

Institutional models for adjudicating plagiarism in the United States

Andrew D. Garner
University of Wyoming
agarner1@uwyo.edu

Larry Hubbell
University of Wyoming
Hubbell@uwyo.edu

Keywords: plagiarism, academic dishonesty, adjudication

Abstract

There is considerable variation in how colleges and universities across the United States adjudicate plagiarism. This article formulates three separate models that reflect differing administrative approaches in these institutions and discusses how each model alters the incentive structures for both students and faculty when it comes to preventing and mediating instances of academic dishonesty. Among highly selective private liberal arts colleges, the authors find that many schools employ a 'student-centered' model that allows students control over much of the decision-making process. In contrast, many larger universities and public institutions engage in a more litigation-averse 'due process' model where faculty and administration are the primary decision-makers. Finally, the authors consider the presence of a potential *de facto* 'classroom manager' model where adjudication of academic dishonesty is handled primarily by the professor outside of any independent institutional process. These models reflect general typologies reflecting different institutional and organisational cultures that can lead to different incentive structures for faculty and students when confronted with instances of academic dishonesty.

Introduction

This article focuses on plagiarism policies in colleges and universities in the United States. Although plagiarism is a worldwide problem, the authors' discussion primarily focuses on and draws examples from American institutions.

First, the authors provide a definition of plagiarism and comment on its pervasiveness, the impact of the internet, why faculty often don't report it, penalties that institutions impose and attempts at prevention. Next, the authors use data from nearly 30 American colleges and universities along with in-depth information and interviews from two institutions – the University of Wyoming, a medium-sized public university, and Colorado College, a small private liberal arts college – to formulate three models of how institutions adjudicate instances of academic dishonesty. The goal is to identify important institutional or administrative differences in plagiarism policies across American colleges and universities and to consider how such differences can lead to different incentive structures for students and faculty when confronted with instances of plagiarism. These models are not intended to represent deterministic categories nor are the data and interviews presented below designed to test existing theories or hypotheses about the causes of plagiarism. Instead of focusing on

individual-level data of faculty and students regarding plagiarism, this article examines the broader issue of differences in administrative or institutional practices across American universities and colleges in adjudicating plagiarism cases.

After discussing the methodology of using case studies for theory-building purposes, the authors present three institutional models for dealing with plagiarism along with how each model reflects the institutional and organisational culture of the college or university. Two of the models the authors present (the 'due process' and 'student-centered' models) are officially sanctioned while the third (the 'classroom manager' model) is not officially sanctioned by the academic institution. Finally, the authors discuss how the models affect the incentive that students have to commit plagiarism as well as the motivation of faculty to report such instances when they are discovered.

Plagiarism: An overview

Plagiarism: A definition

The *Oxford English Dictionary* defines plagiarism as "The action or practice of taking someone else's work, idea, etc., and passing it off as one's own; literary theft" ("Plagiarism", 2006). Stearns (1992) argues that in the act of plagiarism, an individual severs the ties between the creator of a written work and its creator. Petress (2003) asserts that "Plagiarism is intellectual theft, no less a moral offense than would be the theft of a car, money, or jewels would be" (p. 624). The authors' university defines acts of plagiarism by students as "presenting the work (i.e., ideas, data, creations) of another, wholly or in part as one's own work without customary and proper acknowledgement of sources and extent of use, unless authorized by the instructor" (UW Regulation 6-802).

Pervasiveness of plagiarism and the impact of the internet

In recent years there has been a spate of literature decrying what appears to be a perceived increase in the frequency of plagiarism. In a 2003 study, O'Connor found that 14% of essays "contained unacceptable levels of unattributed materials" as detected by *Turnitin*, an electronic detection service. "Turnitin produces a report that identifies text in a paper that is redundant with the text in another source" (Belter & du Pre, 2009, p. 259).

The apparent increase in plagiarism is undoubtedly facilitated by the rise of the internet. Nevertheless, procuring someone else's work is obviously not a new phenomenon. One of the authors remembers stores that specialised in recycled term papers, usually of questionable quality, in the 1960s and 1970s that were available to students near some college campuses. However, since then technology, specifically the internet, has made plagiarism more available and more tempting. The multiplicity of sources on any given subject can prove especially alluring for those who need to turn in a paper, as its impending due date draws closer. The internet has made information infinitely more accessible and subject to easy categorisation. Ironically, although the internet has made it easier for students to plagiarise, it has also made it easier for instructors to detect plagiarism, given the search site Google and *Turnitin*. However, as Howard (2007) notes "Although the Internet provides readers as well as writers access to a plethora of texts, readers who wish to sort through those texts in order to gauge a writer's originality or plagiarism are faced with a potentially time-consuming task" (p. 5).

Why professors often don't report it

There are quite a few professors who either choose to ignore plagiarism or may be unaware that it is occurring. According to Sutherland-Smith (2008), "Some [teachers] are disturbed that they are becoming more 'plagiarism police' than teachers, others are uneasy that the plagiarism administration takes the focus away from the teaching and learning relationship" (p. 185). Furthermore, one wonders how many professors

who choose to ignore possible plagiarism may be deterred from confronting it because of the onerous and laborious reporting and hearing process in place at many American colleges and universities.

Given the sizeable disincentives, it is perhaps understandable, if not defensible, that many instructors prefer to solely employ this approach. Professors either may be sorely tempted to try to resolve a case of plagiarism themselves or simply ignore it. This is evident from the data, because although most writers on this subject acknowledge the pervasiveness of plagiarism and academic dishonesty, Staats, Hupp, Wallace and Bresley (2009) note "the typical number of university cases of academic dishonesty prosecuted per year is few. For example, in the author's institution of approximately 2,000 students, there were 26 cases of academic misconduct in the past academic year (P.D. Sanders, personal communication, August 1, 2007)" (p. 171). Unfortunately, research indicates that at least in cases when a professor fails to respond to obvious cases of cheating, this omission may result in more cheating (McCabe & Trevino, 1997).

In their case studies, Lim and Coalter (2006) detail the initial process of confronting the student with charges of academic dishonesty, which is, in fact, quite similar to the process in place at the authors' university.

The instructors discussed in this paper are required to consult with the chairperson of the Department upon discovery of academic dishonesty. Students are then notified in writing of a formal charge. Students are given an automatic "F" in the course with the option to appeal. If the students choose to appeal, they may stay in class until the appeal is completed.

By this time, the instructor has already expended considerable time, perhaps anxiously. The instructor has had to track down the plagiarized sources, print or photocopy them in triplicate (one for the instructor, one for the student, one for the chair), cross-reference the student's paper with the plagiarized sources (which may include developing elaborate color-coding systems if the paper plagiarized a number of sources), write an explanatory letter, meet with the department chair, track down and break the news to the student to sign and date three copies of the letter (one for the instructor, one for the student, one for the department chair), and submit the documents to the chair in written and electronic forms. The meeting with the student must also include reminders of the student's right to appeal, including specific instructions on how to do so; the instructor must thereby spend time undermining his or her own argument. A paper that would have taken but a few minutes to grade can through this process, consume hours, even if the student does not appeal. (p. 156)

Not only can the process be onerous, but it can also be emotionally stressful for both the student and the professor. As Lim and Coalter (2006) note:

Although the appeals described were all technically upheld, the instructors were inevitably "put on trial" themselves to defend integrity in their classrooms. In most cases, instructors who choose to uphold integrity were not encouraged, but questioned for the charges they brought forth. In every case, the instructor was noticeably stressed. Often, while upholding the charges, committees or department chairs nevertheless undermined the instructors' judgments. (p. 157)

This was also true when one of the authors testified at a plagiarism hearing. In his case, the questioning by a committee of his peers bore a close resemblance to a legal hearing. Indeed, during that hearing he was questioned as to why he did not immediately confront the student regarding the first case of plagiarism. (He chose to

wait a week because the student was in another one of his classes and he did not want to sour the atmosphere during the last meeting of that other class.) Although his questioner did not state it, the author got the distinct impression that his peer was implying that he may have been trying to engage in entrapment. Furthermore, although the author had an explicit warning about the consequences of plagiarism in his syllabus, he was also questioned whether he had verbally warned his class. (He had done so.)

Actually the author had learned from the experience of one of his colleagues. In the previous year, a similar college committee had ruled in favour of a student in a plagiarism case. Although the professor presented clear evidence of plagiarism, the ad hoc college committee ruled in favor of the student because the professor had not explicitly detailed in his syllabus the consequences for committing plagiarism.

Such decisions and processes can have a chilling effect on the willingness of faculty members to report acts of plagiarism. Faculty know that reporting an act of plagiarism is the ethically correct course of action, but if a case is borderline, some faculty members may choose not to investigate a presumed act of plagiarism too thoroughly.

Penalties for plagiarism

The authors' review of how colleges and universities cope with acts of plagiarism indicates that there is a wide range of penalties. Indeed, within a particular institution, professors and hearing committees are usually given considerable discretion regarding which punishment(s) to mete out.

In a study of plagiarism penalties at 18 institutions in Australia, England and the United States, Sutherland-Smith (2010, p. 7) reported the following range of penalties.

Table 1:

List of penalties for academic dishonesty

No. of universities with this outcome	Outcome specified by the university policy
N=16	Reprimand the student (sometimes with requirements that the student complete plagiarism avoidance workshops, seminars or online tutorial help).
N=14	Fine the student a monetary amount.
N=18	Fail the student in the particular assessment piece to which the academic misconduct relates.
N=18	Fail the student in the unit to which the academic misconduct relates.
N=15	Fail the student in all academic units.
N=11	Suspension or cancellation of any university scholarships, bursaries or awards granted to the student.
N=13	Suspend the student from study for a period (usually not exceeding 12 months).
N=17	Expel the student from the university.
N=14	Rescind any degree granted to the student or downgrade a degree (e.g. from Honours to Pass).

Once again, the authors' institution is somewhat representative of what other American colleges and universities impose. For a first offense, students may receive one of the following penalties.

- Extra or alternative work.
- Grade reduction of the academic endeavour.
- A failing grade for the academic endeavour.
- No credit for the academic endeavour.
- Grade reduction for the course.
- A failing grade for the course.
- Suspension of the benefit of the programme, clinical, or academic endeavour.
- Termination from the programme.
- Suspension from university.
- Dismissal from university. (UW Regulation 6-802)

Furthermore, under this system, if a student accused of plagiarism either chooses to accept the penalty recommended by the professor or loses his or her case in a hearing, their name and offense are recorded by the Dean of Students in a "Central Repository" and this information is maintained there for seven years. If the same student is found guilty of committing plagiarism or another act of academic dishonesty a second time, the Provost, with the approval of the President of the University will "cause the suspension of the student from the University for a period of one (1) calendar year" (UW Regulation 6-802).

Attempts at preventing plagiarism

It is certainly much better to try to prevent plagiarism rather than having to participate in a quasi-legal hearing after it has been committed.

Academic institutions would like to attract honest students as well as foster a culture of honesty and ethical conduct among current students. Some institutions attempt to accomplish this through promotion of academic honour codes and various rituals and pledges from students upon admission or arrival on campus. Other universities and colleges rely on individual faculty members to relate the academic honour policies of the institution through their syllabi and individual instruction. (Levy & Rakovski, 2006, p. 735)

Some departments/colleges encourage or require their instructors to include a statement regarding plagiarism/academic dishonesty in their syllabi. This inclusion complies with recent trends in that syllabi are increasingly becoming synonymous with contracts. Although the authors believe that including such a statement in one's syllabi may potentially create an air of distrust when the instructor reviews his syllabus at the beginning of the course, one of the authors was relieved that he included the statement when he discovered that one of his students had committed plagiarism.

Another method for attempting to deter plagiarism is through a university's code of conduct. For example, at the University of Wyoming, the *Student Code of Conduct* states:

This *Code* shall be published and distributed by the Admissions Office and/or the Office of the Registrar to each student at or before his/her enrollment in the University of Wyoming. When the student enrolls in the University such act or acts shall amount to a voluntary agreement by the student with the University that the student will adhere to and be bound by the rules and regulations of the University. (2011–2012)

Thus, the *Code*, significantly, is similar to employee handbooks that are also distributed at the time of employment. Furthermore, like employee handbooks, the University of Wyoming's *Code* amounts to an implied contract. Among the articulated rules and regulations that students are supposed to refrain from engaging in are "acts of academic dishonesty" (*Student Code of Conduct*, 2011-2012).

However, many colleges and universities go an additional step beyond codes of conduct. They specifically require students to positively affirm that they will not personally engage in plagiarism and they swear to report cases to the authorities of other students who have engaged in plagiarism. This compliance is induced through an honour code. Honour codes may, in fact, be a fairly effective method for reducing plagiarism and other forms of academic dishonesty.

In particular, the results suggest that students at honor code schools view academic integrity in a very different way from their noncode counterparts. The code students were less likely to cheat, were less likely to rationalize or justify any cheating behavior that they did admit to, and were more likely to talk about the importance of integrity and about how a moral community can minimize cheating. Although students at both types of schools report that they cheat and feel many different sources of pressure to cheat, honor code students apparently do not succumb to these pressures as easily or as often as noncode students. (McCabe, Trevino, & Butterfield, 2001, pp. 226–227)

Three models for adjudicating plagiarism cases

Case selection

While small-N case studies have been criticised for being imprecise and problematic for the purpose of testing hypotheses derived from social science theories (King, Keohane, & Verba, 1994), case studies nonetheless have a strength when it comes to hypothesis formation and theory building (George & Bennett, 2005). In recent years, case study methodology has become more refined, especially when used for theory-building or hypothesis formation purposes (Esterberg, 2002; George & Bennett, 2005). To examine institutional or administrative differences in the adjudication of plagiarism cases, the authors employed a mixed research design that combined an exploratory case study involving approximately 36 American colleges and universities as well as a more in-depth case study design that examined two institutions that are representative of the due process and student-centered models.

The first and most obvious difference within American institutions of higher education is the distinction between smaller private liberal arts colleges and larger universities, especially public institutions. The smaller cohort combined with the extra expense and greater selectivity of applications creates a more student-focused 'liberal arts experience' at these colleges. In contrast, the sizable cohorts entering larger public universities create a less individualised experience, though usually at a much lower cost than selective liberal arts colleges. Similar to John Stuart Mill's 'indirect method of difference', the authors first selected the ten top-ranked institutions classified by *U.S. News and World Report's* college rankings as 'selective liberal arts colleges'. With only one exception, all of these colleges had acceptance rates at or below 30% and all were small (less than 2,500 students) private colleges. Also relying on the *U.S. News and World Report* college rankings, the authors selected the top six 'Ivy League' universities, which are larger private universities with an average student body of about 5,900 students yet are highly selective institutions with an average acceptance rate of about 10%. Similar to the selective liberal arts colleges, tuition at these Ivy League universities is typically much higher than those at public universities.

In most cases, the plagiarism policies were detailed on the colleges' websites. When the college's website was not sufficiently clear, the authors contacted the appropriate

office by telephone to inquire directly about the college's academic dishonesty procedures and practices. It should be noted that these cases were not chosen to test an existing theory about academic dishonesty. Rather, this portion of the case study was exploratory in nature. The institutions' academic dishonesty practices and processes were examined with the goal of finding commonalities as well as insight into the intent or purpose of these practices and processes. The academic dishonesty practices were coded along several dimensions such as whether the students were entitled to a hearing, the nature and extent of student participation, the presence of an Honour Code versus a 'code of conduct', and the possible penalties that could be imposed after the first and second instance of academic dishonesty. The authors found that all 16 institutions had student participation in the decision-making process (both judging guilt and determining penalty) while all but three of the institutions had instituted an Honour Code. While many institutions had a separate process for academic dishonesty, all of the institutions treated plagiarism as one of many different forms of academic dishonesty and adjudicated such cases using the same rules and processes used for other forms of academic dishonesty. Thus, while the focus of this study is on plagiarism specifically, the authors primarily referred to the academic dishonesty adjudication process and procedures when analysing the selected cases discussed in this section.

The second phase of this exploratory analysis was designed to contrast these findings with the larger public universities to determine how and in what ways their plagiarism policies differed. The authors selected the ten top-ranked universities classified by *U.S. News and World Report* as 'national universities' along with a random sample of ten public universities that were not ranked in the top 100 national universities. The authors employed random selection for the latter institutions because several of the universities listed on *U.S. News and World Report* were unranked, requiring a different selection criteria for non-elite national universities. For elite and non-elite national universities, the practices and processes used to adjudicate academic dishonesty cases were also coded along the same dimensions used in the analysis of liberal arts colleges and Ivy League universities. For example, the larger public universities were much less likely to make use of an honour code or to involve students in the decision-making process. Half of the top-rated public universities had honour codes while student involvement was often limited to a small number of seats on a hearing board. Only two of the ten non-elite public universities had honour codes and fewer than half allowed any student participation in the decision-making process. None of these institutions allowed students sole authority in making decisions about academic dishonesty cases and most limited student involvement to a few seats on the committee responsible for hearing academic dishonesty cases.

The analysis of these differences in academic dishonesty procedures across selective liberal arts colleges, Ivy League universities, and larger public universities (both top-ranked and non-elite) was used to formulate the institutional models described below. The authors then engaged in a more focused and extensive case study of two institutions that appeared to typify the two officially sanctioned models. First, the authors' home institution, the University of Wyoming, is a larger public university with approximately 10,000 students, a high acceptance rate, is ranked by *U.S. News and World Report* as 152 among national universities, and has lower tuition compared to more selective and elite institutions. Moreover, the university does not employ an Honour Code nor does it allow student participation in the decision-making process for academic dishonesty cases. In contrast, Colorado College is a smaller college (approximately 2,065 students), ranked number 27th among selective liberal arts colleges, and the tuition cost of approximately \$37,500 a year is average among other selective liberal arts colleges. Academic dishonesty cases are adjudicated through an entirely student-dominated process and students are required to adhere to an Honour Code.

For both institutions, the administrators and faculty members who oversee the academic dishonesty process were interviewed. In addition, five faculty members with recent, direct experience with academic dishonesty cases were also interviewed, three of whom were from the University of Wyoming and two from Colorado College. The faculty and administrators agreed to be interviewed but requested that their responses remain anonymous due to the obviously sensitive nature of academic dishonesty cases. The interviews were conducted using a 'semi-structured' format where a few common questions about the academic dishonesty process were asked of all the interviewees, leaving the majority of the interview unscripted. In addition to interviews, additional information about each institution's organisational and academic culture was obtained from advertising information on their respective Student Life pages, fliers and handouts available to students, and other information obtained from each respective institution.

The due process model

The term 'due process' is defined by the *Oxford English Dictionary* as "the observation of the proper legal procedures in a particular context. Now: *spec.* the administration of justice in accordance with established rules and principles of the land, typically in the context of protecting the rights of the individual; the principle of guaranteeing that this observed in the courts" ("Due Process", 2007). The concept of due process is enshrined in the American legal system by the Fifth and Fourteenth Amendments to the U.S. Constitution (U.S. Constitution, 2012).

In the authors' review of how colleges and universities adjudicate plagiarism, they did not find any example of an institution that had no procedures in place for handling plagiarism cases. However, one of the main distinctions they observed was who made the adjudicatory decisions and the nature of the process itself. Generally, they noted that large public universities had a much different process than small private colleges. The organisational culture of large public universities is characterised by an emphasis on research, competition and individualism (Anderson et al., 2011; Serow & Van Dyk, 2002; Tynan & Garbett, 2007). In contrast, the organisation culture of the small private college tends to be more collaborative and more focused on students (Burrell, 2008). Indeed, these differing policies were reflective of their organisational cultures.

Specifically, the authors found that large public universities were much more likely to have adjudicatory policies in place that were largely adversarial, discipline-oriented and whose adjudicatory process closely resembled the kind of grievance process found in many businesses and public organisations. This process, which the authors characterise as the due process model, also placed the adjudicatory power in the hands of the faculty. (Institutions that employed the alternative student-centered model also utilised a due process, but their processes typically moved beyond due process and were focused on rehabilitation.)

Larger class sizes and a greater focus on faculty research create greater distance between students and faculty. Students often have little involvement with important university decisions, including the adjudication of plagiarism cases. For example, the University of Wyoming website makes little mention of student interactions with faculty or the academic community broadly (University of Wyoming, 2012). Instead, greater emphasis is placed on the 'best value colleges' designation and the website provides 'service-oriented' information such as degree programmes, scholarships, and financial aid resources.

A process that is both adversarial and focused on punishment

Not only are the students charged with plagiarism under this model introduced into an adversarial process, but the commonly employed sanctions are usually forms of punishments rather than attempts at reforming the plagiariser. As Sutherland-Smith

(2010) notes in her study of colleges and universities who employ this approach, “There is considerable usage of words of retribution from criminal law – penalties and punishments abound – but there is little in policy to suggest that the potential ‘offender’ is to undertake any reform or rehabilitation (other than attending anti-plagiarism workshops or completing tutorials in plagiarism avoidance)” (pp. 8–9). Such is also the case at the authors’ institution – the University of Wyoming. Although the words ‘punishment’ or ‘discipline’ are absent from their document regulating plagiarism adjudication, all of the sanctions involve either completing additional work, lowering a grade, or termination/suspension/dismissal. No mention is made of reforming the plagiariser, nor is it implied in the text.

In the authors’ interviews with university officials involved in the process, the clear emphasis was on holding students accountable for their behaviour. For example, the administrative office responsible for student affairs conducts informal conversations with students experiencing problems in the classroom. Yet the formal appeals hearing at the University of Wyoming is used to impose this accountability on students. Regarding the adjudication of plagiarism, one administrator stated that, “We do it *to* the student” (emphasis added). The hierarchical nature of the relationship between the university and the student clearly emerges in the due process model, with punishment imposed (to a greater or lesser extent) by the university on the student who is charged with plagiarism.

Resemblance to a grievance process

Many American public and private organisations have in place a grievance process that allows employees to contest decisions made by management that are usually of a disciplinary nature. Although there are various reasons why these organisations put grievance processes in place, it could be argued that a principal reason is an attempt on the part of these organisations to avoid lawsuits. It is certainly less costly for an organisation to resolve a dispute internally and preferably informally than having the same dispute resolved in a court of law. Undoubtedly the primary reason why many American colleges and universities have instituted adjudicatory processes for plagiarism during the past 30 years is that their administrators undoubtedly also fear lawsuits. Several interviewees recalled instances when students and their parents had hired lawyers to litigate the plagiarism process or outcome. One interviewee stated that the extensive, due process procedure is a major reason why the university is able to successfully defend against such litigation.

Not only were there similar reasons for instituting these processes, but indeed the grievance process in public and private organisations closely resembles the adjudicatory process for plagiarism in colleges and universities. (Some of the colleges within the University of Michigan actually refer to their process of adjudicating plagiarism as a ‘grievance procedure’.) Both systems follow what is referred to as a step review process. In the first step of the process, managers/employees or professors/students are advised by policies to try to resolve a dispute informally. Second, if they are unable to do so, the dispute is heard in a hearing, which is typically subject to time deadlines. The committee members in both instances are usually ad hoc. In the case of American colleges and universities, the members are usually appointed by the dean or their representative and in the case of public and private organisations, one member is typically named by the person bringing the charges. Third, if one or more committees in both sets of institutions are unable to resolve the case to the satisfaction of the losing party, then the decision may be referred to an executive in the organisation for a final decision. In the case of the university, it is usually the president or provost and in the case of the public or private organisations, it is usually the agency head, the chief executive officer or the head of human resources.

The faculty are the primary decision-makers

In this model, the faculty plays the primary role on the hearing committees. Indeed, in many cases there is no student representation. Such is also the case at the University of Wyoming. In McCabe and Makowski's 2001 study of hearing committees, they found the following:

Perhaps the most telling summary statistic about the student role on these boards is that of the 130 campuses for which we are able to generate data on the composition of hearing boards, only 16 campuses (12 percent) give students enough votes to render a finding of responsibility or innocence without support from at least one faculty member or administrator on the board. (2001, p. 19)

Where students are part of the decision-making process, the authors found few institutions that provided majority-control to students.

Student-centered process

The adjudicatory process that the authors call 'the student-centered process' is in some ways the opposite of the due process model. Although the authors' sample is small, they believe that this model is probably most evident at small private liberal arts colleges. Unlike the due process model, its focus is not so much on punishment as it is on making the adjudicatory experience more of a 'teachable moment'. Indicative of this model is the following comment by Rebecca Moore Howard (2005):

You're in your office, you're in front of the t.v., you're holed up in the library with that well-known stack of papers – and you get that sinking feeling that something is very wrong with the paper you're reading. What do you do?

The first thing you can do is try to shake off the word *plagiarism*. It is time to think like a teacher, not like a judge. The high likelihood is that the situation is a purely pedagogical one, best remedied by your contact with the student rather than your frantic, tiresome search through the library or the Internet. Yes, you may have a cynical, unethical, fraudulent student in your class. Start, though, by investigating the more probable hypothesis: you have an unfinished learner in your class. (p. 174)

Furthermore, the adjudicatory process in this model is much more collectivist in nature, reflective of an institution's organisational culture. Finally, in this model, students, not faculty, are typically the ones who mete out the punishment and/or rehabilitation.

We believe that the student-centered approach is probably more prevalent at private liberal arts colleges due to the culture at those institutions of incorporating students into the academic and college community. Smaller class sizes allow students to interact more closely with professors in the classroom and many liberal arts colleges encourage interaction between faculty and students outside of class. Colorado College, for example, promotes a 'Breaking Bread' programme where professors invite students to their homes for dinner (or sometimes breakfast or lunch) where they discuss their course material, class projects, and a range of other topics. This programme is prominently displayed on the college's "Life at CC" website (Breaking Bread, n.d.). Indeed, "Close-knit academic communities," the website states, "are quintessentially 'liberal arts'". Our results showed that most of the private liberal arts colleges we examined had an adjudication process that was strongly student-centered. These ten cases may not be representative of all private liberal arts

colleges, however, and we leave for future research to examine the relative frequency of adjudication models across different types of colleges in the United States.

The 'liberal arts experience' places greater emphasis on socialising students as important members of the academic community whereas the 'university experience' appears to place greater emphasis on student activities that may be supervised by faculty, but are not conducted as partners within the academic community. The different ways of adjudicating plagiarism appear to reflect differing cultures about the role of students in the academic community.

In the liberal arts tradition, plagiarism is more often treated as an affront to the academic community, one that is adjudicated by the academic community broadly (for colleges incorporating both faculty and students) or by students as members of the academic community specifically (for those with a student-only approach). Students are often required to affirm an Honour Code and violations indicate dishonorable behaviour. Moreover, plagiarism is often adjudicated differently from non-academic violations, which most liberal arts universities handle through a separate Code of Conduct. These practices are reflected in the student-centered model presented above. In contrast, at many larger (especially non-elite) schools, plagiarism is often treated as functionally equivalent to all other (non-academic) violations such as alcohol abuse and is thus adjudicated through a Code of Conduct that governs all violations similarly. The focus is more punitive in orientation and often structured to avoid litigation by providing students with extensive due process rights during the formal hearings and appeals procedures.

The adjudicatory process as 'teachable moment'

Reflecting their organisational culture, some colleges and universities have emphasised the learning that can come out of a plagiarism incident rather than viewing it solely as a case deserving punishment. To use the words of Eric Berne (1964) in *Games people play*, these institutions are trying to establish an adult to adult dialogue rather than a parent to child interaction, which is more representative of the due process model. Kara and MacAlister (2010) refer to this approach as restorative justice. They describe this approach as it applies to cases of academic dishonesty, as follows:

Restorative justice values promote inclusivity, engagement and active citizenship, which are all fundamental principles of any democratic society. In doing so, we recognize the need for a collaborative effort. As we move towards a more restorative approach, the institutional goal needs to shift from punishment to restoration and reintegration through the development of personal responsibility and accountability. (p. 447)

Furthermore, they also note:

The experience should not be one of extreme shaming, but rather one in which the student wrongdoer is encouraged to take responsibility for her/his actions and to indicate whether s/he is willing to effect changes for the future that will ensure such incidents do not recur. (Kara & MacAlister, 2010, p. 449)

To borrow a term from counseling, students in such an institution are supposed to abide by an internal locus of control by which they internalise the organisation's values rather than an external locus of control in which behaviour is monitored and controlled by forces external to themselves. This enculturation process is well epitomised by the 'Colorado College Student Guide', which states, "The Student Code of Conduct is not intended to be a list of rules to follow; rather, students are expected to internalize the 'spirit' of the policies and make choices based on those".

A collectivist impulse

Whereas, the due process model is very much focused on an individual student's act of wrongdoing, the student-centered model places the act of wrongdoing within a collectivist context. When a student in such an institution commits an act of plagiarism, they are violating their responsibilities as a community member.

Furthermore, it is incumbent upon everyone within such an institution to maintain its standards. For example, at Colorado College, the Student Guide states, "All students are expected to cooperate with college officials and any investigations of possible acts of misconduct". Students are under no such obligation in American colleges and universities where the due process model is in effect. Indeed, any acts of plagiarism are supposed to be private, solely the concern of a student, a professor and a selected number of administrative officials.

The American culture is one that clings so tightly to an individual ethic that it is unusual when an institution emphasises a collectivist ethic. Indeed, the authors can think of no other process within mainstream American society that is similar to the student-centered adjudicatory process. The closest parallel, in our view, is with an institution existent within the former Soviet Union – the comrades' court. Comrades' court was an institution, which like the student-centered adjudicatory process, was outside the formal legal system, a system in which individuals were judged by their peers and the aim of the courts was reeducation (Sharlet, 1965).

Students are the primary decision-makers

In this model, in varying degrees, students usually serve as the primary decision-makers. The authors examined the ten highest-ranked liberal arts colleges as reported by *U.S. News and World Report* and found that every college on the list incorporated student participation in the academic dishonesty process. Sometimes there may be a sole student represented. In other cases, students may constitute a majority or even all of the members of a hearing panel. At Colorado College, the students are reminded in their Honour Code that "The Honor Council is made of students, just like you" (Colorado College Student Guide). Additionally, in Amherst College, the Committee on Discipline Hearing is composed of four students, four faculty members and the Dean of Students. At Swarthmore College, there are two students, five faculty members and three staff members. At Middlebury College, the Academic Judicial Board consists of four students, two faculty members and one dean. McCabe and Makowski (2001) note the average size of the hearing board is five members (p. 21).

Several authors believe that student representation on hearing boards serve as an effective deterrent to reduce cheating. In Kara and MacAlister's (2010) view, "Being confronted by one's peers is undoubtedly a stressful event, one that might carry with it a more enhanced deterrent potential than that provided by traditional processes" (p. 449). McCabe and Makowski (2001) concur: "Thus greater student involvement and participation do indeed seem to encourage students to accept greater responsibility for their behaviour and appear to be associated with lower levels of self-reported cheating" (p. 19).

Professor as classroom manager

In this model, the classroom instructor is the person responsible for meting out discipline. There are no appeals and no student participation in the adjudicatory process. The professor is the sole judge. Although the authors found no colleges or universities that officially employed this model, there are strong hints in the literature on plagiarism that this is probably the model most used by faculty members in the

United States for handling plagiarism. (However, the authors suspect that this was the dominant model for dealing with cases of student plagiarism more than 30 years ago, before administrators became increasingly wary of lawsuits initiated by students regarding grades and possible suspension or expulsion.)

Indeed, this approach in many ways fits in with the broader academic organisational culture in the United States. As Simon et al. (2003) note "Faculty members would likely prefer to deal with cases of academic dishonesty informally on a student-faculty basis, largely because the ability to act independently as a classroom manager is an academic cultural norm" (p. 196). Indeed, McCabe and Makowski (2001) note, "When asked how faculty members are expected to address incidents of suspected student cheating in their courses, the majority of campuses responding to the question (58 percent) indicated that faculty members are either encouraged or allowed to deal directly with such allegations" (p. 20).

The authors believe that the classroom manager model is likely to be more prevalent at institutions that officially subscribe to the due process model. Instructors are more likely to employ this model because of the previously stated disincentives that result from a faculty member complying with the officially sanctioned due process model. At institutions employing the student-centered model, where such disincentives are not as obviously present, it is less likely for faculty to feel the need to employ the classroom manager model. Like the due process model, in the classroom manager model the instructor typically meets with the student when the instructor has become aware of an alleged act of plagiarism and discusses the act with the student.

What transpires at that meeting is indicative of which model is operative. In compliance with the due process model, the instructor would most importantly inform the student of their right to a hearing and the consequences of their act. In most cases, the act of plagiarism would also be recorded by somebody, presumably the dean of students. In the classroom manager model, the instructor would not discuss the student's rights, but would try to reach closure on the matter. Nor would the student's act of plagiarism be recorded with the dean of students. The upside for the professor is that the problem goes away quickly and they do not have to be consumed by a hearing(s). The upside for the student is that particularly if the punishment is not too harsh, they can also put the problem behind them, not have their reputation besmirched and not have their act of plagiarism officially recorded.

Significant problems with this model

Of course, there are significant problems with this model. First, it does not ensure any consistency regarding how plagiarism is handled. One professor may be a strict disciplinarian and inform the student that they are receiving an "F" for a course, while another may merely suggest that they redo the plagiarised assignment. Nevertheless, this model would preclude the harshest punishments, namely suspension or expulsion, since an individual instructor acting on their own behest would not have such authority.

Secondly, the classroom manager model does not provide for any kind of due process. In the classroom manager model, the accuser is also the judge and jury. The U.S. Supreme Court ruled in *Goss v. Lopez* (1975) that public education was a property right. Furthermore, they held that a student enrolled in a public educational institution can only be denied enrolment in that institution through due process, which in the American context would include notice and a hearing. Although the classroom manager does not have the authority to expel or suspend a student, it is not fair to afford due process to some students and not to others, depending upon the proclivity of the professor.

Third, on a related issue the classroom manager model exposes the institution to additional legal liability. If an attorney can demonstrate that the remedy for a particular act of plagiarism varies wildly throughout a particular college or a university, the attorney would have a stronger case and the university would more likely be subject to damages. The gist of the argument in such a case would shift from whether the student committed a particular act of plagiarism to the inconsistency in the form of punishment, the process and possibly the bias of the instructor meting it out. In effect, the burden of proof would transfer from the plagiariser to the institution, which now must demonstrate that it applies its discipline equitably.

Fourth, the classroom manager model does not provide the student with the opportunity to learn from his experience. It runs completely counter to the student-centered model during which the plagiarising student may presumably learn from his mistake.

Fifth, since the instructor under this model is violating university procedure, it is unlikely that he would report an act of plagiarism to the proper university authorities, even if they are required to do so in compliance with university regulations. Thus, in effect, no record is kept regarding an alleged act of plagiarism, which may encourage some students to commit plagiarism again, because they may perceive their risk as relatively low, even if they are caught.

Table 2:
Three institutional models for adjudicating plagiarism

Due Process	Student-Centered	Classroom Manager
Hierarchical Impulse	Collectivist Impulse	Managerial Impulse
Adversarial and Punitive in Focus	Focused on a 'Teachable Moment'	Focused on Fast Resolution
Similar to Grievance Process	Similar to Comrades' Court	Used as a <i>De Facto</i> Model
Administration and Faculty are Decision-Makers	Students are Decision-Makers	Individual Faculty is Decision-Maker

Conclusion

In presenting these three models for institutional adjudication, the authors have sought to distinguish between general typologies while recognising that American colleges and universities vary considerably. Generally, the authors found the student-centered approach more common among private American liberal arts colleges while the due process oriented model was more prevalent at larger public universities. The authors' goal is not to construct deterministic categories but rather to illustrate important differences between ways of adjudicating plagiarism with the purpose of explaining how these differences reflect the culture of a particular college or university. As such, there are likely to be institutions that combine different characteristics of each model to create hybrid rules and processes. The authors found, for example, that some institutions allowed student participation in the decision-making process but limited such participation to a single seat on a 3-6 board

committee. Moreover, it is important to recognise that the authors' analysis consists of colleges and university in the United States and, as such, the processes and practices underlying the models the authors identified may differ significantly across different countries.

What are the consequences of these different institutional models? Several factors interact with one another in these different institutional settings to produce competing incentives regarding the reporting and adjudication of plagiarism cases. In the due process model, one concern is that administrative and cultural factors create disincentives for effective prevention and adjudication of plagiarism. In the authors' interviews with faculty and administrators at the University of Wyoming, there was clear concern that the time-consuming and 'messy' process led to faculty underreporting plagiarism, thus emboldening students to engage in it more frequently. Several faculty members with recent experiences with the plagiarism process expressed frustration and concern with how much time and energy it required of them, thus distracting them from the classroom and their research. Moreover, the penalties for first-time offenses were often relatively minor, with a failure for the course usually being the most severe penalty provided and some cases resulting only in failure on the assignment, allowing for a passing grade in the course. The authors' argument is not that large numbers of faculty members actually look the other way when confronted with plagiarism, though university officials did express concern about the low number of cases brought against students each year. Indeed, the authors' interviews and analyses show that, paradoxically, the due process oriented model used to adjudicate plagiarism might, in some situations, help facilitate the very behaviour that it seeks to prevent and punish.

In the student-centered model, these factors might interact in different ways. On the one hand, the seemingly harsher penalties given for first offenses at the top-ranked private liberal arts colleges combined with students being judged by their peers would appear to create stronger incentives for faculty to report Honour Code violations (as required at many schools) and stronger disincentives for students to engage in academic dishonesty. If the student-led adjudication body in the student-centered model fails to impose sufficiently strong sanctions, then a situation similar to the due process model could emerge where light sanctions create an incentive for students to engage in academic dishonesty. Simultaneously, the weaker sanctions could create a disincentive for faculty to endure the long and time-consuming process of reporting plagiarism cases.

In sum, the institutional or administrative process enacted by institutions of higher education are likely to have important influences on the incentive structures for both faculty and students when it comes to adjudicating instances of plagiarism. There are important institutional or administrative differences in how plagiarism is adjudicated across American institutions of higher education that can alter these incentive structures. The institutional rules and processes governing the adjudication of plagiarism can help deter or embolden students to commit plagiarism while, relatedly, these same processes and practices can strengthen an instructor's resolve to report such cases to the appropriate administrative body or sometimes may undermine the efforts to prevent and punish such instances of plagiarism.

References

- Anderson, W. A., Banerjee, U., Drennan, C. L., Elgin, S. C. R., Epstein, I. R., Handelsman, J., Hatfull, G. F., Losick, R., O'Dowd, D. K., Olivera, B. M., Strobel, S. A. Walker, G. C., & Warner, I. M. (2011). Changing the culture of science education at research universities. *Science*, 331(6014), 152–153.
- Belter, R. W., & du Pre, A. (2009). A strategy to reduce plagiarism in an undergraduate course. *Teaching of Psychology*, 36, 257–261.

- Berne, E. (1964). *Games people play: The psychology of human relationships*. New York: Grove Press.
- Breaking Bread (n.d.). Retrieved April 3, 2012, from <http://www.coloradocollege.edu/lifeatcc/different/breakingbread/>
- Burrell, D. N. (2008). Why small private liberal arts colleges need to develop effective marketing cultures. *Journal of Strategic Marketing*, 16(3), 267–278.
- Colorado College Student Guide (n.d.). Retrieved April 3, 2012, from <http://www.coloradocollege.edu/other/studentguidepathfinder/code-ofconduct/philosophy>.
- Due process. (2007). In *Oxford English Dictionary online* (3rd ed.). Retrieved April 15, 2012, from <http://www.oed.com/view/Entry/268782?redirectedFrom=due%20process>.
- Esterberg, K. G. (2002). *Qualitative methods in social research*. New York: McGraw-Hill.
- George, A., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. Cambridge: The MIT Press.
- Goss v. Lopez 419 U.S. 565 (1975).
- Howard, R. M. (2005). Plagiarism: What should a teacher do? In A. Lathrop & K. Foss (Eds.), *Guiding students from cheating and plagiarism to honesty and integrity: Strategies for change* (pp. 174–175). Westport, CT: Libraries Unlimited.
- Howard, R. M. (2007). Understanding “Internet plagiarism.” *Computers and Composition*, 24, 3–15.
- Kara, F., & MacAlister, D. (2010). Responding to academic dishonesty in universities: A restorative approach. *Contemporary Justice Review*, 13(4), 443–453.
- King, G., Keohane, R. O., & Verba, S. (1994). *Designing social inquiry: Scientific inference in qualitative research*. Princeton: Princeton University Press.
- Levy, E. S., & Rakovski, C. C. (2006). Academic dishonesty: A zero tolerance professor and student registration choices. *Research in Higher Education*, 47(6), 735–754.
- Lim, C. L., & Coalter, T. (2006). Academic integrity: An instructor’s obligation. *International Journal of Teaching and Learning in Higher Education*, 17(2), 155–159.
- McCabe, D. L., Trevino, L. K., & Butterfield, K. D. (2001). Cheating in academic institutions: A decade of research. *Ethics & Behavior*, 11(3), 219–232.
- McCabe, D. L., & Trevino, L. K. (1997). Individual and contextual influences on academic dishonesty: A multi-campus investigation. *Research in Higher Education*, 38(3), 379–396.
- McCabe, D. L., & Makowski, A. L. (2001). Resolving allegations of academic dishonesty: Is there a role for students to play? *About Campus* (March-April), 17–21.
- O’Connor, S. (2003). *Cheating and electronic plagiarism – Scope, consequences and detection* by Caval Collaborative Solutions. Retrieved April 17, 2012, from <http://www.caval.edu.au/about/staffpub>.
- Petress, K. C. (2003). Academic dishonesty: A plague on our profession. *Education*, 123(3), 624–627.
- Plagiarism. (2006). In *Oxford English Dictionary online* (3rd ed.). Retrieved April 15, 2012, from <http://www.oed.com/view/Entry/144939?redirectedFrom=plagiarism>.
- Serow, R. C., & Van Dyk, P. B. (2002). Cultures of undergraduate teaching at research universities. *Innovative Higher Education*, 21(1), 25–37.
- Sharlet, R. (1965). Russia’s courts of public pressure. *The Nation*, 200(3), 55–58.
- Simon, C. A., Carr, J. R., McCullough, S. M., Morgan, S. J., Oleson, T., & Ressel, M. (2003). The other side of academic dishonesty: The relationship between faculty skepticism, gender and strategies for managing academic dishonesty cases. *Assessment & Evaluation in Higher Education*, 28(2), 193–207.

- Staats, S., Hupp, J. M., Wallace, H. & Gresley, J. (2009). Heroes don't cheat: An examination of academic dishonesty and students' views on why professors don't report cheating. *Ethics & Behavior*, 19(3), 171–183.
- Stearns, L. (1992). Copy wrong: Plagiarism, process, property, and the law. *California Law Review*, 80(2), 513–543.
- Student Code of Conduct Established Through UW Regulation 8-30. (2011-2012). Retrieved April 7, 2012, from <http://www.uwyo.edu/dos/judicial/index.html>.
- Sutherland-Smith, W. (2008). *Plagiarism, the internet and student learning*. New York: Routledge.
- Sutherland-Smith, W. (2010). Retribution, deterrence and reform: The dilemmas of plagiarism management in universities. *Journal of Higher Education Policy and Management*, 32(1), 5–16.
- Tynan, B. R., & Garbett, D. L. (2007). Negotiating the university research culture: Collaborative voices of new academics. *Higher Education Research & Development*, 26(4), 411–424.
- UW Regulation 6-802: Procedures and authorized university actions in cases of student academic dishonesty.
- University of Wyoming website for Future Students. Retrieved April 8, 2012, from <http://www.uwyo.edu/uw/future-students/index.html>>>.
- U.S. Constitution. (2012). <http://www.findlaw.com/casecode/constitution/>

About the authors

Dr Andrew D. Garner is an Assistant Professor of Political Science at the University of Wyoming. He received his PhD in Political Science from the University of Mississippi in 2007. Dr. Garner currently teaches Qualitative and Quantitative Graduate Methodology, American Public Opinion, and American Voting and Participation. His research interests include American public opinion and voting behaviour, comparative political behaviour, and qualitative/quantitative methods.

Dr Larry Hubbell is a Professor in the Political Science Department at the University of Wyoming. He has written numerous articles on issues related to higher education and has been published in the following journals: *Thought and Action*, *International Review of Education Research*, *College Student Journal*, *CUPA-HR Journal*, *Journal of Thought*, *Humanity and Society*, *Administration and Society* and *Journal of Public Administration Education*.