

P. Aarne Vesilind's Commentary on "Making the Grade"

Commentary On
Making the Grade

This interesting and rich scenario raises two primary issues:

1. Did Jihvraj and Brady use an appropriate procedure to punish the graduate student?
2. Did the graduate student deserve to be punished?

Any university that allows its faculty to impose sanctions on students for academic dishonesty without going through a judicial process is morally corrupt and legally on very dangerous ground. One of the hallmarks of our legal system and Western morality is that all people are to be treated equally unless there are justifiable reasons for doing otherwise. Ideally, a transgression by one is treated exactly like that of any other, regardless of wealth, race, status or any other irrelevant characteristic. When a university allows its faculty to decide on their own what penalties are to be imposed, it is saying in effect that it does not care that all students be treated equally and with justice.

Second, the university is in shaky legal territory when it allows individuals to impose sanctions. Any student who receives sanctions should be able to seek redress in a court of law. The student's legal argument would be that the sanctions imposed by professors are arbitrary. To show that they are not, the university would have to prove that similar transgressions resulted in similar sanctions, which they could not do because they would have no record of the results of academic irregularities. Legally speaking, the university would be placing itself and its professors in harm's way.

So the answer to the first question is that the procedure used by Jihvraj and Brady was not appropriate - not because the two professors did not want to do the right thing, but rather because their university failed them.

The second question is an interesting one. Should the graduate student deserve to

be punished at all if he honestly did not know that his behavior was inappropriate in the context of an American university?

Once again we must look to common law, that wonderful living legacy from England that still guides our jurisprudence. In common law, not only are all penalties to be just, but penalties are to be imposed for wrongs even if the perpetrator did not know that he or she was committing an unlawful act. If I drive along a highway at 60 m.p.h. and get pulled over for speeding in a 35 m.p.h. zone, I cannot plead that I did not know the speed limit. If the police can show me a speed limit sign that I should have seen, then my ignorance does not mitigate my wrongful act.

Plagiarism, and writing research papers based on others' work, are clearly a fuzzy area. What do we consider acceptable behavior, and what do we consider inappropriate? In this country, we agree that we can take a word, phrase, or even a paragraph from another publication and use it in our own work as long as we clearly indicate its source and original author. But suppose we change the rule to read that we could take whatever we wanted from another publication as long as we gave general credit in the bibliography at the conclusion of the paper. Would this strategy not be just as workable? Yes, it might lead to students copying entire papers or large chunks of papers and pasting them together, but the students' papers would then be judged on the basis of their ability to assimilate the works of several authors and to produce a seamless document that makes sense and presses a point of view. Students would want to do a lot of editing in tense, voice and vocabulary to produce such a paper, which are skills many professional editors value. Why, then, do American universities consider this behavior wrong? We must conclude that taking large sections of other works and synthesizing them into a cohesive document is not by itself an immoral activity. We are not breaking any moral rules by using such sections.

So the graduate student in our scenario might have been perfectly justified in arguing that he did not do anything immoral. The problem is, of course, that he was still going 60 m.p.h. in a 35 m.p.h. speed zone. He is enrolled in an American university, and he has had ample opportunity to learn the rules. If, as in this scenario, he has an M.D. and is a well-read and intelligent person, there should be no excuse for ignorance.

There is, of course, the question of the university's role in helping its graduate students (particularly graduate students from overseas) to understand the rules of academic conduct. Given the first part of this scenario, it might seem that this

particular university has failed to prevent such problems. If I were Jihvraj and Brady, I would definitely start looking for a new job.