

**Abstract of the Honor Council**  
**Case 11, Fall 2009**  
**Sunday, January 24, 2010**

**Members Present:**

Lindsay Kirton (presiding), Hilary Baker-Jennings (clerk), Kaleb Underwood, Kate Snyder, Sean Sessel, Rejnal Tushe, Erin Waller, Jeff Worne, Kelsey Zottnick, James Hannah (observing)

**Ombuds:** Eric Li, Becca Arriaga (observing ombuds)

**Letter of Accusation:**

The Honor Council received a letter accusing Student A and Student B of collaboration on a pledged take home final exam for an upper level engineering course.

**Evidence Submitted:**

- Letter of Accusation
- Student A's written statement
- Student B's written statement
- Course Syllabus
- Student A's final exam
- Student B's final exam
- Final Exam Solution Key
- Professor Deposition
- Email btw Professor and Student A
- Expert Deposition
- Supplemental Material posted to Owl-space (3)
- Samples of other student's exams (5)

**Plea:**

Student A pled "Not in Violation."

Student B pled "Not in Violation."

**Testimony:**

Student A explained that he pled not in violation because the two students studied together the entire semester, and shared experience leads to shared results. Student B had failed the course before once, so Student A saw no point to cheating off of him, and because Student B completed his exam a day before Student A, there was no way he could have cheated off of Student A. Student B understands why the accusation has been made based off the evidence, but said they did not work together on the exam. He agreed that he had taken the exam a day before student A had taken his, but turned it in on the same day as Student A.

Student A said that he took and turned in the exam on the last day of finals and turned it in a few minutes late. However, Student A ran into the professor right after he turned his

test in, and the professor said it was okay.

Student A said that he and Student B had reviewed for the midterm exam together by studying an old test for the class, going through each problem line by line. The students said that they shared one textbook for both the homework and for the exam, but did not write in the textbook. Student A said that he got the textbook from Student B after Student B had taken the exam. He checked the book for any markings or stray papers, and there were none.

Student A claimed that the mathematical errors that are consistent with student B's exam were common errors that he made in tests. The errors were a consequence of being rushed and under pressure. Student B could not remember why he made those errors on the test.

Student A explained that he had emailed the professor in the early morning hours the day the exam was due asking if he could turn in the exam late. The professor responded later that same day saying that he could not grant Student A an extension.

Student B brought in his first witness: witness was sworn in. The witness is student B's roommate. He remembered Student B taking several tests but does not know which specific tests he was taking when. Student B went in and out of his room to the bathroom. Student A was not in the room while student B was taking his test. He doesn't remember exactly what time Student B took his test, but estimates around mid-morning.

Student B brought in his second witness: witness was sworn in. The witness is Student B's roommate. The witness saw Student B go into his room to take the test, and didn't see anything else out of the ordinary. He thought that it was in the evening but not very late that Student B took the test. The witness remembers seeing Student B studying with student A fairly often.

Student B brought in his third witness: witness was sworn in. He is Student B's roommate. He did not see Student B taking the test and did not have any knowledge of Student B taking the test. He saw Student A and Student B studying together about once a week, but was not around during the end of final exams.

Student A brought in his first witness: witness was sworn in. He is Student A's roommate. He did not see Student A taking his test, but did see Student A working on exams and studying. He had never met Student B before. He only moved into Student A's apartment a few days before Student A took the exam.

Student B said that the homework problems that the two students had worked on together line by line were similar to the problems on the exam. The students said that they made similar mistakes to each other on the midterm that were a result of working together. Student A said that they had learned the material and studied together by working together line by line to learn how to do the problems. The midterm was in class and they didn't sit near each other, but received very similar grades.

In response to the expert testimony given that their exams were extraordinarily similar, Student B said that he had heard it was common for students to have similar exams. Student A said that he thought the expert testimony was not reliable because the professor did not know that they had worked together and that they had studied the material the same way. Student B explained the relative completeness of the two exams, despite the varying amounts of time spent on the exams by each of the two students, by saying that he spent a lot of his time on one problem, so was not able to fully complete some of the others, while student A said that he was not able complete the test based on the short amount of time he had to take the test.

Student A said that he received the email from the professor saying he could not get an extension after he had gotten the textbook from Student B, and then did not leave his apartment again until he turned in the exam. Student B stated that he turned in his exam the same day as Student A, but does not recall if he had turned in the exam before or after he gave Student A the textbook. Student A received the professor's email while taking another exam and did not start the exam in question until he had finished the first one. Student A and Student B said that they didn't use the supplemental materials from owl-space, but that one of the materials looked like it was copied from the book, which they did use.

Student A reiterated their tests were similar because they had worked together so much in preparing for the test, and that he was pressed for time when taking the test so he only remembered what they had worked on together. Student B said that he had not left the room for an extended period of time the day after he had taken the test, so he could not have given it to Student A.

### **Verdict Deliberations:**

Council members believed that there was clear and convincing evidence that a violation had occurred because of the expert testimony and the fact that typographical errors in the exam were common between the exams, which could not have been a product of the students studying together. Other council members were not yet sure that there was clear and convincing evidence that a violation had occurred. Council members pointed out that there are also small differences between the two exams that seemed to point to the students not collaborating.

Council members pointed out that the amount of similarity between the two exams led them to think that the similarities were convincing. Council members also pointed to the expert testimony that claims the two exams were more similar than could be coincidence. Council members discussed the chance that the two students made the same typographical errors that had been pointed out by the professor and corroborated by the expert testimony. There are two errors that were pointed out by the professor and that council members had found that were not common to the problems.

Council members discussed that according to the student's testimony there didn't seem to be an opportunity for collaboration to occur. Council members also pointed out some

slight differences in the same problems that there are similarities on. In one line, Student A had written something different than what Student B had. In the next line, however, Student A's work matches that of Student B's, as if the difference between the previous lines did not exist. Council members said that compared to the other sample exams provided by the professor, the typographical errors that are present in Student A and Student B's exams are not indicative of regular errors made by other students. Council members also pointed out that the layout of the two exams are very similar, and are very different from the sample exams, so it seems unlikely that there was no collaboration.

Straw Poll #1: Is there clear and convincing evidence that a violation occurred?

Yes: 9

No: 0

Abstentions: 0

The Council then discussed whether or not Student A committed the violation. Council members said that there is no evidence to imply that student A was not in violation, because the only way that the violation could have occurred would have been through the participation of both students. Council members agreed there is no way that one student could have made the violation without the other knowing.

Straw Poll #2: Is there clear and convincing evidence that Student A is "In Violation?"

Yes: 9

No: 0

Abstentions: 0

Straw Poll #3: Is there clear and convincing evidence that Student B is "In Violation?"

Yes: 9

No: 0

Abstentions: 0

Straw Polls #1, #2, and #3 made binding.

### **Penalty Deliberations:**

Council members opened by discussing mitigating circumstances for Student A. Council members found no reason to mitigate on the nature of the violation because it was an exam worth a large portion of the grade. The Council also felt that the students did not cooperate considering they claimed there was no collaboration and the Council found evidence of collaboration, meaning their testimony was not truthful. Some Council members said that they might mitigate based on nature of the violation if the Council decided that only small sections of the exam were collaborated on. A Council member said that it was impossible to determine how much of the exam had been collaborated on because once the Council had decided that collaboration had happened on parts of the exam, we could not accurately determine whether or not they had collaborated on other sections. There is evidence that collaboration occurred on two problems, which some Council members decided was enough to not mitigate on nature. Council members pointed out that we have no way of determining the level of collaboration or if there had

been any collaboration at all on the other problems. A council member said that there was no evidence of collusion on other problems, but that is not necessarily a reason to mitigate.

The Council then began discussion of aggravating circumstances for Student A. Council members said that they would be aggravating on deceit of the Council considering the students had claimed they did not collaborate and the Council determined that they had. There was discussion about whether or not to aggravate based on premeditation but since there was no way to determine whether the accused students had premeditated the violation, the Council did not aggravate. One council member said that any participation of more than one student qualified as collusion so he/she would be aggravating on both.

Straw Poll #4: What is the appropriate penalty for Student A?

F in the course and 3 semesters of suspension:	7
F in the course and 2 semesters of suspension:	1
F in the course and 1 semester of suspension:	0
F in the course:	0
Abstentions:	1

The abstaining member said that they abstained because they had not decided whether or not to mitigate slightly on nature. There was further discussion on whether we could determine how much of the exam had been collaborated on, and whether the relative values of the problems collaborated on affected the decision to mitigate.

Straw Poll #5: What is the appropriate penalty for Student A?

F in the course and 3 semesters of suspension:	6
F in the course and 2 semesters of suspension:	3
F in the course and 1 semester of suspension:	0
F in the course:	0
Abstentions:	0

The council then discussed mitigating and aggravating factors for Student B. Some council members said that they saw no reason to change their decision because the violations were the same for both students. A council member said that because Student B did not copy the Student A's exam, his part of the violation was not as severe. Council members argued that because we do not know exactly what happened surrounding the violation, we cannot judge whether Student B had simply given his exam to Student A or if there had been further collaboration. Because there are many different ways the collaboration could have occurred and it is impossible to determine which one did happen, we cannot assume either way.

Straw Poll #6: What is the appropriate penalty for Student B?

F in the course and 3 semesters of suspension:	6
F in the course and 2 semesters of suspension:	3
F in the course and 1 semester of suspension:	0
F in the course:	0

Abstentions:

0

Straw Poll #5 and #6 made binding.

The Honor Council thus finds Students A and B “In Violation” of the Honor Code and recommends that they both receive an F in the course and 3 semesters of suspension. A Prior Violation Flag is also attached to their records.

Time of testimony and deliberations: 3 hours and 30 minutes

Respectfully submitted,  
Hilary Baker-Jennings  
Clerk