

Faculty Senate Minutes #198
John Jay College of Criminal Justice

Tuesday, April 18,2000

3:20 PM

Room 630 T

Present (22): Erica Abeel, Shevaletta Alford, James Cauthen, Edward Davenport, Kirk Dombrowski, Janice Dunham, P. J. Gibson, Lou Guinta, Karen Kaplowitz, Kwando Kinshasa, Maria Kiriakova, Stuart Kirschner, Sandra Lanzone, Tom Litwack, Emerson Miller, Patrick O'Hara, Jacqueline Polanco, Rick Richardson, Lydia Segal, Katherine Stavrianopoulos, Marny Tabb, Agnes Wieschenberg

Absent (13): Jama Adams, Luis Barrios, Anthony Carpi, Marsha Clowers, Amy Green, Edward Green, Andrew Karmen, Susan Larkin, Gavin Lewis, Amie Macdonald, James Malone, Lydia Rosner, Carmen Solis

Invited Guests: Vice President for Legal and Fiscal Affairs Robert Diaz, Dean for Admissions and Registration Richard Saulnier

AGENDA

1. Announcements from the chair
2. Adoption of Minutes #197 of the March 22, 2000, meeting
3. Election of Faculty Senate representatives to the 2000-2001 College Council
4. Invited Guest: Vice President for Legal and Fiscal Affairs Robert Diaz
5. Invited Guest: Dean for Admissions and Registration Richard Saulnier

1. Announcements from the chair [Attachment A]

On March 28, the University Faculty Senate unanimously endorsed the John Jay Faculty Senate resolution calling for the re-establishment of a CUNY/NYPD Police Cadet Program. When told about the UFS vote, later during his meeting with the University Faculty Senate, Chancellor Matthew Goldstein praised the CUNY/NYPD Cadet Program, which he described as wonderful, and he praised the UFS resolution calling for the re-establishment of the program. Earlier that week, on March 23, the City Council, in its budget response to the Mayor's Budget Proposal for NYC, voted to allocate \$5 million to a CUNY/NYPD Police Cadet Program for Fiscal Year 2001 and \$22 million for each year thereafter. Implementation of the City Council action is dependent, however, on the Mayor's approval.

The faculty elected the following three faculty as at-large representatives on the 2000-2001 College Personnel & Budget (P&B) Committee: Professors Zelma Henriques (Law, Police Science & CJ Adm), James Malone (Counseling & Student Life), and Agnes Wieschenberg (Mathematics).

Congressman John Lewis, children's rights advocate Marcia Robinson Lowry, and forensic

psychologist Martin Symonds have accepted the invitation to attend commencement exercises on May 31 to receive an honorary degree. Responses from Kofi Annan and Danny Glover are being awaited. The CUNY Board of Trustees mandates that recipients of an honorary degree attend commencement in order to receive the degree.

Documents were provided to the Senate about the enrollment situation at CUNY [Attachment A-1] and about CUNY's associate degree programs, including John Jay's [Attachment A-2]. The associate degree documents are part of an extensive set of data provided to the newly created Board of Trustees Committee on Community Colleges, which just held its first meeting. The data presented to the Committee are about the associate degree programs at not only the six community colleges but also at the four comprehensive colleges: John Jay, College of Staten Island, Medgar Evers, and New York City Technical College.

2. Adoption of Minutes #197 of the March 22,2000, meeting

By a motion duly made and carried, Minutes #197 of the March 22, 2000, meeting were adopted.

3. Election of Faculty Senate representatives to the 2000-2001 College Council

By secret, written ballot, the following eight (8) At-Large Representatives to the 2000-2001 Faculty Senate were elected as Senate representatives to the College Council and, as a result, each academic department will have one (1) departmental seat on the 2000-2001 College Council and on the Faculty Senate:

Orlanda Brugnola (<i>Art, Music, Philosophy</i>)	James Malone (<i>Counseling & Student Life</i>)
P. J. Gibson (<i>English</i>)	Rick Richardson (<i>Sociology</i>)
Edward Green (<i>Mathematics</i>)	Carmen Solis (<i>SEEK</i>)
Karen Kaplowitz (<i>English</i>)	Agnes Wieschenberg (<i>Mathematics</i>)

4. Invited Guest: Vice President for Legal and Fiscal Affairs Robert Diaz [Attachment B & C]

Vice President for Legal and Fiscal Affairs Robert Diaz was introduced and welcomed. President Kaplowitz explained that prior to coming to John Jay two and a half years ago, Vice President Diaz had been the CUNY Vice Chancellor for Legal Affairs and General Counsel to the CUNY Board of Trustees and that he has a large portfolio at the College, ranging from Phase II to budgetary issues, including John Jay's inequitable underfunding by CUNY. She invited Vice President Diaz to briefly describe his responsibilities at the College.

Vice President Diaz explained that he is responsible for the Office of Human Resources. He is also responsible for the Payroll Office and for the Office of Financial Planning. Much of his time is also spent on litigation as various situations arise and on reviewing contracts. With Phase II, he explained, there had been air rights litigation before he came to John Jay, which then became complicated and he became responsible for that case, which is now behind us, and, as the Senate knows, we are now in litigation dealing with eminent domain to obtain the land for Phase II, which the owner of the property is contesting: that case is on the schedule to be heard in September although he still has hopes that sometime between now and then that situation will resolve itself because of the financial situation of the landowner. He explained he works on labor issues, on grievances, on advising managers about employee issues, and he also advises the Office of the Dean of Students about student issues. During student government elections,

an enormous number of questions arise that require guidance for the members of our Office of Student Development and it is his responsibility to provide that guidance. He called his a broad portfolio.

President Kaplowitz explained that the portfolio was further broadened as a result of an issue that the Faculty Senate raised a year ago and she thanked the Vice President for accepting the Senate's invitation to discuss that issue.

In reviewing the issue, President Kaplowitz explained that last year the Faculty Senate had discovered that new language had been inserted into the John Jay Bulletin (both the Undergraduate and Graduate bulletins) and into the John Jay Student Handbook about procedures for resolving allegations of student plagiarism and cheating [Attachment B].

The Senate had been troubled by three aspects of the situation: first, this new language had not been approved by the College Council nor by any other College body (and, indeed, the person responsible for changing the Bulletin language has not been identified); second, the faculty had not been informed about the changes and have, thus, been operating without awareness that, at least according to the Bulletin (which is a legal contract with students), policy and procedures had been changed; and third, and most importantly, the new language is in stark contradiction with acceptable policy and with the actual procedures that faculty do and should practice.

The Senate then voted to request the Standards Committee to look into this situation (because it was the Standards Committee that several years ago had drafted the current definition of plagiarism – which the College Council had then approved – that appears in the Bulletin) and to propose necessary changes to the Bulletin language about resolving cases of plagiarism and cheating. The Standards Committee did so: as part of its work, the Committee asked Vice President Diaz to review the altered text that currently appears in the Bulletins (and in the Student Handbook) and to meet with the Committee. An entire meeting was devoted to Vice President Diaz's explanation of case law and CUNY policy and to a discussion about the issue.

Vice President Diaz agreed that the language in our College Bulletins and Student Handbook needed to be revised. At the Standards Committee's request, Vice President Diaz drafted a proposed revision of the Bulletin language. The Standards Committee subsequently amended Vice President Diaz's document and then unanimously approved the revised text for transmittal to the College Council for action by that body next month on May 10 [Attachment C].

Because the Standard Committee's discussion with Vice President Diaz had revealed how very complex the issues are, the Senate's Executive Committee invited him to meet with the Senate to explain the issues and to do so for two reasons: first, so that the Senators, who are the faculty members on the College Council, will be able to vote on the proposed revised statement on resolving cases of plagiarism and cheating at the May College Council in an informed way and, secondly, so that the general faculty can have the opportunity to understand the issues through the report of this discussion recorded in these Senate Minutes.

Asked to give an overview of the issues, Vice President Diaz explained that requests for guidance about student cheating and plagiarism had been asked of him by deans of students when he was the Vice Chancellor for Legal Affairs for the University and that in response to those requests for guidance he had written an advisory memorandum [copies of which are available from the Faculty Senate Office]. He said that he thinks what happened at John Jay was that after his advisory memorandum was issued, the John Jay Bulletin was updated in ways that he would consider very appropriate but some language that had been in earlier versions of the Bulletin and that was inconsistent with the revision was never deleted. He said that when Professor Kaplowitz brought the current Bulletin language to his attention and he read it, he found the language rather confusing and inconsistent.

He said his advisory memo had been issued because many people were confused about what to do about cases of cheating and plagiarism. In cases of cheating and plagiarism, a student will be given an 'F' grade in the course or a zero grade, or whatever grade results from the policy of the instructor, and the case may also be referred to a college's disciplinary committee and, as a result, there are two actions taking place at the same time. He said that this can be totally appropriate or it can be inappropriate in the way that the

case is handled or administered.

Vice President Diaz explained that for court analysis purposes, colleges and professors are accorded great deference with regard to issues of grading when there is an academic judgment involved. But faculty are not given that same deference by the courts when the issue revolves around a factual issue. To be honest, he said, when one looks at the court cases, there is some conflict among the courts as to whether cheating is an academic issue or whether it is a disciplinary, that is, a non-academic, issue. It gets even more complicated when the issue is a subset of cheating, that is, when the issue is plagiarism. And that is the situation that is particularly confusing to a lot of people and it is confusing to the courts. But, he said, the broad analysis that we derive from the court decisions is that if something is a non-academic judgment and a professor wants to penalize a student for behavior that we determine to be non-academic, then the due process procedure that the student must get is that which is provided for under Article 15 of the CUNY Bylaws.

If, on the other hand, the student is being penalized because in the professor's professional judgment, in terms of the scholarly quality of the work – because the work is of poor quality – and it is the professor's professional judgment that this work merits a 'C,' or a 'D,' or an 'F,' then the due process that the student receives is less rigorous and the burden on sustaining the professor's judgment differs.

If it is a disciplinary action, Vice President Diaz explained, the burden is on us [the College] to sustain the judgment; if it is an academic judgment, the burden is pretty much presumed to be a valid judgment and the student is the one who has to show that the grade was arbitrary, that is, that it was given in bad faith: in other words, when there is an academic judgment, the burden is on the student. And so, he said, where a faculty member comes out on a particular decision is of critical importance because the due process that is required differs.

The distinction he drew in his advisory memo as Vice Chancellor, deriving as best as he could from the courts' decisions that were reviewed, was that the critical issue is whether what is involved is a factual judgment – which lends itself to a determination by an impartial fact finder as to whether something did or did not occur, or whether what is involved is a professional judgment. In other words, if a student is caught cheating is that an academic judgment or is that a factual judgment? And how one comes out on that decision is what determines which procedure is followed in terms of sanctioning the student for that behavior.

Generally, Vice President Diaz said, cheating is an easier situation to deal with and most courts will say that cheating is a factual judgment – whether the student copied from another student, whether the papers matched, whether the student had the book in the exam room, whether the student was looking at the book – and those kinds of issues are things courts are very comfortable with determining because they involve making factual determinations. While the courts do not want to second guess an educator they are in the business of making factual decisions and they have no qualms about saying: this is a factual judgment and we are going to make our own independent determination and on the basis of our review of the facts we disagree. The courts do not want to get into areas where it is really a scholarly determination about whether a student has performed well in the clinicals or whether a student has performed well on a particular exam.

And so, he said, he had given campuses general guidance as to what they should do in particular situations and he had made a recommendation and after making his recommendation he assumed that different patterns could then exist on different campuses. In the memo he recommended one approach but campuses could take another approach. What he wanted campuses to do was to understand the difference between an incident that is really a factual determination and one that is the professional judgment of an educator and to take that difference into account in whatever procedures each campus follows.

The recommendation he had made in his advisory memo was that factual determinations go straight to an Article 15 of the Bylaws of the CUNY Board of Trustees, which establishes the student disciplinary procedure, and also that when one is in doubt about a particular judgment regarding plagiarism that the issue be referred to the Office of the Provost which would make the determination as to whether the situation is academic or disciplinary and then refer it accordingly.

Vice President Diaz noted there are actually two types of plagiarism: one type looks like cheating:

for example, if a student copies a paragraph or two from someone else's paper or (what is happening with greater and greater frequency) copies material downloaded from the Internet. He said there have been student disciplinary cases involving downloading of materials off the Internet and they have been handled through an Article 15 procedure: we say this was on the Internet, this is what the student submitted, look at the two documents: that is a factual determination. Another example of this first type of plagiarism is when a student has not attributed the right source, has not cited the author, and those situations also go through an Article 15.

But the second type of plagiarism is when, for example, a Government professor, in reviewing a student's paper says: "I've read this before; I recognize this; this is not this student's thoughts; these are John Lock's thoughts and are not properly attributed or cited." That is plagiarism but in this case the professor may tell the student that he or she recognizes the work as that of John Lock, that these are the ideas of John Lock, that the student did not cite John Lock and that, therefore, he or she is failing the student. That is, generally, all the due process that is required in that kind of situation: the professor tells the student the reason he is failing the student is because he has made this academic assessment and then the grade appeal would be the correct due process vehicle if the student contests the grade; the process that follows would involve fellow academics in the Government Department who are in the best position to concur or not concur about that academic judgment.

Although cases of plagiarism that involve copying should go through an Article 15 many such cases, historically, have not. Vice President Diaz explained that when he says that historically such cases have not gone through an Article 15 procedure he does not mean just at John Jay: he learned long ago that standards are one thing, practices another, and conforming the two in a way that as few people as possible find offensive is sometimes the big talent of an attorney. What he recommended in his advisory memo for cases where there is doubt about how to proceed – is that the faculty member refer the situation to the Office of the Provost which would make the judgment as to whether the situation is academic or disciplinary and then refer it on.

Before meeting with the Standards Committee, he said, he conducted a survey of other CUNY colleges to determine their practices. Eight CUNY campuses responded to the survey. Two of the colleges generally follow the procedures recommended in the advisory memo but four decided to go beyond his recommendations: at those four campuses, every case of academic dishonesty is referred to an Article 15. Some campuses have a little play in their procedure: they require that unless the student admits to the act, the case is referred to an Article 15. One campus follows a procedure that is similar to what is being proposed for John Jay by our Standards Committee and this procedure is also consistent to what he recommended in his memo: it is the professor who decides whether the situation involves an academic judgment or a factual judgment and if it is a factual judgment it is referred to an Article 15 and if it is an academic judgment the faculty member issues a grade of F (or whatever grade the faculty member decides is appropriate).

Senator Tom Litwack asked Vice President Diaz to explain more fully what an Article 15 is. Vice President Diaz explained that Article 15 of the Bylaws of the CUNY Board of Trustees establishes the due process procedures that students who are being disciplined for non-academic reasons in this University receive. As a Constitutional matter, we are State actors for the purpose of the Fourteenth Amendment: we have to comply with the due process clause of the Constitution as that clause has been interpreted by the courts. Article 15 of the Board Bylaws establishes the student disciplinary procedure which involves a faculty-student disciplinary committee which we at John Jay call the Judicial Committee. The Article 15 procedure complies with all Constitutional requirements for due process and goes fairly far beyond what is required by the Constitution, which is fine: one can give more due process than the Constitution requires but one can not give less.

Senator Litwack said such student disciplinary cases do not require criminal due process and is not the same as criminal due process. Vice President Diaz said the Article 15 process is very close to criminal due process in some respects although criminal due process is not required. He added that there are due process elements that are only applicable in a criminal proceeding which Article 15 does incorporate. Senator Litwack said he is making the technical legal point that there is no single due process: the due process depends on the circumstances. Vice President Diaz agreed that the level of due process one receives varies with the level of deprivation and that, he said, is one of the reasons why the grade of 'F' is

not the same deprivation as a semester's suspension and, so, the due process will be different for those different types of deprivations.

Senator Rick Richardson said this semester one of his students submitted a paper that he had copied word for word from a document the student had downloaded from the Internet. When he confronted his student with the Internet document, the student admitted having done this. Senator Richardson asked whether he is correct in his understanding that because the proposed revision [Attachment C] of the Bulletin text states that the faculty member "may" refer a case to an Article 15 procedure, the faculty member has discretion and may choose not to do so and may, instead, only fail the student and that the student then has the option of protesting the grade through the grade appeals process.

Vice President Diaz said that because the student admitted copying the material from the Internet, the situation is very simple. Furthermore, because the student admitted it, Senator Richardson has the option of not only giving a grade of 'F' but of also referring the case to an Article 15. There is a critical issue that faculty are not happy with which he will explain in a moment. In a situation in which the student denies having copied material, a faculty member may still decide to give the student an 'F.' If the student accepts the grade that is fine: the situation is over. But, what Professor Richardson described is a factual issue: what he described is not an issue of Professor Richardson's professional expertise. Because it is a factual issue it, therefore, should go through an Article 15 process. Senator Richardson said his point is that he is given discretion because the new text being proposed by the Standards Committee [Attachment C] doesn't say "shall" or "should" but rather says "may" and, thus, he is not being mandated to refer the case to an Article 15.

Vice President Diaz said there is a distinction between "may" and "must": in the case where the student admits the plagiarism, the professor may refer the case because the professor wants the student to receive a more severe penalty than just an 'F' grade. That is one issue. In a situation in which the student denies the plagiarism and it is a factual determination, the professor should refer the case to an Article 15 because if this issue is litigated in court – and, Vice President Diaz explained, his role is to advise the faculty on the law – and the student denies having plagiarized but nonetheless received an 'F' grade, the student will assert that he did not get his due process, and the court is going to ask whether this is a factual issue or an academic issue. If it is a factual issue, the court will say that the due process for that kind of determination – because it is a stigmatizing claim to say a student cheated – is an Article 15. In that case, the court will order the College to hold an Article 15.

Senator Richardson said that if that is what Vice President Diaz wants faculty to do, the Bulletin language should use the term "shall" rather than "may" and faculty should be directed to refer such cases to an Article 15 and not be given an option to not do so. Also, he suggested that if, in his determination, a student presents work that lacks a sufficient amount of original work to qualify for a passing grade, he could say the quality of the work is such that the student should receive a failing grade.

Vice President Diaz said the second issue involves an academic judgment and, therefore, he agrees with Professor Richardson about that. But, Senator Richardson replied, all he would be doing in the second case would be to change the perspective: in other words, instead of saying the student is receiving an 'F' for plagiarizing he would be saying the student is receiving an 'F' for the poor quality of the paper, for the lack of sufficient original work by the student. Vice President Diaz said he is dealing with the issue of good faith just as the court will look at an issue of good faith and if the issue is an academic judgment then the professor will be given deference but if the issue is not one of academic judgment the professor will not be given deference. He said faculty can do what they want to do, but if the case is litigated this is what will happen.

Vice President Diaz told of a case in New York State in which a student was caught cheating and received a course grade of 'F' and the professor then referred the case to the college's honor board, which is the equivalent of our Judicial Committee, for a hearing: the hearing body determined that the student was not guilty of cheating and told the faculty member that on that basis he had to award a passing grade: the faculty member refused to do so, saying that it was his academic prerogative to give the grade he had given, a grade of 'F.' The student went to court and it was one of the few cases in which the court ordered that a grade be entered because, in looking at the issue, the court said this went through the hearing board, the board made a factual determination about the issue of cheating, the board found the student innocent, and

everybody at the college has to act consistent with that determination. Accordingly, the court ordered the instructor to award a grade.

There are some difficult cases in terms of deciding whether the issue is academic or disciplinary, he said. In the procedure proposed for John Jay, like at other campuses, such a situation is referred to the Office of the Dean of Students where the people who present these cases to the Judicial Committee try to figure out how the case is to be presented. But, he said, at John Jay it is being left to the faculty to make the initial determination as to whether to refer the case and if they are in doubt to seek guidance. He said he always assumes that people will be acting in good faith in these situations.

President Kaplowitz said that Senator Richardson's point about the terms "should" and "may" was discussed at length by the Standards Committee. She explained that when Vice President Diaz wrote his suggested revision of the Bulletin language, at the Standard Committee's request, his text said that allegations of cheating "should" be referred to an Article 15 procedure but the Standards Committee changed "should" to "may" because the Committee does not want faculty to feel that they do not have the discretion that we have, in fact, always been practicing. So wherever Vice President Diaz's text said "should," the Committee changed it to "may," except in certain situations where "should" was absolutely required. She said that the Committee had decided to change "should" to "may" not only because of past practice but also because Vice President Diaz's proposed text had not used the term "must" which connotes no discretion; rather, his proposed text had used the term "should," which connotes discretion but does so less clearly than the term "may." The Standards Committee decided to change the language to "may" in order to clearly inform the faculty that they do, in fact, have discretion.

Senator Lydia Segal asked whether an instructor must refer the case to an Article 15 only if the student does not admit having plagiarized and objects to the instructor's sanction of a lower or failing grade. Vice President Diaz said if the student admits to having plagiarized and accepts the sanction of a lowered grade or an 'F' grade and that is the point at which the professor is willing to have the situation end, then that is where the situation ends. We have some professors, he said, who, upon catching a student cheating, want to refer the case to the faculty-student Judicial Committee because they consider the action to be sufficiently serious that, in addition to the 'F' grade, the student should be suspended for a semester. We have had such cases and have sustained those cases, he said. But in those cases – and the proposed policy statement indicates this – if the faculty member chooses to refer the case to the Judicial Committee – then the grade should be held in abeyance. If the Judicial Committee finds the student guilty then at that time the instructor awards whatever grade he or she considers appropriate and, in addition, the student receives whatever penalties are imposed by the Judicial Committee.

Vice President Diaz said that with regard to the use of "may," a student will be able to seek judicial relief if he should be getting an Article 15 and he is not getting it in a particular situation. In such a circumstance a student has the right to go into court under what is called an Article 78 proceeding and, in all probability, if the court concurs, the court will order that the student receive his Article 15 hearing. So if it is a situation that should have gone through an Article 15 because it is a factual determination and an instructor gives the student a grade of 'F,' the instructor may get away with doing so but it should be referred to an Article 15 because the student is entitled to that due process hearing.

Senator Richardson said that he does not know, in light of the explanation, whether the Standards Committee should have changed the language. President Kaplowitz said that issues such as this is why we are having this discussion: the Senate can propose amendments to the proposed text at the College Council when this is to be voted on. Senator Richardson said when his student admitted having plagiarized from the Internet he had given the student an 'F' and if he had also referred the case to the Judicial Committee for action, he would have unknowingly violated the student's rights.

Vice President Diaz said if Professor Richardson referred the case he would not have violated the student's rights because the student would be getting his hearing. But what Professor Richardson should not do in such a situation is award an 'F' but should, instead, hold the final grade in abeyance until the Judicial Committee's determination is made because he could be wrong about the case and the student could be found not guilty.

Senator Edward Davenport asked for clarification about the possibility that an instructor could be

ordered to change the grade if a determination of innocence is made by the Judicial Committee. Vice President Diaz said that if the Judicial Committee decides that cheating did not occur, then the instructor should grade that paper and award that paper, in good faith, the grade that he or she believes the quality of that work merits. He explained that what he said in terms of an instructor ordered to change a grade is that if in a situation such as a student copies paragraphs from another work and the instructor gives an “F” grade and the student seeks judicial relief – that is through the courts – the court will order that, if this is a matter of factual determination, the student must receive his Article 15 hearing at the conclusion of which the instructor would have to award a grade that is based on that determination.

In the case he had cited, our Article 15 equivalent had already occurred: that college’s hearing board had already found the student not guilty but the faculty member then refused to award a passing grade, and instead left the ‘F’ grade because he said, in effect, that he didn’t care what the college hearing board had decided because he was certain the student had cheated and, therefore, deserved a grade of ‘F.’ The court ordered that a grade be computed: the court did not order that a particular grade be given, only that a grade be computed. If we are handling the case internally, he explained, we should have the hearing, hold the grade in abeyance, have the decision of the Judicial Committee, and then do what is consistent with the Judicial Committee’s decision. If the Judicial Committee says the student is guilty, then the instructor gives an ‘F’ for the paper, an ‘F’ for the semester: different instructors have different policies about what grade to give and they have the right to set their own policies about what grades they give.

Senator Kirk Dombrowski said that is exactly what he was about to ask: do faculty continue to have the right to make their own grading policies. He said he has been receiving innumerable plagiarisms over the years and the Internet is now making it particularly problematic. He reported having received seven plagiarized papers this semester, thus far, in one set of papers in his introduction to Anthropology course. He said he gives students the chance to own up to the plagiarism before he returns their graded papers and if they choose to own up to the plagiarism they receive an ‘F’ on that paper: since the paper is about 20 percent of the final grade the best final grade a student can receive is a ‘C.’ But he doesn’t necessarily fail the student for the course if the student owns up to the plagiarism. Is that still his discretion, he asked.

Vice President Diaz said that at the beginning of the semester faculty articulate their policy in a variety of areas. Some faculty will announce that their policy is that students who cheat on a paper will receive an ‘F’ for that paper; other faculty will announce that their policy is that students who cheat on a paper will receive an ‘F’ for the course. If the instructor has articulated his or her policy at the beginning of the semester and the students are on notice, then that is perfectly appropriate.

Another point that Vice President Diaz made is that a faculty member told him that he always keeps copies of a form with him that he has the student sign saying that he admits to having cheated and, therefore, accepts the lowered grade. Senator Dombrowski said he keeps a photocopy of the student’s plagiarized paper on which he requires the student to sign a statement admitting to the plagiarism. Vice President Diaz said this is what faculty should do because otherwise the student could later claim that he had never admitted having plagiarized.

Senator Litwack said that this discussion has been very helpful but having had this discussion it is now clear to him that the Bulletin language and even the proposed revision of the Bulletin language would not make the issue clear to those reading it. He said this is a very important subject and although it is very clear to him now, he doesn’t think it is clearly articulately even in the proposed revised language. He said clarity is important and that the Standards Committee should go back to the drawing board.

President Kaplowitz explained that a revision of the Bulletin is being published in July and it will not be possible to redo the process and have it ready to be voted on by the College Council on May 10, which is the last Council meeting of the semester. She said that after Vice President Diaz’s presentation and after the discussion and revision of VP Diaz’s proposed language for the Bulletin, the members of the Standards Committee were also concerned that faculty and students would still not understand the issue. The Standards Committee had thought that a discussion of the issue by the Senate would provide the faculty with a fuller explanation of the issue, through the Senate Minutes.

She said the Senate’s Executive Committee concurred and invited Vice President Diaz to today’s meeting so that the issues would be articulated in the Senate Minutes. A summary, in narrative form, of the

Senate Minutes could be issued, perhaps as an attachment to the Provost's letter to the faculty each September about faculty duties and obligations. She said that the College Bulletin is not necessarily the appropriate place to explain this issue in the detail necessary for a real understanding of it.

Senator Litwack said that given the time consideration, he agrees that we must do the best we can now in terms of revising the Bulletin language and a clarifying document should then be issued. But, he said, the clarifying document should be written so as to be understandable not only by faculty but also by students. He is concerned because the proposed Bulletin language will not be understood by students.

Senator Marny Tabb said the proposed Bulletin language is legal language designed to protect the College and the faculty. But what is also needed, she said, is a very straightforward document that does not use legalistic language and that will inform students. Such a document could be included in the John Jay Student Handbook.

Senator Pat O'Hara expressed his appreciation for what Vice President Diaz has just explained so well. He said he has always thought we should have a faculty web page or a faculty resource page on the Web and a lot of what Vice President Diaz has just told us could be done in the format of "frequently asked questions": what do you do if a student plagiarizes and admits it; what do you do if a student denies plagiarizing, etc. In this way, the situation would be clarified in very practical terms and would be available whenever needed. It could also be available to students.

Vice President Diaz said sometimes one becomes verbose when trying to explain something that is not easy to explain. That, he said, is in part what happened here. He said his preference is to provide succinct statements about which he then provides guidance when it is needed. He said a lot of the guidance that is provided is for our staff and then when the staff have interactions with students they can share the more detailed information, if need be. Other colleges have resolved the difficulty of the issue we are grappling with by just saying that every case goes to an Article 15. He said he is not an advocate of that approach for two reasons, one reason having to do with the faculty and the second having to do with the administration. He said he doesn't think students are shortchanged with either approach.

Vice President Diaz said the approach we are adopting at John Jay balances competing interests in a good way, in a way that is good for faculty, who are the front-line people upon whom we rely. If every interaction with a student on an issue of plagiarism, cheating, or any kind of academic dishonesty were to be referred to a student disciplinary procedure it would be difficult for the faculty to manage their classroom, and it would be difficult for the administrative staff to manage the process. He noted that Professor Dombrowski mentioned having seven cases of plagiarism in one course already this semester: he said he does not know how it would be possible to adjudicate all the cases that faculty would file if that were the College policy. Vice President Diaz said that at the campuses that say that all cases are referred to an Article 15 he believes it is simply not true. What is probably happening at those campuses is that they are continually violating their own policies. He said he knows that those campuses can not possibly be referring all cases to an Article 15 proceeding and, he added, it is terrible to have a process that is uniformly ignored. And that is why, he explained, the policy that is being proposed for John Jay is a good approach. **As** for whether or not having the extensive Bulletin language is the right approach is another question: the proposed text was an effort to present the issues so people could understand what those issues are.

Vice President Diaz said what is clear is that some of the language about plagiarism and cheating that is currently in the Bulletin must be removed now because it is completely wrong.

Senator Litwack asked for clarification: the proposed text now says "may" because, as Karen, who is a member of the Standards Committee, has explained, the Standards Committee voted to change Vice President Diaz's text from "should" to "may." Senator Litwack asked Vice President Diaz for his opinion about this. Vice President Diaz said that the text should say "should" because on the face of it there have been some court cases that talk about some cases of cheating as being academic but the persuasive weight of authority says that cheating is a factual determination: if it is factual then it is an Article 15. Senator Litwack said there is, then, a conflict in what the Vice President is saying because if a faculty member says to a student: "You cheated, here is the proof, here is the article from the Internet," and the student says, "Okay, you caught me," that is still an allegation of cheating and, thus, according to what the Vice President is saying, the faculty member would have to send it to an Article 15.

President Kaplowitz said that because most faculty do not send cases to an Article 15 but, rather, resolve it through the grading process, the Standards Committee changed the language to “may.” The Standards Committee made the decision to do so also because the text as proposed by Vice President Diaz had used the term “should” rather than “must.” “Should” is simply a stronger version than “may”; both terms indicate that the instructor has an option, has discretion. The term “must” leaves no room for discretion: it is an imperative. Because Vice President Diaz’s proposed text said “should,” the Standards Committee – as the body proposing the language to the College Council – decided it does not want to imply that faculty lack discretion.

Vice President Diaz said in reviewing the proposed text again during this discussion he realizes it should be changed from “Allegations of cheating should be referred to an Article 15” to “Unresolved allegations of cheating should be referred to an Article 15.” Senator Litwack agreed that the addition of the word “unresolved” is very important.

Senator Segal spoke of a case in which two students turned in identical exams and both denied having cheated. She said she then gave both students a new exam and one earned an A and the other an ‘F.’ Vice President Diaz said this is a good way to resolve the issue.

Senator Tabb said she believes that 80 percent of cheating cases are resolved between the student and the instructor. Vice President Diaz said that is excellent. Senator Tabb said it sounds to her as if the Article 15 has two functions: first, unresolved cases of cheating and, second, for faculty who do not believe that the penalty of a lowered or failing grade is sufficient and, so, it is a second step in the penalty process.

Vice President Diaz said that a person convicted in court may be given a sentence of one year, two years, three years. Similarly, some faculty give a student caught cheating an ‘F’ on the paper, some give an ‘F’ for the semester, and some think the student should be suspended and if that is their judgment and they want the College to conduct an Article 15 and they are willing to file a complaint, then the College conducts an Article 15. If the student is found guilty then, in addition to the ‘F’ the student will receive a more severe sanction. But the opposite side of that – which he had said earlier that faculty do not want to hear at times – is that if the student is found innocent, then the faculty member has to live with that, too, and has to give a passing grade.

Senator Litwack called this a very, very complicated issue, adding that he is glad he did not have to write the text for the Bulletin. Vice President Diaz said the more one talks about this, the more nuances one sees.

President Kaplowitz asked the Senate and Vice President Diaz whether they think the proposed revision should be amended on the floor of the College Council on May 10. Vice President Diaz said if a group, one that includes Associate Kobilinsky who chairs the Standards Committee, wants to work on the text to develop amended language he would willingly serve as a resource. But, he pointed out, that as difficult as it has been going through the issues and the document here, today, when people go through it for the first time – and there will be people at the College Council who will be hearing this for the first time – as helpful as some of the comments here have been – he is sure that those other members of the College Council will come up with helpful comments of their own as well. President Kaplowitz also pointed out that the May meeting of the College Council will have a huge agenda because of many, many Curriculum Committee items that are the culmination of a year of work and which need to be voted on in time for the new Bulletin.

Senator O’Hara spoke against the suggested change of adding the term “unresolved” to the phrase “allegations of cheating” saying he likes the language as it is currently proposed because it does give discretion to the faculty member. He said he would hate to have the very first word of the Bulletin statement say to students: if you want to move this to another venue just don’t let it be resolved, even if it is clear cut. He said he would not want the very first word to indicate that if the student wants this stretched out, if he wants his grade delayed, all the student has to do is to deny having cheated even if the instructor presents to the student the precise document from which the paper was copied. By making a claim of denial the student would ensure that the case goes on to the Judicial Committee and this would keep the student in the school for months longer while the process grinds on.

Vice President Diaz said the only way a student does not remain in the school is through an Article 15. Senator O'Hara said he understands this but he spoke of the frustration he and his colleagues have faced with regard to the MPA Comprehensive Examination in which students have been caught cheating, have been dismissed from the exam for cheating, and four months later the Judicial Committee still hasn't met and the student shows up to take the MPA Comprehensive Exam again along with the students who failed the exam on the merits. And so the students who failed the exam on the merits see that students who had been clearly identified as having cheated at the first exam come back for a second try, just as they have, and with no apparent penalty. Senator O'Hara said he has been frustrated that the Judicial Committee process has moved so slowly. He said he favors whatever language gives more discretion to the faculty member, with all due respect to Senator Litwack and despite his understanding the reason Senator Litwack supported the change.

Vice President Diaz said he understands but he is not in favor of language that appears to give the instructor discretion to not go through an Article 15 in a case that is supposed to go through that process. Senator O'Hara said he supports the language as it is proposed; he just disagrees with adding the word "unresolved."

Senator Janice Dunham said she thinks it would be a mistake to amend the proposed language on the floor of the College Council because whenever that is attempted, the entire proposal becomes moot and is tabled or is referred back to Committee and is not passed. She said that it is better to go forward with the document as proposed by the Standards Committee and then, if necessary, propose a further revision for the subsequent edition of the Bulletin and have the Standards Committee grapple with any future changes that may have to be made. President Kaplowitz agreed because the language in the current Bulletin (undergraduate and graduate) and in the Student Handbook does not comply with what faculty may and should do and, as Vice President Diaz has said, contains language that is simply wrong and that must be changed. The Senate agreed.

President Kaplowitz thanked Vice President Diaz for his invaluable presentation and discussion with the Senate. Vice President Diaz thanked the Senate for having invited him. [The Senate applauded Vice President Diaz.]

5. Invited Guest: Dean for Admissions and R – Richard Saulnier

Dean Saulnier said is pleased to have been invited to the Senate to discuss a variety of issues, the first being enrollment. He said our College's new and more rigorous admission standards are resulting in the enrollment numbers we had projected but, he added, after we changed our own policies the University has been changing the ways it admits students to the senior colleges based on new CUNY policies. The gross numbers for our entering freshman class are close to what they were last year. But because of the way the University is now admitting students, we seem to be seeing certain trends.

The first trend is that our associate degree student population has increased: the reason is that the University is not allocating anyone to a baccalaureate degree program unless the student has submitted SAT scores and although the University did a remarkable publicity campaign, including administering the SAT in the high schools and giving the SAT free of charge, there are a substantial number of people who are being accepted as associate degree students rather than bachelor degree students because they did not have SAT scores when they applied to CUNY. This is an important issue because many of these students are very qualified academically. We are reaching out to them: Pat Sinatra's office is calling every entering freshman to describe the program, to describe the option of taking the SAT, to describe the option of taking the summer basic skills program, and so forth.

The larger number of students admitted to the associate degree program is an issue for two reasons: first, we do not know how this will effect the show rate – that is, the number of students who are admitted to John Jay who actually enroll at John Jay – because if a person is accepted to an associate degree program at John Jay and to a baccalaureate degree program elsewhere, the student may go elsewhere. And so we are reaching out to them. The show rate for the first allocation of students, who have been contacted several

times, is not as good as it has been in the past. The numbers are still very sketchy.

The second issue, Dean Saulnier explained, is our overall concern about the percentage of students in the associate degree program in our entering freshman population. We are working on that also. Dean Frank Marousek has arranged with the University Processing Center to not allocate to anyone else any of our students who do not get into our baccalaureate degree: instead, those students are being automatically allocated to our associate degree program. Second, we developed an agreement with the University that if we can enable those students to become qualified for the baccalaureate degree program by the time they are to start classes in September, the University will change those students' designations on the CUNY files from associate to bachelor degree status.

But everything is in a state of flux because the University is still changing the rules for the Fall 2000 entering freshman class. He said our enrollment situation is better than he thought it might be but he still has some concerns about the show rate. The number of students admitted is about the same as for the Fall 1999 semester freshman class but he just doesn't know how the changes the University has implemented will affect our show rate.

Dean Saulnier said the students being admitted are consistently better qualified than they have been in the past. All the measures that Pat Sinatra uses reveal that even the students who are not coming in as bachelor-degree qualified are doing better on the placement tests and are coming in with better high school averages. But that is both a plus and a negative: the better the students are who we recruit and accept, the more options they have as individuals and the more choices they have as they go down the line.

Years ago, he noted, we used to conduct yearly faculty phon-a-thons. Pat Sinatra, as director of freshman services, has already called every one of the 1700 entering freshmen we had admitted by this week, just to reach out to them to tell them about the College and about the various programs that she runs. But we decided we would like the faculty to also reach out to the students, especially faculty in the students' chosen majors to talk to them about the major, about the College, and to answer their questions. Dean Marousek has that scheduled for May 8 through 10 and as is hoping that as many faculty as possible will participate: a message went out on global email and in "The Week Of." He said we changed our admission standard to get better prepared entering freshmen but in doing so we also elevated our level of competition for those students: the better the student a college wants, the more the college has to do to compete to get the student. We won't know what the freshman class will look like until August 31.

President Kaplowitz praised the faculty phon-a-thon, noting that the Senate has been recommending for a number of years that phon-a-thons be conducted once again. (They had last been held at least 15 years ago.). She suggested that it could be helpful to involve the Senate in the planning of future phon-a-thons to increase the likelihood of wider participation by faculty. Senator Tabb urged that all faculty be invited to participate, not just those in majors. Dean Saulnier said certainly more people will be brought into the event next year: there was simply not enough time to do so this year.

Dean Saulnier noted that Professor Kaplowitz has provided the Senate with data about graduation and retention rates for associate degree students (which were part of a large packet of data provided to the Board of Trustees' new Committee on Community Colleges) [Attachment A-21. Dean Saulnier said that we will not know until Spring 2002 to what extent our new admissions standards will increase retention and graduation rates and it will be even more difficult to know because the University has changed things on us again and, as a result, it will be difficult to measure the results of the impact of our policies. But he said not only are the students who we are accepting absolutely better prepared than last year but last year was the best prepared class in many years: whether we get to enroll all the better prepared students we are accepting is something we will have to wait to see.

Dean Saulnier noted that enrollment is the important issue for the University now and the campuses have been informed of this fact [See Attachment A-I]. Dean Saulnier provided copies of detailed enrollment tables for John Jay showing five-year trends in freshman enrollment from Fall 1995 through Fall 1999 [Copies of this comprehensive 9-page document are available from the Faculty Senate Office.] John Jay's enrollment has declined for the last three semesters, ever since our new admissions policies went into effect. For this Spring semester the decline was about 3.5%. He said we hope to keep that enrollment figure constant for the Fall entering freshman class and not have further declines.

Dean Saulnier explained that although there is tremendous emphasis at *CUNY* to increase enrollment, at John Jay we made the decision to increase admissions requirements based on sound academic reasons. Some may say that our timing was off in light of the new emphasis on enrollment growth but our new policy seems to be bearing fruit. We also are reaching out to students who “stopped-out,” many of whom are in-service students. The graduating class of this year probably will be somewhat larger than last year. He assumes the number of associate degrees awarded also will be up, but he thinks the newly developed associate degree program in criminal justice will eventually add significantly to this number. Dean Saulnier said he anticipates that once the College Council approves the Faculty Senate’s proposal for the en-route associate degree, which is on the May 10 agenda, his Office will be able to implement the new policy in the Fall semester. (The en-route associate degree is earned by a student who meets the degree requirements while working toward the baccalaureate degree.)

Dean Saulnier was thanked for meeting with the Senate and with sharing the data. He said he welcomes the opportunity of meeting with the Faculty Senate and looks forward to the next such occasion.

By a motion made and carried, the meeting was adjourned at 5 PM.

Respectfully submitted,

Edward Davenport
Recording Secretary

&

James Cauthen
Officer At-Large



Office of Institutional Research and Analysis
555 West 57th Street, 16th Floor, New York, NY 10019
(212)541-0314 Fax: (212)541-0392

Date: March 29, 2000

To: Vice Chancellor Louise Mirrer

From: David Crook *D.C.*
Acting Director

Re: Spring 2000 Preliminary Enrollment Report

I am attaching the Spring 2000 Preliminary Enrollment Report for your review. A summary of highlights follows:

Spring 2000 headcount stood at **187,186**, a decline from last spring of **3.2%**. Headcount decreased by **3.3%** at the senior colleges and by 2.8% at the community colleges.

FTEs are down **3.3%** at the senior colleges, up 1.0% at the community colleges, and down **1.9%** overall.

It is noteworthy that declines in the number of freshmen and transfers were small and contributed relatively little to the decrease in total headcount. University-wide, freshmen were down **.3%**, or **30** students from last spring. At the senior colleges, the freshman class fell from **3,421** in Spring **1999** to 3,359 in Spring **2000**, a decline of 1.8%, while at the community colleges, freshmen increased from **5,890** to 5,922, a rise of **.5%**.

The University-wide decrease in the enrollment of transfer students was somewhat greater—a drop of **3.1%**. The senior colleges saw a decrease of **11.8%** (786 transfers), but this was offset by a rise of **17.9%** at the community colleges (**493** transfers).

Among the colleges, the most substantial enrollment declines on a percentage basis were at Hostos (**-12.1%**, or **427** students) and City (**-7.9%**, or **893** students). Enrollment grew or was stable at the following colleges: Queensborough (**+2.5%**), Kingsborough (**-.4%**), Brooklyn (**-.5%**), and Hunter (**-.6%**).

ATTACHMENT A-2

N.B. This is and the next chart are from a packet provided to the members of the new Board of Trustees Committee on Community Colleges/Associate Degree Programs

**Trends in Headcount and Associate Degrees Conferred:
1995/1996 to 1998/1999¹**

	199511996	199611997	199711998	199811999	199912000
John Jay					
Total Headcount (Associate Programs)	1,591	2,058	2,042	1,884	1,643
Associate Degrees Conferred	59	49	26	42	
Medgar Evers					
Total Headcount (Associate Programs)	3,396	3,248	2,835	2,651	2,902
Associate Degrees Conferred	124	112	149	193	
New York City Technical					
Total Headcount (Associate Programs)	9,563	10,039	9,904	9,809	9,349
Associate Degrees Conferred	1,146	1,264	1,212	1,160	
Staten Island					
Total Headcount (Associate Programs)	6,276	6,312	6,228	6,584	5,999
Associate Degrees Conferred	416	380	353	361	
Total Comprehensive					
Total Headcount (Associate Programs)	20,826	21,657	21,009	20,928	19,893
Associate Degrees Conferred	1,745	1,805	1,740	1,756	
BMCC					
Total Headcount (Associate Programs)	15,743	16,186	15,636	15,497	14,206
Associate Degrees Conferred	1,688	1,937	1,977	1,902	
Bronx Community					
Total Headcount (Associate Programs)	8,032	7,434	7,117	6,913	6,477
Associate Degrees Conferred	799	863	870	884	
Hostos					
Total Headcount (Associate Programs)	4,781	4,672	4,147	3,584	3,145
Associate Degrees Conferred	581	491	419	486	
Kingsborough Community					
Total Headcount (Associate Programs)	9,457	9,459	9,140	8,994	9,595
Associate Degrees Conferred	1,439	1,611	1,554	1,472	
LaGuardia					
Total Headcount (Associate Programs)	9,827	10,137	9,706	9,722	9,817
Associate Degrees Conferred	1,344	1,453	1,372	1,492	
Queensborough					
Total Headcount (Associate Programs)	9,476	9,316	8,905	9,008	8,873
Associate Degrees Conferred	1,018	1,145	1,063	1,137	
Total Community Colleges					
Total Headcount (Associate Programs)	57,316	57,204	54,651	53,718	52,113
Associate Degrees Conferred	6,869	7,500	7,255	7,373	
Total University					
Total Headcount (Associate Programs)	78,142	78,861	75,660	74,646	72,006
Associate Degrees Conferred	8,614	9,305	8,995	9,129	

¹ Fall headcount and degrees conferred over the referenced academic year are reported.

**Degree Completion Rates
CUNY Associate Programs
Total First-time, Full-time Freshmen**

	After 3 Years 1996 Cohort		After 4 Years 1995 Cohort		After 6 Years 1993 Cohort	
	Still Enrolled	Graduated	Still Enrolled	Graduated	Still Enrolled	Graduated
	%	%	%	%	%	%
John Jay	38.6	0.8	31.4	4.4	12.1	15.8
Medgar Evers	32.9	3.8	23.2	5.2	14.6	17.2
NYC Tech	32.8	9.0	20.9	19.8	7.7	26.4
Staten Island	45.6	2.9	36.2	8.3	10.0	25.1
BMCC	34.5	9.0	19.6	20.0	8.0	26.4
Bronx	34.3	8.4	21.3	13.7	6.9	22.6
Hostos	33.7	7.4	15.7	16.3	6.4	20.1
Kingsborough	26.6	20.6	16.0	28.2	6.7	32.1
LaGuardia	36.0	7.2	20.3	19.3	8.0	26.4
Queensborough	33.5	10.1	22.2	17.1	8.5	23.4
Total	34.3	9.1	21.6	17.5	8.1	25.4

ATTACHMENT B

THE FOLLOWING TEXT IS FROM PP. 38-39 OF THE JOHN JAY BULLETIN:

■ College Policy on Plagiarism

Plagiarism is the presentation of someone else's ideas, words, or artistic, scientific, or technical work as one's own creation. Using the ideas or work of another is permissible only when the original author is identified. Paraphrasing and summarizing, as well as direct quotations, require citations to the original source.

Plagiarism may be intentional or unintentional. *Lack of dishonest intent does not necessarily absolve a student of responsibility for plagiarism.*

It is the student's responsibility to recognize the difference between statements that are common knowledge (which do not require documentation) and restatements of the ideas of others. Paraphrase, summary, and direct quotation are acceptable forms of restatement, as long as the source is cited.

Students who are unsure how and when to provide documentation are advised to consult with their instructors. The Library has free guides designed to help students with problems of documentation.

■ College Policy on Cheating

Students are prohibited from using books, notes, and other reference materials during examinations except as specifically authorized by the instructor. Students may *not* copy other students' examination papers, have others take examinations for them, substitute examination booklets, submit papers written by others, or engage in other forms of academic dishonesty. An instructor who determines that such violation has occurred may follow the options stated below. Similarly, a student who has been penalized by an instructor has the same rights of appeal as in a situation involving an allegation of plagiarism.

● Resolving Allegations of Cheating and Plagiarism

Allegations of *cheating* should be referred to the Vice President for Student Development to be handled under the student Disciplinary Procedures in Article 15 of the Bylaws. Allegations of *plagiarism* should be referred to the Vice President for Student Development to determine whether the matter involves an academic question (i.e., because it is based on the expertise of scholars in the field) or a disciplinary matter (i.e., because it involves a factual question as to whether the student complied with rules of conduct). In the event that the Vice President determines that the matter is academic, the College's regular procedures in terms of grading and appeals should be followed. If the Vice President determines that the matter is disciplinary, the matter should be handled as a disciplinary violation under Article 15 of the Bylaws.

It should be stressed that issues of cheating and plagiarism cannot be treated as both "academic" and "disciplinary" at the same time because it raises the potential for inconsistent judgments.

■ Student Appeals in Questions of Academic Honesty

If a student has been penalized for cheating or plagiarizing, he or she has a right to appeal an *academic sanction* to the Judicial Committee. Appeals are made through the Vice President for Student Development. Generally, such appeals are filed on the issues of whether (a) plagiarism did in fact occur, and/or (b) the imposition of such sanction is grossly disproportionate to the offense involved. A presumption strongly favoring proportionality shall attach to the appeal and the burden of proof lies with the student. In the case of the imposition of *disciplinary sanctions*, the appropriate rules, regulations and bylaws of the Board of Trustees concerning student discipline are followed. Appeals regarding disciplinary sanctions imposed by the Judicial Committee can be made to the President of the College.



ATTACHMENT C

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

*The City University of New York
899 Tenth Avenue, New York, N.Y. 10019
(212) 237-8884*

Office of the Associate Provost

MEMORANDUM

TO: Ms. Patricia Maull
FROM: The Undergraduate Standards Committee
DATE: April 24, 2000
SUBJECT: Agenda Items for **the** College Council

The Undergraduate Standards Committee approved the two items below at its March 30th and April 17th meetings. Please forward this to the College Council as an agenda item.

Item 1

[Note: The following language about plagiarism is to replace any other language about the subject in The College Bulletin, the Faculty Handbook, and The Student Handbook. (The plagiarism policy in the current Bulletin is attached.)]

College Policy on Plagiarism

Plagiarism is the presentation of someone else's ideas, words, or artistic, scientific, or technical work as one's own creation. Using the ideas or work of another is permissible only when the original author is identified. Paraphrasing and summarizing, as well as direct quotations, require citations to the original source.

Plagiarism may be intentional or unintentional. ***Lack of dishonest intent does not necessarily absolve a student of responsibility for plagiarism.***

It is the student's responsibility to recognize the difference between statements that are common knowledge (which do not require documentation) and restatements of the ideas of others.

ATTACHMENT C (cont)

Paraphrasing, summarizing, and direct quotation are acceptable forms of restatement, as long as the source is cited.

Students who are unsure how and when to provide documentation are advised to consult with their instructors. The Library has free guides designed to help students with problems of documentation.

- College Policy on Cheating

Students are prohibited from using books, notes, and other reference materials during examinations except as specifically authorized by the instructor. Students may not copy other students' examination papers, have others take examinations for them, substitute examination booklets, submit papers written by others, or engage in other forms of academic dishonesty. An instructor who determines that such violation has occurred may follow the options stated below.

- Resolving Allegations of Cheating and Plagiarism

Allegations of cheating may be referred to the Vice President for Student Development to be handled under the Student Disciplinary Procedures in Article 15 of the Bylaws of the CUNY Board of Trustees, copies of which are available in the Library. Plagiarism may be either an academic infraction or a disciplinary infraction depending on the nature of the allegation. The key factor in determining whether an allegation of plagiarism should be treated as an academic or disciplinary matter is whether resolution of the issue involves primarily a question of fact or primarily a question of professional academic judgment (i.e., a judgment involving the professor's expertise, or a subjective evaluation of the student's work product or both). For example, whether a student did, in fact, plagiarize from another source frequently involves primarily a question of fact. In such circumstances, the matter may be referred to the Vice President for Student Development for the initiation of a disciplinary hearing.

However, the primary issue in a plagiarism case frequently is whether the ideas and/or language expressed by a student were original or were the ideas of another. In such cases, the matter is

more properly characterized as academic, for which the faculty member should award a grade appropriate to the circumstances.

Sometimes, whether a question of fact or an academic judgment is at issue is not clear. When a faculty member is not certain whether a particular case of plagiarism ought to be treated as a disciplinary infraction or an academic infraction, the faculty member should consult with the Vice President for Student Development. If the Vice President determines that the matter is disciplinary, the matter will be handled as a disciplinary violation under Article 15 of the Bylaws of the Board of Trustees. If it is determined that the matter is academic, the Vice President will refer the matter back to the faculty member, and the College's established procedures in terms of grading and appeals will be followed.

In some instances of plagiarism, a faculty member may wish to impose a grade reduction penalty to a student as well as seek the imposition of one of the penalties that may be authorized only by a disciplinary committee convened pursuant to Article 15 of the Bylaws, such as disciplinary probation, long term suspension, or exclusion. Where the faculty member refers a case to the Vice President for Student Development for referral to a Judicial Committee, the faculty member must hold the grade in abeyance until the Judicial Committee has determined whether the student is guilty or innocent of the charges. After the Judicial Committee has rendered its decision, a grade that is consistent with the findings of the committee may be awarded by the faculty member.