honor Code, but that he probably should have anyway. Other jurors still believed that he did not act in accordance with the Code, and that he violated our standards.

Ultimately, the jury could not reach consensus that a violation had occurred. Thus, the trial came to a close.

It's a Questionnaire! Council would like to hear your voice.

Please write your responses in the space available (like on the back) and detach above, or use another sheet of paper. Then drop it in the "Honor Council" box by the mailroom.

1. What are your reactions to this case?

2. Do you think that the outcome was fair?

3. Do you think there should be a discussion on issues raised by the case? Would you attend such a discussion?