

# Author's Commentary on "The Final Exam"

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This commentary is organized by a general discussion of the entire case followed by several Case Points. In addition to the outlined case points, many other points are raised by this case. They are left to the reader for further discussion.

## General Discussion

Based on the facts of the case, it is evident that at least one person -- either Josh or Robert -- is guilty of cheating on the examination. It is possible that Josh and Robert conspired to cheat, and that they simply reacted very differently to being caught. Given these basic facts, this case appears to be a straightforward instance of cheating, deserving complete investigation and disciplinary action according to university policy.

The situation is made significantly more complex by the decision of the course instructor to punish both students equally for cheating. This issue is discussed in Case Point 1. When the instructor's decision is appealed, the college dean chooses to resolve the conflict by appointing a committee to investigate the incident. The selection of committee members and the committee's decision are easily criticized and discussed in Case Point 2.

The dean then arranges to have informal, "off-the-record" meetings with each of the participants. In these meetings, the dean appears to have conveyed different impressions to the parties concerning his under-the-table plan to resolve the situation. Case Point 3 addresses the dean's behavior. The dean plans to have Zilch dissuade Josh from completing his degree, while remaining neutral toward Robert in his degree progress. The issues facing Zilch, with particular regard to the dean's requests, are discussed in Case Point 4.

Finally, we learn that Josh leaves the university without his intended degree. It is noted that the dean's long-range intentions are fulfilled with the adjustment of Robert's transcript. It would appear that Josh was the immediate victim of the injustice demonstrated by this case, but Zilch is not unscathed during the process, as pointed out in Case Point 4. While the instructor can be criticized for his initial decision, it would appear that at least the dean and one faculty member were united behind the decision. Finally, the dean, who consistently made ethically questionable decisions, is allowed to continue unchallenged in his role at the university.

## **Case Point 1: The Instructor's Grading Decision**

The instructor must determine grades for Josh's and Robert's examination. Her options can be summarized as follows: 1) defer the grading decision pending more information or further counsel; 2) assign grades that selectively punish one student; 3) assign grades that punish both students to varying degrees; 4) assign grades that punish neither student. Each option is discussed below. The reader is encouraged to explore other options available to the instructor.

*Option 1: Defer the grading decision pending more information or further counsel.*

Referring the decision and seeking counsel is reasonable, especially given the nature of the infraction and potential consequences, which could include Josh's and Robert's expulsion from the university. However, this course of action may allow others to criticize Zilch's ability to function as a professional and to manage difficult classroom issues. The faculty might conclude that she is incompetent. She would be wise to move beyond such self-involved concerns and to seek justice for Josh and Robert and the other students in the class.

*Option 2: Assign grades that selectively punish one student.*

Selectively punishing one student in the absence of convincing evidence would be an unjustified, immoral decision. Not only would it be unacceptable to the students, it would be an abuse of the instructor's power.

*Option 3: Assign grades that punish both students to varying degrees.*

This action considers both Josh and Robert to be guilty, even in the absence of evidence of conspiracy. This form of justice is in contrast to that revered in the United States where innocence is presumed until guilt is established. Ideally, the enforcement of ethical and legal standards in academia should parallel those of society. The instructor chose this course of action, which is inconsistent with the system of justice in the United States. For this reason, this option is not the preferred course of action.

*Option 4: Assign grades that punish neither student.*

In the face of an obvious ethical infraction failing to locate a "smoking gun" and issuing suitable discipline is less than satisfying. Additionally, disciplining neither student may send the inappropriate message that cheating is permissible and/or is not a punishable offense. This action may leave the instructor feeling that she is unable to administer justice in the classroom. Despite these considerations, the prevailing system of justice in our society allows innocence to prevail until guilt is proven. Therefore, by societal standards, this is an acceptable course of action.

*Summary:*

Deferring the decision for further evaluation and/or punishing neither student (Options 1 and 4) are the two most ethically defensible options available to the instructor. The reader is encouraged to evaluate other alternatives. The instructor's decision to punish both students adds significant complexity to an already difficult situation. By deciding to award each student the minimum passing grade for the course, the instructor potentially eliminates both students' ability to successfully compete for future fellowships and awards. The decision may even place both students on academic probation in their department.

# Case Point 2: The Committee and Its Decision

The dean assembles a faculty committee to review Robert's appeal. Unfortunately, the dean does not exhibit good judgment in the selection of committee members, as both the dean and the other faculty member are colleagues and presumably friends with Bell and Zilch. With these relationships in mind, it is difficult to conceive that the committee is sufficiently disinterested to discern and administer justice. On one hand, they could overturn Bell's autonomous decision, perhaps introducing new conflicts among the faculty. Alternatively, if they determined guilt and voted to expel one or both of the students, Zilch would lose a student just before her tenure review. As the committee has many obvious conflicts of interest, the dean would have been wiser to choose committee members completely removed from the situation, perhaps even selecting faculty members who had no interaction whatsoever with Bell and Zilch. It would be preferable to have a faculty committee of peers, rather than including a dean who may exert undue political influence. As the dispute is a straightforward cheating issue and not a technical grading detail specific to the field, even selecting committee members outside the academic discipline would have been reasonable.

The committee's alternatives are similar to those described in Case Point 1. Given the decision that the committee actually made, it would appear that they, like the instructor, failed to grasp the ethical consequences of their actions. Perhaps the conflicts of interest facing the committee overrode any desire to overturn or alter the instructor's decision. Zilch is dissatisfied with the committee's decision, but she is probably not interested in developing new conflicts with the dean and department faculty prior to her tenure review.

The committee's decision to informally share its unsubstantiated opinions with Bell and Zilch introduces issues of confidentiality and hierarchical compromise. This type of behavior raises suspicions of a "good ol' boy" network that makes decisions independent of the outcome of formal proceedings. Furthermore, with compromise of confidentiality, Zilch may be rightfully suspicious that any disclosed information may eventually be manipulated to her detriment. Zilch may somberly realize that her dissent could lead the dean to conclude that she is not a team player, thereby

jeopardizing her future in the department, even though she had no involvement with the cheating episode whatsoever.

## **Case Point 3: The Dean's Involvement**

The dean demonstrates questionable insight and judgment in the selection of the review committee members, as noted. In his meetings with the students and Zilch, the dean administers a unilaterally determined version of justice. The dean's actions can be strongly criticized on many grounds. Not only does the dean disregard the discovered facts in the case and arrange these informal "off-the-record" meetings about very serious matters, the dean selects Josh to become the scapegoat and attempts to manipulate Zilch to remove him from her research group. Zilch is placed in a compromising position by the dean's abuse of power. If she rejects the dean's plan, the dean may make an unfavorable tenure decision in her case. Following the dean's plan would be participating in an unethical course of action that may violate her integrity. It would also leave Zilch with one less student for her research efforts and a potential black mark on her tenure review report.

The dean's willingness to alter Robert's official student record suggests other, undisclosed unethical activities. What might the dean do to Zilch if she failed to cooperate? Clearly the dean's decisions and activities are very questionable.

## **Case Point 4: The Adviser's Involvement**

Zilch is an innocent and very vulnerable bystander in this case. She is not involved in the cheating episode, but both of the accused students are her students. As Josh's and Robert's adviser, she is obligated to provide nonpreferential moral support and institutional information to each student. Aside from the events described in the case, her personal considerations must include the integrity of one or both of the students involved with this case. Could her students extend this behavior to research data and future publications?

Zilch clearly does not agree that punishing both students for cheating is appropriate, perhaps a suggestion of the "innocent until proven guilty" paradigm. She expresses this opinion to the review committee. Openly disagreeing with the dean on this issue may be difficult for Zilch, given her tenure review later in the year, yet she disagrees

in a manner that does not draw undue attention to herself.

Her role as an adviser changes when the dean actively recruits her involvement in an unofficial plan to remove Josh from the graduate program. As discussed above, the dean's action is ethically inappropriate, as Zilch should have been permitted to continue to be an impartial adviser to both students while they continued to study at the university. The dean's actions dramatically increase the stakes for Zilch, as she cannot passively disagree with the grading decision any longer. Practically speaking, the dean politically forces Zilch to take a stand, either for or against his decisions. Zilch certainly realizes the gravity of the situation and the ethical standards of the dean at this point. She hears the dean's plan, but does nothing to discourage Josh to leave. However, the case does not indicate that Zilch encourages Josh to remain in the program. Ultimately the dean's plan is realized, and Zilch is a passive participant in the master plot.

In this case, Zilch is the only person who is aware of the dean's intentions to alter Robert's student records. What moral obligation does she have to report this compromise in ethics, and at what price? The dean's plan probably could have been averted completely by challenging his actions and/or publicly disclosing his plans. This course certainly would have been detrimental to Zilch's tenure and, by extension, to all of her students, including Josh and Robert. Zilch could await a tenure decision, and then reveal the dean's actions. By that time, however, Zilch would definitely be implicated as a co-conspirator with the dean, and Robert's academic career would again be scrutinized - and all of this after Josh has already left the program. Zilch's least painful course may be silence. The reader is encouraged to discuss Zilch's moral responsibilities in the context of this case.