
Rationale for changing the rules regarding cheating

Two systems for punishing academic offenses have evolved at UK: the official system and an unofficial one. The official system, enshrined in the Senate rules, mandates a minimum penalty of E for any and all offenses. The E may not be removed by exercising the repeat option, although it is not marked in any special way on the transcript.

Because many faculty think that the minimum penalty of E is too harsh for many offenses, an unofficial system of dealing with academic offenses has evolved. This unofficial system has no basis in the rules of the Senate. In this unofficial system, a student is punished with a penalty of less than an E, and the offense remains unrecorded.

There are myriad unintended and deleterious consequences of this double system:

1. Different instructors in the same department, even in different sections of the same course, choose to follow different systems. The same infraction under the same circumstances may be punished with disparate penalties.
2. A student may be caught cheating multiple times in different classes, but, if every instructor deals with the infractions "unofficially", no record is ever made of the student's offenses, so each offense is penalized as if it were the first and only one.
3. Because instructors who are considering a penalty for an offense want to know whether a particular student has been caught cheating previously, they often ask their colleagues whether they know of any such instances that were punished "unofficially", leading to the spread of rumor and innuendo.
4. Students who are offered a penalty less than E but feel they are not guilty of an infraction feel pressured to forego their legally permitted appeals, because to do so would risk a punishment more severe than what is being offered.
5. The Appeals Board may find a student innocent of an offense, even when the student is clearly guilty, because it feels that the minimum penalty of E is too harsh for the infraction.
6. An instructor who deals with a cheating incident unofficially may find her unofficial penalty challenged later by a student who claims (correctly) that she has no right to punish him unless she follows the procedures set out by the Senate. (Yes, this has happened.)
7. The high stakes created by the severe minimum penalty encourage legal confrontation.
8. There is no penalty intermediate between the minimum (E) and suspension.
9. The E that may not be removed by a repeat option is not forthright, because a savvy reader of a transcript may discern that a particular E was earned for cheating because the class was repeated but the E was retained in the GPA, but a less savvy reader would not discern it.

These problems with the University's academic offenses policy led to the formation of our committee. Our committee had the following goals for its proposal:

1. Provide the option of more lenient punishments for first offenders. *Every one of UK's benchmarks except the Universities of Virginia and Maryland defer to the instructor's discretion in imposing a penalty for a first cheating offense.* (At UVa, the first offense is punished by expulsion; at Maryland, usually by XE, although other penalties may be negotiated.)
2. Ensure that all offenses are recorded so that repeat offenders are punished harshly.
3. Provide more autonomy to instructors so that they will "buy in" to the system.
4. Update the rules to reflect the changes in University structure that have occurred since the rules were written.

Proposed changes and their rationales

Change: A new grade of XE or XF is created. This grade specifically indicates failure due to cheating, and it may not be excluded from the GPA. The grade will appear permanently on the transcript unless the Appeals Board approves a petition to change it to an E at a later time. **Rationale:** Such a grade will now indicate multiple offenses or an egregious first or second offense (see below), and the committee feels that it is justified to include it on a transcript. It also provides a punishment intermediate in severity between E and suspension. Two of our benchmarks (Penn State and Maryland) and many other universities and colleges have such a grade.

Change: The repeat option can be used to replace an E received due to cheating. **Rationale:** Now whether a failure has GPA implications (XE) or not (E) will be clearly indicated on the transcript.

Change: Before a penalty is chosen, the chair asks the Registrar whether a previous offense has been recorded. If not, an instructor must impose a zero for the assignment. The instructor may also require extra academic work, reduce the grade by one or two levels, or fail the student for the course. If an offense is particularly egregious, an instructor may still forward the case to the dean and recommend a penalty of an XE or XF or a more severe penalty. Penalties of XE or XF or more severe ones are imposed by the dean or Provost, not the instructor. **Rationale:** Many offenses result from a momentary lapse of judgment or (especially in the case of newly arrived foreign students) a misunderstanding of academic standards, not a deep flaw in the student's character. These offenses should be punished, but the penalty should be commensurate with the offense. Giving the instructor wide discretion to impose a penalty removes the motivation for the instructor to "bargain" with the student for a weaker, under-the-table penalty in return for the student foregoing an appeal. Moreover, the fact that a penalty imposed by an instructor is "redeemable" by exercising a repeat option should lower the stakes involved in cheating incidents and remove much of the legal confrontation inherent in the current system. If a particular action by a student can be construed as an academic offense but does not warrant (in the instructor's judgment) a zero on the assignment, the instructor may reduce credit for the assignment, but should not treat the action as an academic offense.

Change: Second offenses require at least a penalty of E or F, and third offenses require suspension.

Rationale: A second or subsequent offense is more indicative of a flaw in a student's character, so it must be punished more severely.

No change: The finding of an academic offense may be appealed to the Appeals Board. **Change:** If the Appeals Board finds the student not guilty, it must provide a written or oral rationale for its decision to the instructor (if the instructor so requests). **Rationale:** If instructors take the trouble of bringing charges against a student, and the Appeals Board finds the student not guilty, the instructor deserves to know the reasons so that his or her time is not wasted in the future.

No change: Any penalty for a first offense, and a penalty above the minimum for a second or subsequent offense may be appealed to the Appeals Board. The Appeals Board may not reduce a penalty for a second or subsequent offense below the minimum. **Change:** If the student does not contest the finding of an offense, but the student wants to contest a recommended penalty that is no more severe than E or F, the Ombud first decides whether the appeal has merit. If not, the Appeals Board may refuse to hear the appeal. The Appeals Board must provide a written or oral rationale to the instructor for decisions to reduce penalties. **Rationale:** There is a need to protect the student's right to appeal unduly harsh penalties with the need to protect students from frivolous appeals. This procedure, similar to what is done now for grade appeals, accomplishes both of these goals.

Change: A student who has committed an offense in a course is not permitted to drop or withdraw from the course. **Rationale:** After some deliberation, the committee decided that the right to drop or withdraw from a course is a privilege that should be withdrawn once a student has committed an academic offense. Other potential policies would either be too complex or would permit students to avoid some of the consequences of their actions.

Slight change: The Appeals Board is directed to find a student not guilty of an offense unless a majority decides that a student cheated or plagiarized. The phrase “preponderance of evidence” is removed. **Rationale:** The word “preponderance” seemed to raise the standard of proof to unreasonable heights.

Change: If the Appeals Board finds a student not guilty of an offense, the student may drop or withdraw from the course according to whatever rule was in effect when the allegation was first made. **Rationale:** A student may not feel that his or her work can be judged fairly after such an incident occurs, or his or her work may have suffered due to the accusation.

Change: The responsible dean for offenses occurring in University Extension courses (Independent Study, Distance Learning, etc.) shall be the dean of the college offering the course. **Rationale:** As such courses become more common, they should be treated as part of the academic mainstream.

Change: Cases involving cheating or plagiarism in graduate qualifying examinations, master's theses, doctoral dissertations, etc., will be handled by rules to be established by the Graduate School. **Rationale:** The consequences of such offenses can be so severe, even involving lawsuits and revocation of degrees, and so many reputations can be involved, that the Graduate School is better equipped to set up its own rules to deal with these matters. Until such happens, though, the Senate rules will apply.

Change: A dean or the Registrar may choose not to impose a penalty for an offense that does not take place within a specific course. If a penalty is imposed, it must be at least suspension. Even if no penalty is imposed, the Registrar keeps a record of the offense. **Rationale:** A particular offense may not rise to the level of requiring suspension, but even if it does not, the fact of the offense should be recorded so that a second offense may be treated as such. Suspension is the minimum penalty that can be imposed for such an offense, as in the current rules, because no grade can be assigned as penalty.

Change: The Provost is informed only if a dean or the Registrar recommends at least suspension for any offense. If such a penalty is upheld by the Appeals Board, the Provost may reduce it to no less severe than XE or XF (if the offense occurred in a course) or may choose not to impose a penalty at all (if the offense occurred outside a course or with regard to academic records). **Rationale:** The Provost does not need to be informed unless a punishment of suspension is recommended. If the instructor, chair, dean, and Appeals Board all believe that suspension is warranted, the Provost should not be able to reduce the penalty below XE or XF, even if the offense is a first one for that student.

Change: If an inquiry as to prior offenses is made between the time when a prior offense is committed and when it is recorded in a student's permanent record, the Registrar informs the dean of the student's college, who imposes the minimum penalty in the course in which the subsequent offense occurred. **Rationale:** So that if two offenses occur at nearly the same time, they are punished appropriately.

Change: Suspension and dismissal for an academic offense are now indicated permanently on the transcript, rather than for just three years. **Rationale:** If an offense was that serious or a person cheated that many times, there is no reason to allow the mere passage of time to negate the fact of the offense.

Change: The rules now provide for the penalty of revocation of a degree. **Rationale:** Such a penalty may be warranted in very severe cases of plagiarism.

Change: If a student is suspected of committing an offense in a course offered by a college that is not the one in which the student is enrolled, then the rules of the student's home college are followed.

Rationale: Students who enroll in an honor-code college agree to follow the rules of the code. Outsiders who happen to take a course in that college don't.

Change: An honor code cannot apply to students in a program or curriculum of the Graduate School unless the Dean of the Graduate School approves. **Rationale:** The Dean of the Graduate School is the responsible dean for students in such programs.

Q: Isn't this system much more complicated than the old one?

Not really. There are more decision points in the new system, so it looks like it's more complicated, but fewer people will be involved in most cases, so matters will usually be less complicated. The greater range of penalties that can be imposed, and their division into "major" (XE or greater) and "minor" (E or less) penalties, does increase the complexity somewhat. Another reason for the apparent complexity is the need to deal with the proliferation of honor codes across the university, which the old rules ignored.