Abstract discussion TBA.

Across the Universe Part 2:  
An Honor Council Academic Trial  
Released Fall 2017

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Key:
Confronting Party: Professor Billy Shears  
Confronted Party: Jude  
Student who posted on the music forum: Desmond  
Class: Across the Universe 299

Summary/Pre-Trial:
This case involved Jude, a student in Professor Billy Shears’ course Across the Universe 299. After Jude took an exam, Professor Billy Shears found that Jude’s answers to some questions looked similar to answers posted in an online music forum. When reviewed by Honor Council, the members could not determine exactly what Professor Billy Shears was referring to, and decided to take the case to trial so that a jury could review it. After fact-finding and jury deliberations, the jury members felt they could not say beyond a reasonable doubt that Jude had copied his answers from the music forum and violated the Honor Code, and decided on a Statement of Non-Violation.

Due to an influx of cases, Honor Council consented to run this trial under extenuating circumstances, meaning that this case was chaired by an experienced member of Honor Council, rather than one of the Co-Chairs, and there were 9, rather than the usual 10, jurors.

Preliminary Meeting:
When the jury met, they were mostly concerned with looking at the assignment itself to determine if Jude’s answers were similar enough to the answers posted on the music forum to suggest that he’d copied them. The discussion was complicated by the fact that the exam had been “open internet”, which raised questions about whether Jude’s use of the online answers would have been a violation of the Honor Code even if it could have been determined that he had found and copied them. The jury was curious to know what Professor Billy Shears thought the
violation was, as it was not clear in his initial statement whether he was concerned about Jude not citing his sources, potentially copying the answers on the forum, or looking at the forum at all. The jury hoped to ask Professor Billy Shears and Jude how they interpreted the expectations for internet use during the exam, and if these had been clearly stated.

**Fact Finding:**

The jury met with Jude and Professor Billy Shears together first. Jude explained his version of what happened. He said that he was called into Professor Billy Shears’ office after the exam and shown the posts on the music forum. He said he had never seen the posts before, and did not know why Professor Billy Shears was showing them to him. After Professor Billy Shears explained his concern that Jude had copied, Jude apologized for not citing his sources on the exam as he usually does. Professor Billy Shears did not seem very concerned with the lack of citation; he was more worried that Jude had copied his answers directly from these forum posts. There was also a misinterpretation as to what was said in the meeting: Professor Billy Shears quoted Jude as having said “If I would have cheated, I would have cheated on the whole thing”, something Jude denied having said. Professor Billy Shears apologized for having misquoted him or misinterpreted his sentiment. The jury then asked Jude questions about which sources he used during the open internet exam. Jude was open about having used the music forum as a resource, but said he only used it for definitions, as he had for previous assignments, and never searched for the content of the exam.

Next, Professor Billy Shears spoke. He explained that a student had alerted him that someone had posted several questions from the exam online. When he looked over the exams to figure out who had done it, Desmond, another student, was clearly responsible\(^1\). While he did not suspect that Jude had been involved in posting the questions, two answers on his exam were concerningly similar to the answers to Desmond’s forum posts. Professor Billy Shears described it as very close paraphrasing, and cited the formatting of certain musical descriptions as a strong indicator that Jude had consulted the posts.

The jury asked Professor Billy Shears what he considered the violation to have been. He replied that the issue was that he believed the answers to be copied. If Jude had consulted the music forum posts, but not copied them, and cited them correctly, he would not have a problem. Professor Billy Shears added that many students do not cite properly or at all on assignments, but that he does not take them to Honor Council because he does not see it as a large enough issue. This explanation left the jury confused about what Professor Billy Shears considered the violation to be in Jude’s case.

When the jury spoke to Professor Billy Shears alone, he commended Jude's effort in the class, explaining that he made good use of all the resources available to him to help with assignments. Because of this, he found it hard to believe that Jude had not come across the

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\(^1\) The situation with Desmond was dealt with in another Honor Council proceeding.
posted answers while working on the exam, and felt certain that the similarities indicated copying. After the trial, Professor Billy Shears clarified that he was absolutely certain a violation occurred, something the jury had not understood from his in-trial statements.

When the jury spoke to Jude alone, he did not have much more to share. He explained that he did not feel fully comfortable with the material on the exam, despite intensive studying, and had passed the exam by just one point. He cited his shaky grasp of some of the material as the reason for the odd musical notation that Professor Billy Shears pointed out on his exam. Jude suggested that it was possible that he—as well as the people on the internet who responded to Desmond’s post—may have consulted similar sources in responding to the question, thus leading to the similar styles of approaching the question.

Jury Deliberations 1:

When the parties left, the jury shared their feelings of confusion and frustration. While they understood Professor Billy Shears’ concern, they were not convinced that Jude had cheated, and did not feel that the similarities between the answers were clear indications of copying. The jury also shared feelings of concern about the clarity of Professor Billy Shears’ open internet policy and his inconsistent responses to students’ lack of citation on assignments.

Eventually the jury decided that they did not have enough information to proceed. They adjourned with the expectation that they would reconvene later to hear the opinion of an expert witness and see other examples of students’ answers to the exam problems for comparison.

Jury Deliberations 2:

Much more information was gathered when the jury reconvened. The jury read a statement from an expert witness, a professor who taught a similar course at another university. The witness was also suspicious of the similarities between Jude’s exam and the online answers, but could not be sure that the answers had been copied. Professor Billy Shears provided anonymized examples of other students’ answers to the two questions so that the jury could see alternate ways the answers could be formatted, and Jude provided more examples of his notes to demonstrate that the notation he used on the exam was similar to his previous assignments.

The jury reviewed the new documents, then went around the room and each member shared how they felt about a Statement of Violation versus a Statement of Non-Violation. Some jurors were torn, as they had lingering suspicions about Jude’s answers, but most felt that they could not conclude beyond a reasonable doubt that Jude had cheated. Some jurors felt more suspicious after hearing the opinion of the expert witness, but most could not say for sure whether or not Jude had violated the Code.

The jury concluded that the best course of action would be a Statement of Non-Violation, as they felt that continued discussion about the present facts would not convince them beyond a reasonable doubt that Jude had violated the Code. Additionally, the jury did not feel that the issue would be clarified by extending the conversation with either party or additional witnesses.
Statement of Non-Violation:

Though the jury has suspicions, based on [Professor Billy Shears’] statement and viewing the assignment in context, that copying may have occurred, there remains the possibility that the similarities between [Jude’s] test and the [music forum posts] did not stem from a case of copying, and thus the jury is not confident beyond a reasonable doubt that a violation occurred.

(8 jurors consent, 1 stands outside in absentia)

Jury Deliberation on Resolutions:

After consenting to the statement, the jury discussed the possibility of recommended resolutions. One juror pointed out that if they had more than 2 or 3 resolutions, the breach of trust would be great enough that they probably should have come to a Statement of Violation.

The jury felt that the only breach of trust remaining was the one between Jude and Professor Billy Shears. While the two parties seemed to like and respect each other, the fact that their stories conflicted created a schism between the two that the jury hoped to mend.

Recommended Resolutions:

1. The jury recommends that [Jude] and [Professor Billy Shears] meet as soon as possible. If any of the parties so wish, this meeting may be mediated by a member of the jury. The jury hopes that this meeting will result in a reestablishment of trust between the parties in order to mend their working relationship. (9 jurors consent)

Post-Trial:

Jude did not want to meet with Professor Billy Shears to expressly talk about the resolution, but rather assured the Trial Chair that he would continue to meet with the professor in future office hours, and he believed this sort of academic-based meeting would best serve to rebuild their relationship.

Discussion Questions:

1. How should an “open internet” clause of an assignment be considered when a case is taken to trial?
2. What does “beyond a reasonable doubt” entail?
3. What is the jury’s responsibility for resolutions in the case that there is a statement of non-violation?
4. What are the implications of a party choosing or not choosing to complete recommended resolutions?