

## **Report and disposition of Honor Code Matter 002**

**Spring, 2001**

### **Excerpts from the Report of the Honor Code Prosecutor to the SBA**

#### **Executive Board (May 22, 2001):**

Student 002 elected to do a senior research project with Professor B, a project which would be worth 6 credits and would satisfy a portion of the graduation writing requirement. Student 002 submitted the first draft of his/her paper on April 4 without footnotes. Professor B indicated to the student that a draft without footnotes might not fulfill the writing requirements for a first draft, the student turned in a draft with footnotes within 48 hours. The student submitted a second draft with some changes suggested by Professor B.

On May 4, Professor B was reviewing the paper and noted a case in the footnotes that s/he was familiar with, but the footnote seemed to take a perspective on the case that was unique to the professor. Professor B did some online research, and discovered that the wording of the footnote was identical to that of law review article, Kendall L. Houghton and Walter Hellerstein, *State Taxation of Electronic Commerce: Perspectives on Proposals for Change and their Constitutionality*, 2000 B.Y.U.L.REV. 9 (2000). When Professor B scanned the entire article and compared it with Student 002's submitted drafts, s/he discovered that large portions were verbatim or substantially the same. Professor B contacted Theresa Cropper, Dean of

Student Affairs, on May 4 and gave Dean Cropper copies of the drafts and the law review article.

On May 8, Dean Cropper informed Steve Martin, the Honor Code Prosecutor, that Professor B had accused Student 002 of violating Art. I, § 2(e) of the school's Honor Code. Dean Cropper contacted student 002 to inform him/her that Professor B had accused him/her of plagiarism.

On May 8, Student 002 emailed Professor B and the Honor Code Prosecutor<sup>1</sup> with a subject line entitled "BIG MISTAKE!!!!" In this email, Student 002 admitted that the draft s/he submitted to Professor B was "practically verbatim" to the law review article. Student 002 explained that when s/he writes, s/he downloads articles from Lexis onto his/her computer. "As I write, I edit these articles, cut and paste, and save in different files (this is why the "we" is replaced with the "I" or "this author"). Many students do this!!!" Student 002 explained that s/he had mistakenly printed out the wrong article, not looked at it, and handed it in to Professor B. Student 002 said that the "handed in download was NOT intended to be my paper submission, as I have not even finished the final paper." Student 002 said that the final paper was ready, and could be turned in at any point if Professor B would accept it. Professor B refused to accept the paper and told Student 002 to talk with Dean Cropper.

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<sup>1</sup> Appendix B.

Later on May 8, the Honor Code Prosecutor wrote to Student 002<sup>2</sup>. The Honor Code Prosecutor explained the process that would ensue, and that he does not have discretion to dismiss an allegation once it is made. Later in the day, Student 003 wrote back to the Honor Code Prosecutor.<sup>3</sup> Student 002 asked the Honor Code Prosecutor to intervene with Professor B on his/her behalf, asking Professor B to accept the third and final version of the paper. Alternatively, Student 002 asked the Honor Code Prosecutor to ask Professor B to allow him/her to drop the class, so that s/he could make up the credits through classes at Chicago-Kent in the summer. The Honor Code Prosecutor wrote back to Student 002 the following day, suggesting to him/her that s/he stop communicating with the Honor Code Prosecutor, as s/he was under investigation. The Honor Code Prosecutor suggested Student 002 call Richard Hayes, the Honor Code Executive, or Professor Robert Burns, faculty advisor to the Honor Code Executive. The Honor Code Prosecutor informed Student 002 that his role was not to intervene on behalf of the student with the professor, but rather to investigate and report to the SBA.

Also on May 8, Student 002 called Dean Cropper and said s/he “had it all figured out if I can’t beat this thing.” Student 002 told Dean Cropper that according to the Registrar’s office, s/he could drop the course with Dean Cropper’s permission, and that credits from summer classes at Chicago-Kent could transfer in and fulfill the graduation requirements. Student 002 asked Dean Cropper’s permission to drop the senior research project; Dean Cropper refused, noting that such drops are only

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<sup>2</sup> Appendix C.

<sup>3</sup> Appendix D.

for family or health emergencies, and in any event, the student was under investigation for an honor code violation. Student 002 then asked, “What are the consequences of not beating this charge?”

On May 14, the Honor Code Prosecutor was able to speak with Professor B by telephone. Later that day, Professor B emailed his/her chronology of events to the Prosecutor.<sup>4</sup>

On May 16, Student 002 again contacted the Honor Code Prosecutor, saying that the Honor Code entitles the accused to “updates on an ongoing basis.” The Honor Code Prosecutor wrote back, explaining that he believes that section of the Code refers to the pre-trial period after the SBA Executive Board has reached its determination. The Honor Code Prosecutor then explained, again, that Student 002 was under investigation, that the investigation would be completed by May 22, that the SBA Executive Board would need to meet, and then the path from there depending on the SBA’s determination or probable cause. The Prosecutor then suggested, again, that Student 002 contact Richard Hayes or Professor Burns. The Prosecutor told Student 002 that if s/he wanted to make a statement to the SBA that would be included in this report, the Prosecutor needed it by May 21 and that it needed to be gender neutral and anonymous.

On May 15, Student 002 submitted a statement to the Honor Code Prosecutor to be included in this report.<sup>5</sup>

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<sup>4</sup> Appendix A.

On May 19, Student 002 submitted a paper to Professor B.

**Questions for SBA Executive Committee**

1. Is there probable cause to believe that Student 002 violated Art. I, § 2(e) of the Honor Code by knowingly plagiarizing the drafts of his/her paper?<sup>6</sup>
2. If Student 002's explanation that s/he submitted the wrong document as his/her paper, is the method of writing by which Student 002 admits to have written this paper<sup>7</sup> itself a violation of Art. I, § 2(e) of the Honor Code? Is it a violation when, as in this case, the student does not indicate which sections of the paper are his/her own, and which are edited sections of various law review articles?

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<sup>5</sup> Appendix E.

<sup>6</sup> Art. I, § 2(e) - "A violation occurs when a student knowingly a plagiarizes; which includes, but it not limited to, failing to attribute language or ideas to their original source or failing to indicate by quotation marks a passage from another source of more than five consecutive words."

<sup>7</sup> "I downloaded various articles from Lexis onto my computer. All are saved on my hard drive. As I write, I edit these articles, cut and paste, and save in different files."

**SBA Executive Board Finding of Probable Cause (edited to preserve anonymity)(May 30, 2001):**

On May 30, 2001, the Executive Board of the Student Bar Association of the Northwestern University School of Law returned a finding of probable cause against the accused, Student 002, in the above matter. Specifically, the SBA determined that probable cause exists that Student 002 violated Art. I, §2(e) of the Law School Honor Code by plagiarizing substantial portions of two drafts of a paper for her/his senior research project with Professor B in the 2000-2001 school year.

In compliance with Art. IV, §4(b) of the Honor Code, this notice is being provided to Student 002 within a week of the Executive Committee's finding of probable cause.

Because Student 002 is a third-year law student and the alleged violation occurred within two months of his graduation date, this matter and all evidence is hereby referred to David Van Zandt, Dean of the Law School, for consideration and adjudication. (Art. IV, §5)

**Disposition**

1. The Law School will notify the relevant bar examiners of the charge and disposition.
2. You are hereby placed on academic suspension until August 31, 2003. No credits can be earned toward your degree until your suspension has run.
3. Notation of this Honor Code violation will be placed on your transcript.
4. A grade of "F" will be entered for you in the class.
5. You will be required to earn the credits remaining toward your degree in courses taken at the Law School and while in residence. In order to earn your degree, you will be required to complete a three-draft research paper under faculty supervision.

