COUNCIL *of* UNIVERSITY
SYSTEM FACULTY

Chair's Report (CUSF)
December 2017

MEETINGS: With Thanksgiving and with the joint Council meeting on November 15th, the time frame between November and December meetings has been compressed. The Education Policy and Student Life (EPSL) Committee of the BOR met on November 14th and the AAAC (Provosts) met on December 1st at UB. The December Chancellor's Council was cancelled. In addition, there was a BOR Retreat on Wednesday November 29th. The following is a brief summary of those meetings.

BOR Education Policy and Student Life (November 14, 2017)

Chad Muntz discussed enrollment trends. With 175,000 students, UMUC has dominated growth. Coppin, FSU, and UMES are enrollment challenged. Between Towson, UMCP and UMUC, they impact the System the most. Ben Passmore reviewed the workload report and indicated that next year they should have a new format. Next, Joann Boughman discussed the progress with Title IX. She covered four topic areas. There is an issue on consistency regarding the standard of proof. On all campuses but one, the standard of proof is the "preponderance of proof." At UMCP, the standard is "clear and convincing." Nancy Shapiro provided an update on the Civic Engagement Workgroup. Last, Joann Boughman requested feedback from the group on the issue of academic integrity in preparation for the December panel discussion.

BOR Retreat (November 29, 2017)

The retreat was most informative and three of the more informative sessions include the following. First, C. Thomas McMillen, Chairman & CEO, of the Washington Capital Advisors spoke on *Intercollegiate Athletics Challenges and Benefits*. Dr. Donald Kettl spoke on the *Government Support Higher Education*. Actually, the primary focus of his presentation was on how at the state level Medicaid is crowding out funding of other state provided services including higher education. The third presenter, Doron Ezickson, Regional Director of the Anti-Defamation League, spoke on fermenting unrest on campuses by activist groups. He noted that campuses are targeted because they are open, symbolic of free speech, and full of impressionable students. The first two power points are attached as informational items to ExCom and Council Members.

AAAC (Provosts) Committee (December 1, 2017)

The following items were items discussed at the AAAC meeting on October 6th. The topics discussed give a good perspective of the current issues and I should note, many of these issue originated with CUSF.

Healthcare Taskforce – There are three taskforce groups: the Nursing Subcommittee, Interprofessional Education Subcommittee and the Simulation Facilities workgroups. The workgroups provided an informative update on their progress.

Faculty Workload – Ben Passmore presented a report on the current workload and the next steps in the evolution of the workload reporting.

FHLA and Parental Leave Policy – This was the provost version of the presentation presented to CUSF by the three members of the OAG. With the review the policy will return to the BOR for approval.

Faculty Promotion Salary – If faculty remember the salary enhancement table developed by CUSF in 2014, it proved useful in this discussion. Not much has changed. The provosts considered updating the table.

USM Accessible Technology and Information Guidelines – Don Spicer updated the group on the guidelines. Several activists trolling institutional websites found violations and filed complaints. The complaints are costly and time consuming.

Policies and Payments for Overloads and Adjuncts – There was a robust discussion regarding overloads and adjuncts.

COMMENTARIES: This month there are three commentaries. Two of them are on academic integrity and misconduct and one of them is on the ombudsperson resolution. The first commentary on academic integrity and misconduct was in the October Chair's Report. It concluded that cheating and plagiarism was pervasive and a problem. The second commentary was featured in the November Chair's Report. It included a potpourri of topics on academic dishonesty. This month there are two commentaries. The first is titled the *Academic Integrity and the Silent Conspiracy*. Its message is two fold. There is a need for a culture change involving students and faculty and the analytics may understate the problem. The second commentary is a blueprint for an action plan. It should be noted that these commentaries will help set the stage for the December panel discussion with the BOR.

Respectfully Submitted,
Robert B. Kauffman, Chair

Chair's Commentary 1712.1: Academic Integrity and the Silent Conspiracy

If no one reports the problem, can we conclude that there isn't a problem? If State troopers decide not to arrest speeders on the highway, can we conclude that fewer people are breaking the speed limit? If both faculty and administrators have incentives not to report plagiarism and cheating, can we conclude there is no problem here either? There may be a silent conspiracy between faculty and administrators to look the other way, to ignore the problem, and not to pursue plagiarism and cheating.

Let me start with a personal example that illustrates the silent conspiracy. It was a typical class with a typical multiple choice midterm. After the examination, I noted that a marginal student who was sitting in the next row slightly behind an "A" student had the same score on the examination. Both students scored an 88 or a B+. I inspected the two examinations further and both students had the same five incorrect answers. It was a prima facie case of cheating. Or in today's terminology, there was a "preponderance" of evidence suggesting cheating. I confronted the student. Of course, the student denied cheating.

I went to my department chair regarding the incident and what to do. I wanted to pursue the incident to its fullest including taking it to the judicial board. I believed the student should fail the course. He asked if I actually saw the student cheating. I replied that I didn't see his eyes focused on the other student's examination but that he was sitting in the ideal location to copy the answers. The implied message from the Chair was starting to become clear. It was to look the other way. It was to do nothing.

I went back and reexamined the two examinations. As indicated, both students had the same five incorrect answers. I did a further analysis. For the two students, two of the incorrect answers were changed answers. Both students erased the correct answer and changed it to the same incorrect answer. I did a further analysis where I performed a profile of all the students who had these two answers incorrect. Everyone else had different incorrect responses. The two students in question were the only students in the class who had the same incorrect answer for these questions. Both students had changed the correct answer to the incorrect answer. And no one else had changed the correct answer to an incorrect answer.

With this evidence in hand, the Chair made it clear to me that the incident was not worth pursuing through formal channels. There was more than a preponderance of evidence. After discussions with the student and Chair, it was decided that the student would retake the examination. There was no J-Board. Nor was there any further action. The student retook the exam.

For me, it was a lesson learned. Unfortunately, since then I have become a member of the silent conspiracy where the faculty and administrators have incentives not to pursue academic misconduct. There are numerous reasons cited in the literature why I am not alone. Some of these reasons include that it is not in the faculty's job description. Faculty are too busy with their normal duties to pursue cheating and plagiarism. The administrative structure makes it difficult to pursue. Faculty who report students will receive low student evaluations which can jeopardize their employment. Faculty want to focus their energies on the other students who don't cheat. Schneider (1999) notes that "*Preventing and punishing cheating languish at the bottom of most professors' 'do list*' – it they make the list at all."

Unfortunately, it is easier to look the other way or minimize the problem. My situation was like the State trooper who avoids giving speeding tickets and then the State concludes there isn't a speeding problem. What I learned from my incident is it is not unique in academia. It is played out numerous times in numerous settings. Collectively, our individual withdrawals from the problem understates the problem. The data is incorrect. We are like the State declaring that speeding on the highways is not a problem because the State troopers have decided not to pursue speeders and are not writing tickets. It is a silent conspiracy between faculty and administrators that understates the problem of academic misconduct.

My incident is echoed in the results of Kelly and Bonner (2005). They "*reported that instances of academic dishonesty rarely result in formal action against a student but instead are more often handled by the faculty member approaching the student involved on a one-on-one basis*." They note that their findings are consistent with other studies.

The following points are taken from Paul Trout's article *The Academic Creed in Theory and Practice*. His points suggest that my experience may not be isolated.

- "More and more professors regard cheating and plagiarism as trivial events not worth their valuable time to monitor or punish."

- 'To explain why they don't officially charge more students caught cheating, professors often cite the fact that administrators do not support them and often undercut their efforts: "Scholars claim

they're getting shafted by the system. Guilty verdicts are overturned. Administrators, fearful of lawsuits or bad publicity, back down when challenged by litigious students. Professors who push to penalize cheaters somehow find themselves tied to the whipping post'" (Schneider "Why" A9).

- "A study carried out by June Tangney found that less then 50 percent of faculty suspecting fraud in research of their colleagues did anything to verify their suspicions, let alone file a formal complaint. (Lewis 133)"

- "Fear of retaliation for reporting suspected wrongdoing is a key problem in the way that ethical problems are dealt with in universities. More than half of our student respondents believe that they could not report possible misconduct by a faculty member without retaliation, and 29 percent also would expect sanctions for reporting another student. (Swazey, A25)"

- "Faculty members are also concerned about the consequences of whistle blowing: Only 60 percent believe that they could report a graduate student and 35 percent that they could report a colleague with impunity. In our interviews, some faculty members and students told us that when they did confront or report someone they believed was engaging in ethically wrong or dubious research practices, their concerns often were ignored, they were penalized for their actions, or the incident was covered up (Swazey, A25)"

The purpose of this commentary is to suggest that there are informal incentives for both faculty and administration to look the other way and ignore the problem. We should not be surprised if the analytics understate the problem. If State troopers are writing less speeding tickets, we shouldn't be surprised that the State concludes that speeding on the highway is not a pervasive problem? The problem will be understated. If the faculty and administrators are looking the other way, we should not be surprised that the problem is understated. Even when the problem is handled discretely by the faculty member as noted by Kelly and Bonner (2005), the metrics used to gauge academic dishonesty will tend to understate the problem. This is why it is important to change the culture toward cheating and plagiarism.

Returning to my incident where the student was caught copying the answers on an examination. He retook the examination. As the reader might have guessed, he was given the exact same examination on which he got a B+. Retaking the examination, he failed it. Need more be said? Also, it was a lesson learned for the instructor. It was easier to overlook cheating and plagiarism than it was to pursue it.

References:

Kelly, K., and Bonner, K., (2005). Digital Text, Distance Education and Academic Dishonesty: Faculty and Administrator Perceptions and Responses, *JALN*, Volume 9, Issue 1, March 2005.

Lewis, M., (1997). *Poisoning The Ivy: The Seven Deadly Sins and Other Vices of Higher Education in America*. Armonk, NY: M. E. Sharpe. quoted in Trout, P., (1999).

Schneider, A., (1999). The Academic Path to Parish Status. Chronicle of Higher Education, 2, July. A12. quoted in Trout, P., (1999).

Swazey, J., Louis, K., and Anderson, M., (1994). The Ethical Training of Graduate Students Requires Serious and Continuing Attention. *Chronicle of Higher Education*. 9, March: A24-25. quoted in Trout, P., (1999).

Trout, P., (1999). *The Academic Creed in Theory and Practice*. http://mtprof.msun.edu/Fall1999/creed.html

Chair's Commentary 1712.2: Academic Integrity – A Blueprint

The activities surrounding academic misconduct in the digital age has been moving very quickly. It began with a commentary submitted as part of my October Chair's Report. The commentary was based on the findings from the CUSF Education Policy Committee. In writing my reports to the Chancellor's Council and BOR, I normally submit the commentaries as part of my reports. For the most part, the reports are informational and rarely is there a question from the Board when I present my report at the meeting. The October commentary peaked the interest of the Board and not only were there questions, but there was discussion. Picking up on the CUSF initiative, the AAAC (Provosts) have discussed the topic twice at their meetings as has the Ed Policy Committee of the Board. It should be noted that the discussion at the Ed Policy Committee meeting was primarily in preparation for a panel discussion at the December meeting of the Board of Regents. In addition, CUSF is having a panel discussion on the topic at its December meeting on December 14th.

Again, the topic has been moving quickly. Since the October commentary, there have been two other commentaries along with this one. The November and December commentaries have not yet been reviewed by the Board. [**Note:** *The commentaries are written to the CUSF Council members as part of the Chair's Report and reflect this perspective*.] The November commentary was included in my Chancellor's Report and to quote one president, "*It was scary*."

I would like to commend the CUSF Ed Policy Committee for bringing forth this issue. Also, I would like to thank them for most of the information upon which the commentaries were based. It was invaluable. Also, I would like to thank them for helping us to position this issue as a general issue facing all institutions. As I have been reminded on more than one occasion, CUSF has been the driving force behind this issue and CUSF's Ed Policy Committee has been the driving force within CUSF.

Although one purpose of this commentary is to provide a status report, its primary purpose is to suggest a blueprint for going forward. The issue has been well documented. The BOR will want suggestions on solutions. However, first a disclaimer. Events have been moving so quickly, that any suggestions made are subject to change. Think of these points as evolving or as a starting point in the discussion. Also, remember that CUSF is having a panel discussion on December 14th, a day prior to the BOR meeting. The points may change based on the input from that meeting. Again, events are moving quickly.

Overall, two goals are envisioned. The first is to review and revise the BOR policy: III-1.00 – POLICY ON FACULTY, STUDENT, AND INSTITUTIONAL RIGHTS AND RESPONSIBILITIES FOR ACADEMIC INTEGRITY. The review would seek to provide a "unified" position regarding the policy and practices across the campuses reflecting changes in academic misconduct in the digital age. The second is to "change the culture" within System where its students, faculty, staff, and administration are supportive of the policies, practices and structures promulgated. This is reflected in the unified approach below and one underlying theme is to develop consistency across the campuses. It is both a top down and bottom up approach. Specific suggestions include:

- **Involvement of the OAG** – There are several initiatives that the Office of the Attorney General (OAG) can facilitate. First, tests and open resource materials can be copyrighted. Copyright infringement can be pursued against the large companies with their data banks of tests and materials. Next, the OAG can render a legal opinion on revoking Pell grants, scholarships, and other funding sources for students who hire tutors as surrogates to take classes or students buying papers from paper mills. It may constitute fraudulent use of these funds and breach of contract.

- **Cyber-forensics**: Technology can play a role in the mix. There are the traditional tools including plagiarism detection or misuse detection programs such as Turnitin. "Web crawlers" can be used to track down cheater sites. Cyber-forensics can be used to track IP addresses which can reduce the use of tutors taking courses. These and other techniques should be reviewed by the OAG.

- **Outreach to Secondary Education**: The research shows that cheating and plagiarism begins in high school and before. System can extend the conversation to include secondary education as an active player in solving this problem.

- **Symposium on Academic Integrity**: The culture toward cheating and plagiarism needs to change. Awareness needs to be increased. In addition, an important focus of the symposium is to frame the program in terms of the policy review and in terms of developing consistent policies and practices across campuses. The Kirwan Center for Academic Excellence could host a symposium on this issue. A leading authority on the topic, Donald McCabe out of Rutgers University can be invited as a principle speaker.[**Note:** *His study was quoted in Potpourri Commentary*. **Update:** *Dr McCabe passed away in September*.] A range of topics from the Potpourri Commentary can be used as the starting point for the agenda.

- **Breakout Session for the Presidents**: A major part of the implementation will occur on the campuses. The campuses are diverse with different needs and delivery systems. One alternative is to have a breakout session for the presidents at the Symposium followed up with discussions at the Presidents Council. The provosts may be included in the breakout session also. The purpose is several fold. First, the symposium seeks to infuse new techniques and solutions regarding academic misconduct. Next, it is important for the presidents and their campuses to have a level of consistency in their policies and practices. Communication among them is important. Again, this discussion needs to be framed in review of the BOR policy.

- **Initiate Discussions on Campuses**: There are initiatives which can best be done at the System or Board levels. However, most of the implementation will occur on the campuses. Working with their constituent groups including faculty, students and staff, the presidents and provosts will initiate the conversation on their campuses. The emphasis is on developing "buy-in" by the constituent groups, on changing the culture, and on the implementation of strategies. Implementation of strategies includes the integration of technological solutions and other macro level strategies (e.g. copyright infringement), as well as on campus internal reporting and adjudication structures.

Chair's Commentary 1712.3: Ombudsperson Resolution Update

Joann Boughman, Senior Vice Chancellor of Academic Affairs and Student Life, provided a good update on the status of the joint Ombudsperson Resolution at the joint Council meetings in November. She noted that the Presidents had an extensive discussion at the President's Council which occurs prior to the Chancellor's Council.

She noted that there were some issues that needed to be addressed. There may be some differences between the recommendations and practices of the International Ombudsman Association and those legally acceptable in this country. It should be noted that the resolution has considerable latitude. It notes that "the plan be consistent with the recommended policies and practices of the International Ombudsman Association or a similar association." Also, there were some HR questions regarding duty to report and this issue is being reviewed by the Office of the Attorney General.

The key point of Joann's comments was the development of ombudsperson services are being incorporated within the fabric of the institutions. This is a good thing.

However, the primary focus of this commentary is to indicate what Council members and faculty can do to insure implementation of ombudsperson services on their campuses.

- The resolution requires the Presidents to work with their constituent groups, including shared governance, to develop a plan. It is incumbent on members to work with their Presidents to develop an implementation plan. Remember, several campuses already provide these services.

- An important role for faculty is in monitoring the implementation of the plan and the services. As a rule this is a campus function. However, there are two additional avenues of approach that can be used.

- The first approach is as follows. The Chancellor meets periodically with the Councils and Senate Chairs. An update on the progress is a legitimate topic for discussion.

- The second approach is as follows. In consultation with the faculty, the Senate Chair completes a survey on the state of shared governance on the individual campuses. A report on the progress of implementing the plan is a legitimate entry as part of the survey. From an administrative process standpoint, this is the appropriate process. As the direct supervisor of the presidents, the Chancellor will use this information as part of his yearly evaluation.