Abstract discussion will be held on Tuesday, 11/2/2017 at 7pm in the DC Swarthmore Room.

Dinotopia:  
An Honor Council Academic Trial  
Released Fall 2017

This abstract was not released in accordance to the timeline specified by the Students’ Association Constitution. The confronting party consented to the release of the abstract. The confronted party consented to the release of the abstract.

Key:
Confronted Party: David
Confronting Party: Professor Zippo
Class: Dinosaur Languages 200
Disallowed Resources: The Dinosaur Dictionary and Dino to English translators

Summary:
This case involved conflicting reports between a professor [Professor Zippo] and a student [David] about what occurred on a final exam. Professor Zippo suspected David of using disallowed resources on the exam [The Dinosaur Dictionary and Dino to English translators], but David held that he had not used any such resources. During the jury’s first deliberations, they found that there was not sufficient evidence to say beyond a reasonable doubt that David violated the Honor Code, ultimately coming to a statement of non-violation.

Pre-Trial:
While grading David’s exam, Professor Zippo noticed that David did not show his work for several questions which he had answered correctly. Professor Zippo contacted David to ask about the missing work, expressing that he could not receive full credit for the problems without having shown his work. David responded, explaining that he had done all of his work on scrap paper, which he had probably thrown out after the exam. Because David had not followed the instructions indicating that one should show their work, Professor Zippo became worried that David had not followed other instructions regarding disallowed resources. When Professor Zippo asked David whether he had used any disallowed sections of his Dinosaur Dictionary, David responded that he did not believe that he had. Professor Zippo became increasingly more
suspicious and asked David to contact Honor Council. In his statement to Honor Council David said that he did not know why he was asked to report to Council. Professor Zippo explained in his statement that while he was in the process of writing his statement to Honor Council, he looked at a disallowed Dino to English translator and found answers that were similar to the answers David had provided. After reading statements from both parties, Honor Council consented to send the case to an Academic Trial.

**Fact Finding:**

At fact finding, David told the jury about the sequence of events leading up to the trial, and then asked for clarification on what, specifically, Professor Zippo was suspicious of. Professor Zippo explained that he was suspicious because David could have found several of his correct answers in his Dinosaur Dictionary or using a Dino to English translator. David responded to Professor Zippo’s concerns by explaining that he had worked out many answers to each question on scrap paper, and at the end scrambled to write down something for each problem, but that he hadn’t felt confident that any of his answers were correct, and thus did not put substantial effort into recording his work. Additionally, he incorrectly assumed that for a few of the questions he did not need to show his work because they fell on the same page as other questions for which showing work was not required. Professor Zippo and David then became quite passionately engaged in discussing whether David could have come to the answers on his own, rather than through disallowed resources. The jury, having little knowledge of dinosaur languages, was confused by this discussion.

The jury next spoke to Professor Zippo alone. He expressed certainty that David had cheated, and noted that he had a great deal of trust in the vast majority of students at this school, but that he had never felt this trust for David. Professor Zippo noted that David had a documented disability which caused him to miss class often. Thus, David had only been to a handful of classes this semester, had only turned in a few assignments. David needed to do substantially better on the exam than he had on previous assessments in order to pass the class, which was a requirement for his minor. Professor Zippo noted that this was the second time David had taken this course as he had dropped the course the previous year just before finals.

David returned to speak with the jury alone. He expressed confusion and frustration with Professor Zippo’s response and unclarity. He then brought up his disability, explaining something very similar to what Professor Zippo had noted. He said that professors were always very understanding in making accommodations, but that he felt Professor Zippo was an exception. He also explained that he had to learn most of the material for the class on his own, using resources not allowed on the test. A juror asked about his experience dropping the class the year before, and he said that he has had to drop courses multiple times, and would rather drop a course than be academically dishonest.

**Jury Deliberations I:**

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For the most part the jurors felt that both David and Professor Zippo had been incredibly genuine, and suspected that a violation may not have occurred. Several jurors were concerned about the sequence of events and how Professor Zippo’s opinion of David could have affected his conclusions. Essentially they were concerned that Professor Zippo may have had a hunch that the exam was suspicious and then looked for information to confirm his suspicions. However, the jury also respected Professor Zippo’s expertise in the field and in detecting academic dishonesty. Because the jury felt unable to judge for themselves whether the exam was suspicious, they chose to ask for an expert witness. Three witnesses were contacted.

**Jury Deliberations II:**

The trial chair began by reading out the statements of three expert witnesses. The expert witnesses were incredibly consistent in their responses. They all noted David’s lack of work was suspicious and that many of his answers could be found using a Dino to English translator. Two of the expert witnesses expressed that he could be given the benefit of the doubt on one or two of the questions, but all were in agreement that one of the questions was incredibly suspicious.

The jury was struck by how consistent the expert witnesses were. One juror noted that most of the suspicion stemmed from a lack of work, and thus it was incredibly difficult to determine for sure if a violation occurred, given David’s account that he did his work on scrap paper. One of the expert witness’ accounts had said that David’s response to the last question might be reasonable, depending on whether it was a concept they discussed frequently in class. The jury discussed how, due to David’s disability, he had learned most of the material independently, using resources such as the Dinosaur Dictionary and Dino to English translators, and there was no way of knowing how he had studied. The trial chair read out an email from David’s dean regarding his disability which Professor Zippo had received the previous year, from the first time David took the course.

The jury went around and each voiced where they stood. A few jurors expressed that they were leaning towards a violation not having occurred, two jurors expressed that they felt one definitely had, and the weight of the jury felt somewhere in the middle. Multiple jurors expressed that they would feel strange coming to a statement of violation and proceeding with the trial, given that they weren’t sure one occurred, and thus felt they wouldn’t be able to come to resolutions. One juror expressed that it seems impossible for there to not have been a violation, given that he had the wrong formula but then reached the correct answer, and was frustrated that there was no way to prove it. Other jurors noted that David’s explanation for this answer seemed reasonable: he had been scrambling to write down answers and had ended up recording an answer that did not come from the formula originally recorded.

The jury spent some time discussing different things David had done that made it seem like he was telling the truth, and how he would have had to have been an incredibly talented liar if he were lying. The jury also discussed how compelling it was that three expert witnesses were all suspicious. The jury was still split, but was leaning more towards a violation having not
occurred, and the trial chair recommended that they work to word a statement that expresses their suspicion. The jury also wanted to come to suggested resolutions. In particular, they wanted to validate Professor Zippo’s decision to deduct points from David’s grade for not showing his work, although they did not want him to be held accountable for a violation which they did not believe occurred. The jury also wanted to address the immense breach of trust that they felt had occurred between the parties. A resolution urging David to be in communication with ADS was included because the jury felt that David had not received appropriate accommodations for the course, and they felt that some of the problems involved in this case, including the fact that David studied from Dino to English Translators and not from the class notes, could have been avoided had David had appropriate accommodations.

Statement of Non-Violation:
After thoroughly examining the evidence and the accounts of Professor Zippo and the three expert witnesses, we believe that while there is reasonable suspicion that a violation occurred, there is also reasonable doubt. We believe that both parties were genuine and honest throughout the process and therefore we cannot say beyond a reasonable doubt that David violated the Honor Code.

Due to the reasonable suspicion that a violation occurred, we believe it is imperative to restore trust between the professor and the student, and thus we have formulated the suggested resolutions.

Suggested resolutions:
1. If either of the parties so choose, they may request a meeting with three members of the jury for further clarification on our thought process.
2. The jury recommends that David and Professor Zippo have a conversation mediated by either a member of the jury or a member of the Honor Council’s executive board.
3. The jury supports David in continuing conversations with ADS and his professors about receiving further accommodations (e.g. recorded lectures or a note taker).
4. The jury acknowledges that David’s grade is ultimately up to Professor Zippo’s discretion and supports Professor Zippo in choosing not to give credit for problems in which work is not shown.

9 jurors consent, 1 juror stands outside in absentia

Discussion Questions:
1. Can a jury of students, who are by definition non-experts, really decide whether or not a violation of the Honor Code has occurred?
2. The Students’ Constitution tells juries that they should believe “beyond a reasonable
doubt” that a violation occurred before coming to a statement of violation\(^1\). What do you think constitutes “beyond a reasonable doubt”, and do you think this is an appropriate instruction for juries to follow?

3. When a professor believes a violation has occurred beyond a reasonable doubt, is it a violation of that professor’s trust to come to a statement of non-violation?

4. How would it affect the integrity of the Code for a jury to come to a statement of non-violation when a violation had occurred or vice versa?

5. Should Honor Council have a more in-depth process for fact finding? For example, should juries be able to seek more documentation than they are provided with, or to investigate in other ways?

\(^1\) Section 7.02, part c).