Honor Code Review Committee Report

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Introduction

The Honor Code Review Committee (HCRC), composed of a dean, a faculty member, and three students, met on a regular basis from October 2004 through April 2005 to assess the current Honor Code at Middlebury College. This review of the Honor Code occurs triennially as set forth in the Honor System Bylaws in the 2004-05 Middlebury College Handbook. This Introduction provides a summary of the Committee’s recommendations and response.

Early in its review process, the Committee focused on and assessed the many changes and improvements recommended by the 2000-01 Honor Code Review Committee Report. The most major change was the implementation of the Academic Judicial Board, a combination of the once Student Judicial Council, which heard cheating cases and the Judicial Review Board, which heard plagiarism cases. The combination of these two boards eliminated the disparity in the way academic dishonesty cases were heard and how sanctions were imposed.

The Honor Code Review Committee also reviewed a recommendation made by the 2000-01 committee regarding the formalization of the honor code system. The committee is pleased to announce that much progress has been made in this area. New students now are formally oriented to the honor code by the student judicial board members in several ways during new student orientation. For example, a formal honor code signing ceremony was implemented, whereby new students sign the honor code amongst their peers. Secondly, first year seminar professors have been trained to address the honor code especially during the first week of classes, and throughout the term. The third phase of
introducing the honor code occurs during the first week of fall classes when student judicial board members go to each residence hall to hold an hour-long meeting with first year students about the honor code. The Commons Deans and the residential life staff have been very supportive of this meeting, and it has become a required residential hall meeting.

The third phase of the 2000-01 HCRC’s assessment involved assessing the growing concern of internet plagiarism and reviewing the College’s continued commitment to assisting faculty members locate the source when they believe a paper has been plagiarized. The recommendation that the College pays for a plagiarism detection service was accepted. Since the last honor code review, faculty members who believed a paper had been plagiarized have been able to log on to the turnitin.com search engine on a per-use fee. The costs for accessing this service are reimbursed to the faculty member. The use of the turnitin.com plagiarism detection service has cut down the amount of library time that, in the past, it has taken to locate the source of a plagiarized paper.

Once the assessment phase was completed, the Honor Code Review Committee began to plan the rest of its meeting times. From mid-October until the end of March, the committee met frequently. The committee thought that it was prudent to have a luncheon and to invite all current faculty members who had brought forward judicial cases in the past four years. The purpose of the gathering was to provide a forum for faculty to discuss their experience with the judicial system and the new Academic Judicial Board. As a result of the some of the issues that the HCRC had discussed, a list of discussion topics was provided to the attendees. (See Appendix 1)

While it is clear that bringing forth a charge of academic dishonesty disrupts the life of a faculty member and is not a pleasant experience, most faculty members present at the luncheon agreed that the new system is easy to understand, that there now is one clear contact person, one board that hears all non-conduct cases, and that faculty feel better prepared going into a hearing. Faculty members also remarked upon their sense that not all faculty members adhere to their responsibility of reporting cases, and that there is a disconnect between those who bring cases to the Academic Judicial Board and those who take matters into their own hands.

In the fall (2004), as a result of a well-publicized honor code hearing, the judicial board’s standards of proof procedures were questioned. The Honor Code Review Committee invited Professor Murray Dry to one of our meetings to speak about his concerns. In addition, the Honor Code Review Committee consulted with Middlebury College counsel about these concerns, and we have addressed these concerns in this document.

An honor code symposium also was held late in the fall term. All faculty, staff, and student members of the judicial boards were invited, in addition to members of the president’s staff. This symposium is a way to assess how well the judicial process is working. At this particular symposium, the Honor Code Review Committee spoke about the work that had been accomplished since the committee was convened in October (2004). The work that the committee had begun included:

1) Creating a suggestion box for students to ask questions or make comments about the Honor Code or the judicial process.
2) Began the planning for an all-campus judicial mock hearing,
The Honor Code Review Committee believes that since the last report, the Honor Code and the judicial process has been given more attention by faculty (especially first year seminar professors), staff, and students. As a result of the efforts of the student judicial board members, the honor code has been positively brought more to the forefront of the College experience for students.

Structurally, the Honor Code Review Committee believed that the judicial process is as strong as it ever was. It is highlighted by strong student leadership and commitment to the honor code. Student judicial board members now make themselves more available to students by administering the honor code signing ceremony during first year orientation, having honor code talks in the residence halls, and participating in mock hearings. As a result of their commitment, there has been increasing student awareness about the honor code.

The committee believes from anecdotal information from faculty and students, all faculty members must have the same commitment to the honor code as students have pledged by signing the Academic Honesty Statement. There was a sense that this issue is a growing concern, and the committee addresses this concern in its recommendation. The three other main topics that will be addressed deal with changes in Handbook Language, the standards of proof issue, and the question of combining the boards.

Uniform Faculty Engagement

Action 1
A. The HCRC expresses concern about the widespread anecdotal evidence that faculty members are not expressing a clear and unified commitment to the Honor Code. Some instructors make clear statements at the beginning of every semester reflecting the seriousness of their commitment to the upholding of the Honor Code and asking for compliance from students whenever and wherever it is appropriate—from the participation of students in peer-group collaborative work to the expectation that students affix and sign the Honor Code statement or “pledge” on all written work submitted, whether examinations or papers. These same instructors have not allowed the increasingly common practice of permitting the submission of papers via e-mail to preclude the inclusion of the “pledge” on such assignments. In the view of the HCRC, this practice sets the correct example, and it is one that should be adopted and followed as the standard by all members of the Middlebury College faculty. Toward this all-important goal of securing a strong and unified commitment to academic honesty across the faculty, the HCRC urges that all instructors reconfirm their commitment to the principles of the Honor Code—and reconfirm their commitment to the logistical tactics necessary to uphold those principles. It is one thing to reconfirm the principles, and another to reconfirm, for example, the demand that all work be signed with the pledge.

B. The HCRC expresses considerable unease about anecdotal reports of some members of the faculty, when confronted with a perceived infraction, “taking matters into their own hands.” According to hearsay, some faculty members who are, for example, under review might elect to avoid the Academic
Judicial Board and try to settle such cases on their own because an official finding of plagiarism can result in a significantly lowered grade and thus lead to a negative teaching evaluation. There are reports that some other faculty members, many of them tenured, avoid bringing cases before the Academic Judicial Board simply out of inconvenience. The HCRC regards this obviation of the established channel for prosecuting cases of potential academic dishonesty as a major problem, not only because it undermines the Honor Code as a policy but also because it places faculty members who decide to handle cases on their own and outside the system at extreme legal risk. The HCRC believes that a rededication on the part of all faculty members to the principles of the Honor Code would do much to reduce the instances of faculty members trying to adjudicate cases informally and outside the proper channels.

**Action 2**
C. The HCRC urges that more attention be given to finding ways of helping a substantial sector of the faculty confront and overcome the problem of self-scheduled examination “discomfort.” Toward this end, the HCRC strongly recommends the creation of an ad hoc committee that includes faculty, staff, and students with the charge of 1) examining this issue of the reluctance of some faculty members to participate in the self-scheduled examination system and 2) making constructive suggestions to the academic administration on strategies that might address the concerns of these faculty members and thus make them more confident and willing participants in the system.

**Action 3**
D. In the process of conducting the present review, the HCRC has become aware of a number of resources, in print-based as well as web-based form, that are expressly intended to assist faculty members in helping students to avoid the pitfalls of academic dishonesty and yet recognize and deal appropriately and effectively with its unfortunate occurrence. The resource that received a favorable response among the faculty that attended the Honor Code luncheon was a comprehensive resource guide by Charles Lipson, entitled, *Doing Honest Work in College: How to prepare citations, avoid plagiarism, and achieve real academic success.* This book received such praise because it is applicable across disciplines, including the sciences. The HCRC recommends that one or more of the listed print resources become a standard budgeted purchase of every academic department and program throughout the College, so that it is readily available to every member of the faculty for consultation.

**Changes in Handbook Language**

**Action 4**
A. As a result of inquiries from faculty members, the language in the web-based handbook section regarding “Duplicate Use of Written Work” has been re-evaluated. Currently, the practice of using a paper, multiple times for different courses is difficult to control, especially when these submissions are likely to occur in separate terms and departments. It is necessary to make clear that this practice constitutes academic dishonesty and to specify the proper procedure should a student wish to request permission to submit the same or substantially similar papers in two different courses. The handbook language should be amended to read: “A paper submitted to meet the requirements of a particular course is assumed to be work completed for that course; the same paper, or substantially similar papers, may not be used to meet the requirements of two different courses, in the same or different terms, without prior written consent of both instructors involved. Students incorporating similar material in more than one paper are required to confirm each professor’s expectations in advance.”
(Academic Disciplinary Policies), Article B. Academic Dishonesty, Section c. Duplicate Use of Written Work).

**Action 5**

B. There has been some confusion within the student body about what the proper procedure is when a student is aware of another’s violation of the academic honesty policy. It’s easy to believe that instances in which students witness others cheating are restricted to sit-down exam situations, but this is not the case. Formal and anecdotal evidence exists of students cheating during self-scheduled or take-home closed book exams, and doing so with the tacit acceptance of others. We would like to encourage individual students to confront those they may witness cheating in any of the above circumstances.

However, we are wary of creating an environment in which students are constantly suspicious or in fear of those around them. We have clarified through First-Year orientation meetings that the Academic Judicial Board will not hear cases against students found to be aware of academic dishonesty who did not themselves commit it. It is never stated nor implied in the Handbook that this is the case. The phrase “morally obligated” to report academic dishonesty is currently used in the handbook and should be maintained so that students understand that there is an obligation that, if disregarded, does not carry a sanction, but does have repercussions for the college community. The HCRC recommends the addition of a sentence encouraging students to confront those who cheat, in hopes that, once being confronted, they will make the decision to turn themselves in to the judicial officer. The HCRC proposes that the Handbook language should be amended to read: “Any member of the college community (student, faculty, or administrator) who is aware of an instance of academic dishonesty is morally obligated to report it to the Academic Judicial Board. Students also are, however, strongly encouraged to confront their peers at the first opportunity to do so.” (Academic Disciplinary Policies), Article C. Undergraduate Honor System, Article III “Violations of the Honor Code, Procedures, and Disciplinary Actions,” section a.)

C. The use of the word “normally” in regards to the sanctioning of those found guilty of academic dishonesty has been questioned by some faculty and students in light of the fact that although suspension is the typical penalty, a lesser or greater one can be given. It has been proposed that “normally” be replaced with “occasionally” or “sometimes” so that students are not given a false impression about what the possible outcomes of an Academic Judicial Board hearing are. The sanctioning of students found guilty of academic dishonesty is not subject to much interpretation, and varies only occasionally for reasons such as a student’s prior record or intent. The word “normally” adequately reflects the usual sanctioning outcome and need not be replaced with any term more or less specific; adequate justification for use of the term is present. (Undergraduate Honor System, Article V “Violations of the Honor Code, Procedures, and Disciplinary Actions,” section e.)

**Standards of Proof**

A. An argument that was made during the committee’s review was that the current burden of proof was too easy to satisfy, and a case was made to raise the current standard of proof from “preponderance of evidence to clear and convincing evidence.” The HCRC considered the recommendation to raise the standard of proof at length. Following the committee’s research of other NESCAC Schools and after
consulting with the Middlebury College attorney about this issue, the HCRC maintains that “preponderance of evidence” is the most appropriate standard of proof. The committee remains committed to the current standard of proof for the following reasons:

As stipulated in the college handbook, a finding of guilt requires six of seven votes when seven members are present and five of six votes when six members are present. The HCRC strongly feels that this high requirement for a finding of guilt in combination with the “preponderance of evidence” standard ensures the integrity of all findings of guilt.

The HCRC received valuable counsel from the Middlebury College attorney cautioning against raising the standard of proof. Higher standards of guilt, such as “clear and convincing evidence” and “beyond a reasonable doubt” are standards characteristic of a legal jurisdiction—and the college’s judicial system cannot and will never be described as such. These two standards are not compatible with the nature of the Middlebury College Academic Judicial Board process. The Academic Judicial Board is not a legal entity and to adopt either of these standards would be to change the nature of the Board. The HCRC conferred with other NESCAC schools and ascertained that these institutions overwhelmingly employ the “preponderance of evidence” standard.

The Question of Combining Boards

The HCRC wishes to highlight the continuing reasons for having two separate Judicial Boards, and thus highlight the desire for no change in the structure of the Boards, as they are now.

After the 1999 Honor Code Review, Middlebury College made significant changes to the judicial process in order to establish its current form and our current system. This system separates the issues of discipline and conduct, as outlined in the Conduct section of the Handbook and heard by the Community Judicial Board, from issues of academic integrity, as outlined by the Honor Code and heard by the Academic Judicial Board. These two areas, governed by their respective judicial processes, make up the college’s Undergraduate Honor System. It is the HCRC’s strongly held belief that this is the best judicial structure for Middlebury at this time. The primary reasons for this are as follows:

Logistical Concerns:

The time commitments made by those who serve on the boards are significant and often inopportune. The CJB meets weekly to hear cases of conduct, and the AJB tends to meet during the most hectic times of the academic year, e.g. the first week of classes, mid-terms, finals, and during examination periods in addition to any cases that may arise outside of those times. The HCRC believes that it is close to impossible—or, at least, excessively undesirable—for one consistent group of judicial board members to meet these needs. In addition, the current two-board system allows for greater precision in the judicial process.

Representational Concerns:
The HCRC understands that all Judicial Board members—both students and faculty—are attracted to the judicial process for different reasons. It is a common occurrence for a candidate to apply to one, and not the other, board or, by extension, to be comfortable hearing only one type of case. And while all judicial board members are cross-trained to be able to serve on either the AJB or CJB, it is only on one of the boards that he or she has a role. This ensures that the people who are interested in the judicial process, and who are chosen to represent the college in this capacity, are doing so because they believe in the norms and values they are upholding in the hearings – be they ones of social responsibility and community respect, or ones of academic integrity. The HCRC considers this division of interest (and labor) vis-à-vis conduct vs. academic integrity to be reflective not only of the various interests of the judicial board members, but also reflective of a desire within the community to keep these two areas separate.

Ideological Concerns:

Hypothetically speaking, if the HCRC were to recommend to the faculty to combine the Community Judicial Board with the Academic Judicial Board, the HCRC would necessarily have to recommend the institution of a social honor code. In other words, to have one body that hears cases of all types of infractions would extend the language of “morality” (as used in the Honor Code only with regards to Academic Integrity) to encompass all issues of disciplinary conduct in the lives of students, including, for example, underage drinking or the destruction of property. It is the strong sense of the HCRC that the Middlebury College community does not yet—if perhaps ever—wish to embark on a Code characterized by such totality.

Conclusion

The HCRC is pleased to report that following its thorough assessment, the Honor Code and the judicial process are as strong as they ever were. The Academic Judicial Board, now in its fourth year, while still in its infancy, structurally has addressed the disparity in the way honor code cases were heard in the past.

Due to the recommendations made in the last HCRC report of 2000-01, student interest in and adherence to the honor code has been invigorated, as perhaps evidenced in the reduced number of judicial hearings during the past three years. Also, with respect to student interest, on average for the past four years, more than 80 applications (for 12 available non-paid positions) have been received by students interested in becoming a student member of one of the two judicial boards.

Student judicial board members are expected to fulfill a role greater than merely being available to hear judicial cases. They are expected to facilitate residential hall discussions on the honor code, to administer the honor code ceremony, and a new, more recent feature, to host mock hearings for the Middlebury College campus community.

Student judicial board members also have proudly represented the College at West Point’s Conference on Ethics, and have traveled to other colleges and universities with strong honor code traditions, in order to glean useful information that can be used to strengthen Middlebury College’s honor code.
Each of these efforts has made a positive difference in a campus-wide student commitment to the honor code.

The task for the next few years will be to find ways to re-engage current faculty members and to better orient new faculty members about the honor code, so that both students and faculty express a unified commitment to the honor code. To do so involve finding ways to develop more trust between faculty and students, which the HCRC is positive can occur. Toward this end, the HCRC recommends that an ad hoc committee of faculty, staff, and students be formed to examine this issue, as well as the “faculty self-scheduled exam discomfort” issue described in item C of the Uniform Faculty Engagement section of this report.” We envision that such a committee will recommend ways to address these concerns.

The HCRC wishes to thank each faculty, staff, and student member that participated in our discussions, dropped suggestions in the suggestion box, or provided judicial statistics that aided in the committee’s understanding of national trends. We are grateful for your support in our efforts.
### Summary of Academic Judicial Board infractions in the past three years

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Appendix 1

Honor Code Luncheon Discussion Topics

- Preponderance of evidence vs. clear and convincing evidence

- Handbook language

- Discussed bringing expert witness/department chair to honor code hearings, or is there a way for students accused of cheating to retake test/quiz/exam to prove they knew the material?

- Do International students get lighter sanctions because of VISA status?

- Self-scheduled exams:
  Why don’t all professors offer them?

- Should the two judicial boards be combined?

- Rather than giving a student an F when they are found guilty for academic dishonesty, might there be a different designation like an X or no grade?

- Should there be a notation on the transcript for someone found guilty of academic dishonesty?

- Why are there extreme differences in the level of professors’ commitment to/acknowledgement of the honor code?

- Should there be a policy against submitting papers digitally? How does the pledge work in these cases?

- Is there a sense that faculty do not bring forward plagiarism cases because they believe that the sanctions are too harsh?

- During the past four years, students have embraced the honor code. What are the faculty perceptions of the honor code?


Newton, J. *Plagiarism and challenge of essay writing: Learning from our students*. Department of Political Science, York University.

Taylor, B. *Integrity: Academic and Political: A letter to my students*. The Fundamental Values of Academic Integrity, the Center for Academic Integrity (http://www.academicintegrity.org).