

Hi Patrick:

Feb 20, 2020

I understand that the Tim McKenna believes this might be better handled as a violation of copyright law. I'm certainly open to that consideration. I don't think a decision should be made until we interview the student. There is material in my syllabus which is also applicable. But I also want to maintain that this still comes under the Student Academic Ethics Policy. We can certainly choose to go another direction, but I also think it's necessary to recognize that it is an applicable policy.

Also for background, this is only the fourth student I've turned in as a level II or above in 15 years of teaching at UNI. Two of the four come from this case, so this is only the third "event" that I've felt was of sufficient gravity to take to this level. I don't send up a level II or III lightly.

**Nature of Violation:**

The online Death and Dying class includes, as the largest grading component in the class, 15 reading tests/quizzes. As each of these are completed and the test window closed, the answers are made available for so that students can improve for the next test. In addition to an explanation for some of the recognition style (multiple choice, true false, etc.) answers, I post sample answers to all essay questions. This is to help students improve their preparation for and answers on the next test/quiz. (In order to make it more difficult to cheat, I've set up many of the questions as "sets", of which one question is randomly assigned to each specific test. As an online class, most tests are unproctored.)

*The student in question appears to have systematically posted questions and answers (the professor's answers, not hers) online. It looks as though she did this for all her reading quizzes, though confirming that "all" were directly copied would take significant time. It is clear that most, possibly all 111 questions, were not her work.*

The purpose of the quizlet web site is to enable students to make flash cards to help themselves improve. A quick scan reveals other students posting, but so far, appropriately. For example, posting study questions and their answers in preparation for the tests.

*As the posts by the student in question could only have occurred after each test was complete, they were clearly intended to provide other students with answers. Further, the student would only have had access to the material during the class. While I allow a short period after the final for students to review their tests in order to raise questions, access to the course is denied shortly after finals week. Even if the student claims that it was not the "intent" (it is hard to prove intent), it had the same effect. For practically purposes, helping others to cheat is a clear and foreseeable outcome of the action.*

*One student is currently undergoing academic discipline for use of this student's Quizlet. I believe that this was likely a onetime action on the part of the student. While that student is still responsible for her choice, it might not have occurred if the other student had not posted the questions and answers to the test. Unless it is taken down, other students are likely to use it as well.*

Here are what appear to be the most applicable sections of the Student Academic Ethics Policy:

## According to 3.01: Student Academic Ethics Policy

### IV: Academic Ethics Violations

#### D: Cheating

- D.5 Communicating or attempting to communicate answers, hints or suggestions during an exam using any means including electronic devices.
- D.8. Providing test questions to other students either orally or in written form.
- D.9. Stealing or attempting to steal an exam, exam questions or an answer key.

#### G: Facilitation

Facilitation occurs when you knowingly or intentionally assist another in committing a violation of any of the previous sections of this academic ethics policy.

### V. Academic Ethics Sanctions

#### C. Level III Violations

Examples are included *but not limited to*: (emphasis added)

- Acquiring or distributing exam questions from an unauthorized source.
- Acquiring or distributing an exam answer key from an unauthorized source.

#### Required sanctions:

- Disciplinary failure for the course. (This will appear on the student's transcript.)
- Reprimanding the student in writing in the form of a letter...

#### Analysis:

- A. **The first point which needs to be addressed is to whether such sanctions can even be applied once the class is over and a grade assigned.** Three points:
  1. ***Nowhere in the policy does it place a time limit on the discovery and application of academic sanctions.***
  2. Certainly, if we found out, in retrospect, that someone had someone else take tests for them, it would be appropriate to retroactively fail that student from a course, even if the grade had already been assigned. Even if such a person had graduated, this should be applied and, if the result was that they no longer fulfilled the requirements for the degree, the degree revoked until those requirements were fulfilled.
  3. It was suggested that I needed to include a specific line in my syllabus regarding this sort of issue. Certainly I can do so. However, that reduces much of the ethics policy to "catch up" after

the fact. My belief is that, by referencing the University Policy in my syllabus, this sort of situation was covered. However, I did include a short commentary of my own in the syllabus, the most relevant part of which was:

“Cheating includes, but is not limited to: Obtaining or giving assistance in any academic work such as on quizzes, tests, homework, etc., without instructor’s consent... using crib notes or electronic devices to get unauthorized assistance on tests or other in-class work.”

Nowhere in my policy do I refer to intent. That’s always hard to prove. I will take apparent intent into consideration when it comes to the level of sanction, but here, it’s the action itself that matters.

In addition, students are required to review the Student Academic Ethics Policy as part of their preparation for the syllabus test, which they take at the start of the second week of class.

#### **B. Is this violation covered by the policy?**

There are a variety of technical arguments one could make to say that this event does not apply. For example:

Objection: Without a time limit, this opens a student or former student to sanctions for any sort of ethical violation for the rest of that student’s life. This is unreasonable.

Answer: The policy only deals with specific violations with regard to specific courses and situations related to their time at UNI. But this is a perfect example for why it needs to be open ended. Even if they graduate, if they actively help other students to cheat, they should be able to be sanctioned. (Of course, we cannot sanction persons who aren’t our students or former students who might help our students to cheat, but this doesn’t mean we don’t act when it comes to those who are.)

Objection: D.5 does not apply because the student wasn’t attempting to directly communicate answers during an exam.

Answer: Placing them on a readily available and searchable web site makes them available during *any* exam. The objection, like most of these, is a technicality which violates the clear intent and meaning of the policy.

Objection: These answers were not posted to help any particular person, just for anyone to read. The policy doesn’t specifically cover this.

Answer: In what universe is it more acceptable to help many people, even strangers, to cheat, rather than just one or two specific people? It is possible that this was

originally posted to help a specific person. But that's not necessary for this to be a violation.

Facilitation doesn't even require intent. It only requires "knowingly." Of course, the student may try to claim that she didn't know how it might be used. But here, such ignorance is not reasonable. Intentional ignorance is no excuse for a situation where the use is a clear and foreseeable outcome of the initial act.

***There's a reason why the policy gives examples, but doesn't limit them to the examples. The examples are there to assist in understanding, no policy can precisely cover every single circumstance.***

Objection: The answers weren't stolen. Nor were they from an "unauthorized" source. They were available to the class once each test had been completed.

Answer: They were available for a specific purpose, to help each student improve and prepare for the next exam. Using them to provide specific answers for others taking exams in the future is, in fact, stealing work product which is not the student's to take. It was not authorized for that purpose.

I also name the purpose in the Syllabus:

"It's particularly important to look at your test results when it comes to essay questions. For essay questions, I include a sample answer that would have earned full credit. By reading my answers, you will see the kind of detail which might be necessary for the questions on the next test. I don't expect a lot of detail early in the course, but as it goes on, your answers should reflect greater depth and understanding."

In another example, I may be loaned a book by my professor. That doesn't give me the right to copy the book and put it on the internet. (This fits Tim Mckenna's approach.)

Bottom line? Again, no decisions should be made until we interview the student. I'm also happy to meet with Allyson. But I want us to be clear as to our options before that meeting. We don't have to go to the maximum sanction, but I don't want this to become a precedent which undermines the Student Academic Ethics Policy.

Thanks

Francis Degnin  
[deg nin@uni.edu](mailto:deg nin@uni.edu)  
319-240-7387