Cheating is not new, so why focus on it now? First, it makes little difference whether students are cheating more often than in the past. Cheating is prevalent on our campuses, it undermines education, and it is widely agreed to be wrong. Second, we believe that if individuals learn to value academic integrity and honesty as students, they will continue to value integrity and honesty when they leave campus. We also believe there is a direct connection between the cheating on campus and other types of dishonesty that seem to permeate business, politics and other aspects of daily life.

In her recent article, “With So Many Pinocchios in Power, What’s a Kid to Think?” Professor Susan Tifft questions the effectiveness of college honor codes in a world in which students see “successful grown-ups getting ahead by playing fast and loose with the truth.” Her insightful article points out the problems inherent in honor codes and other systems of academic integrity that are based on asking students to commit to a culture of academic honesty although they live in a larger world that is not based on a culture of honesty.

This paper will look at cheating and dishonest conduct in three contexts. We begin with a discussion of student cheating, academic integrity policies and student honor codes. Next, we examine issues of academic integrity in a larger campus context.

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2 Los Angeles Times, p B17 (June 20, 2003).
that includes faculty conflicts of interest and scientific misconduct. Finally, we review the recent corporate ethics scandals and the perceptions they have created about the role of cheating in our society. Our purpose is to consider student conduct in the larger academic and social context.

**STUDENT ACADEMIC INTEGRITY**

Whether directly or instinctively, many of us believe James Rest, Lawrence Kohlberg and others who concluded that young adults experience developmental changes that will affect their moral perception, judgments and, as a result, behavior throughout their lives. Education can greatly influence the nature and outcome of this development. Colleges and universities have an opportunity to provide an educational experience, i.e., to help students learn to become honest, that could have an impact far beyond campus and for many years after current students graduate.

Technology has made cheating easier. Cell phones, laptops, the internet and micro-technology allow students to access test answers, copy papers, exchange information, and disguise their identity in means that are increasingly difficult to detect. Although we spend considerable time developing methods to prevent and detect cheating, it will become more difficult to do so unless students choose not to cheat.

**Why Do Students Cheat?**

In “Academic Integrity and Student Development: Legal Issues and Policy Perspectives,” Kibler, Nuss, Paterson and Pavela describe a variety of reasons for cheating. They cite research by Levine and Astin comparing periods of community ascendancy to periods of individual ascendancy. “Community ascendancy is characterized by a future orientation, asceticism, concern for responsibility and a duty to others. In contrast, individual ascendancy is characterized by a present orientation, hedonism, a concern for rights and a duty to self.” The book highlights the traits of individual ascendancy that were apparent at the time (1988), citing the well-known UCLA Higher Education Research Institute study of first-time full-time entering freshman, including the future goal of “being well-off financially” supported by 71% of students.

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respondents, a goal associated with individual ascendancy.\textsuperscript{4} In the 2001 study, that number was 73.6%.\textsuperscript{5} Interestingly, the 2001 study also reports record levels of participation in volunteer activities and expressions of concerns for others, activities associated with community ascendancy.\textsuperscript{6}

Kibler, Nuss, Paterson and Pavela, referring to work by Gehring, Nuss and Pavela,\textsuperscript{7} list other factors that lead to academic dishonesty, including:

\begin{itemize}
  \item Lack of understanding of academic standards;
  \item Lack of relevancy of academic learning to career goals;
  \item Increased competition for certain disciplines, graduate and professional schools;
  \item Lack of proper measures to prevent cheating; and
  \item Lack of adequate sanctions.\textsuperscript{8}
\end{itemize}

In McCabe’s 2001 study of 25 high schools, students most frequently cited their own laziness and failure to prepare as the primary reason for cheating (32%), followed closely by the desire to pass or get good grades (29%).\textsuperscript{9} In a recent article on academic dishonesty in the student-run Oregon Daily Emerald, Georgeanne Cooper, Director of the University of Oregon Teaching Effectiveness Program, identified two additional factors that motivate students to cheat.\textsuperscript{10} Cooper suggests some cheat just to see if they can get away with it and that others cheat to give themselves an illusion of self-worth and avoid the shame of failure.

How Can Colleges and Universities Reduce Cheating and Educate Students About Ethical Issues?

As educational institutions, we should be educating our students in preparation for their lives after graduation. Undergraduates, who are often in their late teens and

\textsuperscript{4} Id. pp 7 – 18.
\textsuperscript{5} Trounson, Rebecca \textit{UCLA Survey Finds Highest Percentage of Politically Liberal Students “since early ’70s,”} LA Times Education Writer (January 28, 2002) \url{http://latimes.com/news/printedition/front/la-012802frosh.story}.
\textsuperscript{6} Id.
\textsuperscript{7} Gehring, D., Nuss, E. M., and Pavela, G., \textit{Issues and Perspectives on Academic Integrity} (Columbus, OH. NASPA, Inc. 1986).
\textsuperscript{8} Id. pp 4 – 5.
\textsuperscript{9} McCabe, Donald, cited in \textit{Academic Integrity – A Research Update}, supra at slide 11.
twenties, are developing the ability to make moral judgments that will greatly affect, if not determine, their behavior throughout the rest of their lives. At the same time, many students are developing the ability to see the effects of their own behavior in a larger societal context. As a result, they come to see cheating as more than a personal decision; they can see how cheating affects others. As one student said, “When someone else cheats, [students who have no tolerance for cheating] feel cheated because they’ve put in the work and someone else didn’t but received the same grade.” Students begin to understand that cheating also affects how faculty members interact with students; faculty members who observe students cheating are likely to treat students, even ones who have never cheated, with less respect.

Colleges and universities can create an environment more supportive of academic integrity if they: create a community standard of academic integrity; identify the roles and responsibilities of members of the academic community; and adopt and enforce a code that is clear, fair and that contains reasonable sanctions for violations. Each of these elements is explained in more detail below.

Create a community standard of academic integrity. With the increasing pluralism of our nation, as reflected in our colleges and universities, we cannot assume that we share values inherent in any one religion or culture. Technological changes and changes in our role in the world have led many to question if some of the values we shared in the past, such as patriotism and work, retain their common value. We express honesty as a shared value even though, as Susan Tifft has noted, our behavior often does not support our assertion.

Shared values must be expressed frequently and widely throughout the community. One way to express shared values is to adopt them formally. Researchers have noted colleges and universities with honor codes for academic integrity have less

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cheating than those without codes. In 1995, when McCabe and Treviño surveyed 4100 students at 31 colleges or universities, 54% of the students on campuses with honor codes admitted to serious cheating, while 71% of their peers on campuses without honor codes made a similar report. Honor codes also affected recidivism; 7% of students at campuses with honor codes, compared with 17% of students at college or universities without honor codes, admitted repeated cheating. In a subsequent study that surveyed private colleges and universities with honor codes, large public universities with modified honor codes and colleges and universities without honor codes, 23% students from campuses with honor codes, 33% with modified honor codes and 45% with no honor codes admitted cheating on tests. Students reported similar behavior on written work (45%, 50%, 56% respectively cheating) and any type of serious cheating (53%, 58%, and 68%).

Identify the roles and responsibilities of members of the academic community.

Administrators, faculty members and students each need to accept responsibility for creating a climate of academic integrity on campus.

Administrators. Administrators have the resources to communicate shared values and to initiate the means by which codes, governance and atmosphere support this as a value. That begins at the top. Presidential influence goes beyond campus boundaries to local and national communities. But, if higher education is to play a leadership role in re-establishing honesty as a shared national value, educational administrators must initiate, support and encourage efforts on our own campuses first. When the president identifies a priority or a goal, faculty members, other administrators and students take notice.

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14 McCabe and Pavela describe typical characteristics of honor code schools as using written pledges by students about academic integrity, strong student involvement in the enforcement system, required reporting of any academic dishonesty and use of unproctored exams. Id. at 34. Also, many honor code schools require severe sanctions even against first-time violators. McCabe and Pavela define modified honor code schools retaining strong student involvement but not requiring student pledges, unproctored exams or required reporting. Id. at 34.

15 Id. at 34-35.
Administrators must make certain that codes are in place that communicate academic integrity as a campus value and define it clearly and that procedures are in place to enforce the codes fairly so that students and faculty will report cheating.

As administrators, we also must understand and try to respond to the underlying reasons students cheat. For example, we must teach students how to deal with the pressures of academic life without resorting to dishonesty. We must develop academic and other programs to teach the skills necessary to exercise moral judgment, moral decision-making and moral behavior. Our focus must be on truly shared values like honesty, not values that tend to exclude members of our diverse society based on religion, race, gender, sexual orientation or ethnic background. We must make clear that honesty is an important shared value in the academic community and needs to be in the community at-large.

Administrators also have a role in providing faculty members and graduate students who teach the information, training and support they need to fulfill their own responsibilities to prevent and to respond to cheating. That can include clear definitions of expectations, prevention strategies and information on protocols to follow when they suspect a student of cheating. We should provide information about the honor code and campus disciplinary procedures. When faculty members and graduate students who teach report cheating, administrators should offer moral as well as procedural and legal support.

Finally, as administrators, we must make certain our own behavior exemplifies the kind of honesty we expect of our students. Stories of doctored recruiting photographs, embezzlement, excess spending and other types of dishonesty by academic administrators allow students to rationalize their own behavior as no different from those they see in positions of academic leadership.

Faculty. Faculty and graduate students who teach also have an important role. Their actions can prevent cheating, and they must report cheating when it occurs. Past research demonstrates that many faculty members take little or no action when they discover their students cheating.\textsuperscript{16} In the 2001/2002 McCabe Assessment survey, only

30% of faculty reported they had referred a student who cheated to the appropriate authority and 32% reported they had done nothing. However, if academic integrity is a shared value, all members of the community must be actively involved in actions to support it.

Kibler, Nuss, Paterson and Pavela describe a number of steps faculty members can take to encourage academic integrity. These include:

- Classroom atmosphere
  - Expect honesty but do not have an unrealistically high expectation of it and respond when it does not occur.
  - Present expectations early and clearly orally and in the syllabus, including penalties for failure to meet expectations. Remind students of these expectations when discussing assignments, papers and tests.
  - Treat students fairly and respectfully. Have reasonable academic expectations. Do not assign work that is trivial.

- Testing
  - Reduce unnecessary anxiety, e.g., avoid using a single test that has a significant impact on the final grade, provide information about tests, especially any that greatly affect the final grade.
  - Use tests that make cheating more difficult, such as tests that call for essay answers instead of multiple-choice tests. If that is not possible, do not use the same test more than once and use different forms of the same test.
  - Use proper security precautions before a test is given to prevent students from gaining access to the test or test questions.
  - Use formats that make it difficult for students to see other students’ answers.
  - Consider seating assignments or other seating requirements to make cheating difficult.
  - Keep completed exams secure.

17 McCabe, Donald, cited in Academic Integrity – A Research Update, supra at slide 34.
18 Kibler, W., Nuss, E., Paterson, B. and Pavela, G. supra at pp 23 – 35.
• Plagiarism
  o Provide information or resources about attribution and acceptable use of others’ materials.
  o Limit paper topics
  o Have students turn in tentative bibliographies at a time when they should be conducting research and outlines when they should be writing. (This both helps prevent students from using prepared papers and helps students avoid procrastinating.)
  o Accept only originals, no photocopies and require students to submit drafts and notes.
  o Keep papers on file.
• Projects and assignments
  o Tell students what type and extent of collaboration is expected or allowed.
  o If collaboration is allowed, have students submit a brief description of their joint effort, including those with whom they collaborated.
• If cheating is suspected
  o Do not ignore it.
  o Follow established campus procedures rather than taking independent actions.
  o Treat all students similarly.

Students. Students themselves have the most important role in preventing cheating. Students must accept the code and participate in its enforcement. Students do not expect that typical students report other students’ cheating. In the 2001/2002 McCabe Assessment Survey 35% of respondents at campuses with honor codes, 19% at campuses with modified honor codes, 13% at campuses with no honor codes expected typical students would report cheating. The numbers of students who report cheating are even lower (14% actually reported other students’ cheating at campuses with honor codes, 13% at campuses with modified honor codes, 10% at campuses with no honor codes). Students excused their failure to report as “not my concern/responsibility,” “don’t want to be a rat,” “don’t want to get involved,” “friend,” and

19 McCabe, Donald, cited in Academic Integrity – A Research Update, supra at slide 31.
“lack of proof.” However, students at campuses with honor codes or modified honor codes were much less likely to offer “not my concern/responsibility” as an excuse than students at campuses without an honor code (14% and 16%, compared to 27%).\textsuperscript{20}

Honor codes only succeed if students support them. Student participation in setting policy, writing codes and enforcing them is key in gaining student support.\textsuperscript{21} Student participation also relieves faculty members of a burden they do not want and demonstrates to faculty members that students share their concerns about academic integrity.\textsuperscript{22} By involving students in handling honor code violations, colleges and universities gain the insights and perspectives of those who understand student life best. Student conduct outcomes that are based on substantial student involvement have a greater impact because peer input carries weight with most students and students know how to communicate most effectively with their peers. Students also can play an important role in educating other students about academic integrity, the code and the process for handling code violations.

That is not to say faculty should be excluded. They can play an important part without assuming all or most of the responsibility. In addition to the role faculty can play in preventing and detecting academic dishonesty, they can provide invaluable information and perspective in collaboration with students. At the same time, faculty members can help their colleagues have confidence in the process.

\textit{Adopt and enforce a code that is clear, fair and contains reasonable sanctions for violations.} Students and faculty will support use of an honor code only if they perceive that it is fair and students are treated fairly in its enforcement. Of course, an honor code that imposes sanctions against students must also meet certain legal standards for fairness: it must be fair in providing clear direction of what is allowed and what is not; it must also be enforced using procedures that provide students a chance to respond to allegations of violations; and sanctions must be appropriate and imposed on an even-handed basis.

\textsuperscript{20} Id. at slide 32.
\textsuperscript{21} McCabe and Pavela, \textit{supra} at p 36. McCabe, Donald, cited in \textit{Academic Integrity – A Research Update}, \textit{supra} at slide 50.
The Code. An honor code containing clear statements of acceptable and unacceptable behavior will be perceived as “fair” by the courts and in the eyes of students and faculty members. Developing the definitions and statements helps create a shared value among students, faculty and administration participants. Such statements also serve to educate students about copying, plagiarism and other types of academic dishonesty that may be only words to some students, especially as they apply to use of materials from the Internet and proper attribution.

Students responding to the McCabe 2001/2002 Assessment Survey did not consider the following behaviors cheating: working on assignments with others when told not to (71%), copying a few sentences without citation (57%), turning in work done by parents (53%) and getting a question or answer from someone who has already taken the test or exam (50%).

The Procedures. From a legal view, students at public colleges and universities have certain rights to continued enrollment that can only be denied after a fair consideration of the circumstances. In contrast, private colleges and universities have much greater latitude in determining the basis for imposing sanctions whether or not a sanction affects a student’s enrollment. However, once private colleges and universities adopt standards and procedures, they are bound to follow them.

Public colleges and universities are given greater latitude to impose sanctions for academic matters than for disciplinary matters. As the U.S. Supreme Court stated in Board of Curators of the University of Missouri v. Horowitz, “Since the issue first arose [75] years ago, state and lower federal courts have recognized that there are distinct differences between decisions to suspend or dismiss a student for disciplinary purposes and similar actions taken for academic reasons. ‘Misconduct is a very different matter from failure to attain a standard of excellence in studies.’ [citing Barnard v. Inhabitants of Shelburne].” Courts may act as if the distinction is clear, but it is not.

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McCabe, Donald, cited in Academic Integrity – A Research Update, supra, at slide 12.


216 Mass. 19 at 22-23, 102 N.E. 1095 (1913) at 1097.
Courts generally view cheating and other forms of academic dishonesty as student conduct matters.\textsuperscript{27} This distinction is important if a faculty member, believing that cheating is an academic matter, chooses to respond without following institution procedures. Faculty members who view academic integrity conduct procedures as cumbersome or ineffectual are more likely to act on their own than to use institution procedures. Faculty at colleges and universities with honor codes have more faith in the institution system and are more likely to perceive them as fair and effective, as a result, faculty are less likely to handle cheating on their own in an \textit{ad hoc} manner.\textsuperscript{28} Courts are much less likely to intercede in academic integrity procedures when sanctions are imposed following established procedures.

Even though more stringent, standards applied to student misconduct are not onerous or difficult. Students charged with misconduct must be given notice of the charges against them and a chance to respond in a meaningful way. The description of the charges must be detailed enough to explain the violation and allow the students charged to provide information to refute the charges. Students charged must be informed of evidence that will be considered in determining if a violation occurred and provided an opportunity to submit evidence or other information they believe decision-makers should consider before deciding if a violation occurred and what sanction to impose. Courts have not established a standard for determining how detailed the description of the evidence must be. Beyond the requiring this notice and an opportunity to respond,\textsuperscript{29} courts rarely impose additional procedural requirements, e.g., the right to cross-examine witnesses\textsuperscript{30} or to be represented by counsel.

Regardless of the type of procedures to be adopted, students and faculty should be involved in their development. Faculty and students who favor a more court-like

\textsuperscript{27} See, e.g. \textit{University of Texas Medical School at Houston v. Than}, 901.S.W.2d 926 at 930 - 931(Tex. 1995). But, see, \textit{Corso v. Creighton University}, 731 F.2d 529 (8th Cir. 1984) (cheating and lying about cheating was academic but university’s own procedures required it to be handled like a disciplinary matter because of the seriousness of the potential penalty) and \textit{Napolitano v. the Trustees of Princeton University}, 186 N.J. Super. 548, 453 A.2d 263 (Sup.Ct.N.J., App. Div. 1982) (plagiarism was a type of academic fraud and need not be handled as general misconduct).

\textsuperscript{28} McCabe, Butterfield and Treviño \textit{supra} at pp 376 – 380.


model should be reminded that the complexity of such a system often forces students to hire counsel, leads to delays and makes faculty, students and administrators less likely to want to use and participate in the process because of the time commitment. More process does not result in a fairer process, only a more complex one.

The Sanctions. Finally, sanctions imposed must be fair. They may be educational, punitive or both. Sanctions serve to educate the student who has violated the code and as a deterrent to other students who might consider cheating. Further, sanctions demonstrate that the academic integrity is more than just an aspiration.

Courts rarely object to sanctions if the procedures followed were fair and the sanctions are appropriate to the violation. In contrast, faculty members and students will not report cheating if they do not perceive the sanctions are fair and appropriate. For example, Duke University had an honor code which it had implemented in 1993. In 2002, Duke added a new community standard for academic integrity. Under the “community standard” faculty members may discipline first-time offenders without referring them to the disciplinary council. Prior to adoption of the community standard, faculty members were reluctant to report cheating because they perceived the sanctions imposed were too severe. Previously, even first-time offenders received a failing grade and a two-semester suspension. Now, faculty can implement something less for first-time offenders but must report the offense to the dean. Second offenses are now referred to the disciplinary board, which can implement a range of sanctions including probation.31

Some colleges and universities use a special grade that indicates lack of credit as a result of academic dishonesty. But that, too, may be considered too harsh a penalty on some campuses. Regardless of the sanctions used, it is key that they be accepted as fair and that they convey a message that academic dishonesty is an important shared value.

Most would agree that the only way to create a campus climate that supports and encourages integrity is for the members of the campus community to integrate the best and highest values of honesty and integrity. Certainly, student cheating and academic dishonesty can be addressed.

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dishonesty is the result of poor individual choices, but it also occurs in a larger context. Students are not the only ones who cheat. Instances of dishonesty can be found on campus and in all aspects of society. Fraud and conflict of interest occur in academic environments that put increasing pressure on faculty to support themselves, their labs and students with outside grant funding and entrepreneurial activities. These activities can lead to instances of dishonest conduct by faculty, as shown in the next section. Although these lapses of integrity are not as widely reported as the corporate scandals discussed in the last section, they too create a climate in which students see those in a position of authority and relative power compromise integrity to achieve another goal.

**FACULTY CONFLICTS OF INTEREST AND SCIENTIFIC MISCONDUCT**

The previous section described the academic policies and honor codes that govern student behavior. This section will focus on two types of policies that govern the integrity of faculty conduct: conflict of interest policies and policies governing scientific misconduct. Perceptions of faculty conflict of interest and allegations of scientific misconduct serve to reinforce the idea that, even on campus, the ends justify the means.

**Faculty Conflicts of Interest**

Conflicts of interest may arise in a variety of contexts. Many campuses have policies that regulate conflict of interest in the procurement realm, to limit or regulate the way in which employees (and companies in which employees hold an interest) conduct business with the university. Typically these policies apply to all employees.

Two other types of conflict of interest policies apply primarily to faculty and other researchers and will be discussed in more detail here because they parallel student academic integrity and corporate ethics issues. These policies promote objectivity in research and regulate faculty start-up companies. They have received increased attention recently because of allegations (or fears) that faculty have failed to disclose a potential bias in research or that faculty who start a company using university resources may gain by using university resources inappropriately. These are further examples of the extent to which the academic culture may be perceived as less than honest.
The National Institutes of Health and the Public Health Service have promulgated federal regulations to address the potential for conflict of interest in federally funded research. The purpose of these regulations is to promote “objectivity in research by establishing standards to ensure there is no reasonable expectation that the design, conduct, or reporting of research funded under PHS grants or cooperative agreements will be biased by any conflicting financial interest of an Investigator.” 32

Like many state conflict of interest laws, the underlying goal of these regulations is to build confidence in research (and research results) by managing potential conflicts of interest. The federal regulations require researchers to disclose certain potential conflicts at the outset so that, if appropriate, the conflicts can be managed.

Federal agencies charged with promoting objectivity in research have not been confident that colleges and universities are taking sufficient steps to address actual and perceived conflicts. For example, NIH conducted a survey of 300 colleges and universities to evaluate their implementation of the regulations. It looked at public and private academic institutions, public and private research institutions, hospitals, and large and small for-profit organizations. One regulation requires that each institution applying for PHS grants and cooperative agreements for research must maintain a written, enforced policy on conflict of interest that complies with certain statutory requirements. For example, in reviewing institutional policies, it found that:

- 68% of responding institutions did not indicate (as the regulation requires) that if an investigator has biased the research, the institution would promptly notify the awarding component of corrective action taken or to be taken; and
- 87% did not state that if HHS determines that a PHS-funded project to evaluate a drug, medical device or treatment was conducted by an investigator with a conflict of interest that was not disclosed or managed, then the investigators would be required to disclose the conflict in each public presentation of the results of the research. 33

Faculty research is so dependant on external funding that often the perception, on and off campus, is that faculty have little independence from their private research.

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32 42 CFR Part 50, Subpart F.
sponsors. These sponsors greatly influence the research questions that are studied. The bigger fear is that they also influence the results that are reported.

Faculty owned companies present special conflict of interest problems for higher education. Universities are searching for opportunities to license campus inventions and discoveries. University created intellectual property, however, is usually early stage technology that is not ready for commercialization by companies in the existing market. Faculty owned companies can fill this niche by developing the embryonic technology to a marketable form.

Many institutions have sought to provide support to these companies, through advantageous licenses of the university owned technology to the start-up company. In addition, some permit limited use of institutional facilities to assist in developing the technology. The university may generate revenue through the license fees and may also hold equity in the company.

Despite these benefits, often these ventures present the appearance of a conflict of interest, because it is often the principal researcher who holds an interest in the company. It may be difficult to ensure that this university employee is acting in the best interest of the university and the research, rather than in the interest of the private company from which he or she may stand to make more money. Usually the institutional policies are concerned with monitoring the extent to which university resources, such as equipment and personnel, are being used by private companies created by faculty and others to exploit university created technology. Like student cheating, however, many cases appear to involve wrongdoing or an apparent conflict, but actual policy violations are not always easy to prove.

Scientific Misconduct

The faculty policies that most closely parallel student academic integrity policies are scientific misconduct policies. Although institutional policies take many forms, many are guided by the model policy and procedures set forth by the Office of Research Integrity (ORI), under the U.S. Department of Health and Human Services.34 The ORI

model policy defines scientific misconduct as: “fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.”

Recent media reports of scientific misconduct further color the perception that academic research is too often a means to an end rather than a noble truth-seeking enterprise. For example, various administrators at the University of Connecticut were accused of improper accounting practices and artificially manipulated scientific data. The president of Hamilton College resigned, apologizing for numerous instances of plagiarized material in his speeches. A faculty member at Texas A&M was accused of “flagrant and serious scientific misconduct.” The head of the Classics Department at SUNY Albany was removed as chair following allegations of plagiarism. A Tulane researcher admitted to having falsified research results. A history professor at the U.S. Naval Academy was accused of plagiarism. Trinity International University dismissed the dean of its law school over allegations that the dean had engaged in plagiarism in a law review article. A nuclear physicist at the Lawrence Berkeley National Laboratory was accused of falsifying data.

These cases illustrate that faculty and researchers feel pressure to get results and are not immune from the temptation to engage in unethical practices to succeed. In his article, The Impact of Ethics on Research, Frederick Grinnel describes the efforts of the scientific community to address scientific misconduct. He discusses the apprenticeship model that is dominant in many labs to encourage mentors in the labs to

35 42 C.F.R. 50, 102.
36 Schmidt, P., Reports allege Misconduct at UConn, Chronicle of Higher Education (9/19/2003).
43 Monastersky, R., Atomic Lies: How One Physicist may have Cheated in the Race to find New Elements, Chronicle of Higher Education (8/16/2002).
exemplify values of integrity. Mirroring the discussion of student choices in the previous section, he encourages institutional self-assessments that ask “individual investigators what kinds of things they do in their research groups to encourage integrity.”

Unfortunately, the campus environment appears to be subject to the same vices that tempt corporate executives and others in the larger society. Each instance of cheating and dishonesty, however, represents an individual choice.

CORPORATE ETHICS SCANDALS

The news in the past few years has been full of examples of the myriad ways in which current political and corporate climates in the United States fall short of the ideal of honesty. They report a mounting body of evidence that appears to show that successful corporations and executives achieve and maintain their success through unethical behavior: the ends justify the means and the goal is not to get caught.

Another way in which honesty is devalued is political pressure and a social environment that thwarts meaningful discourse into controversial issues of national importance. Any challenge to the status quo is suspect and is characterized as unpatriotic or subversive. Even truthful or sincere statements are discouraged if they do not support the dominant view.

This section will discuss some recent examples of each of these categories of cultural dishonesty: the willingness to look the other way in the face of corporate wrongdoing and the unwillingness to consider critical discourse. These examples are intended to create a context for the ongoing discussion of student expectations, both those they impose on themselves and those that colleges and universities impose upon them.

Corporate Ethics

We are all familiar with media reports of corporate scandal, they have become routine. Often a successful company is exposed for having engaged in unethical practices, and the CEO and other executives are forced to resign or face charges in connection with their role in the wrongdoing or their apparent lack of supervision and control. More often than not, these companies and executives enjoyed extremely high

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45 Id.
levels of reward and compensation prior to their fall. Here are a few well-known examples:

• Enron, an energy trading firm, collapsed. Its complicated corporate structure allowed executives to shift and hide debt and corporate losses to misrepresent the status of the company to shareholders. Former Enron executives have been convicted of money laundering, wire fraud, securities fraud and conspiracy.

• Arthur Anderson was found culpable in the Enron investigation. Arthur Anderson was alleged to have destroyed documents relevant to the investigation in its role as auditor for Enron. In addition to a felony conviction for the firm, legislative efforts have been underway to address the potential for conflict of interest in accounting firms that perform audits and provide consulting services for their clients.

• Global Crossing, a telecommunications firm, was alleged to have inflated earnings to defraud shareholders. Suits have been filed against corporate executives and the firm.

• The ImClone Systems CEO admitted to insider trading by giving tips to family (and allegedly also to Martha Stewart) to sell their stock immediately before an expected announcement came from FDA denying an application for a new drug. The CEO reportedly ordered paper shredders for the company’s executive offices the day before corporate documents were requested in the investigation.

• Tyco International executive officers have been charged with tax evasion, evidence tampering, and financial wrongdoing.

• WorldCom, a provider of long distance and data services, was alleged to have committed accounting fraud to inflate the company’s apparent worth.

• Adelphia Communications, a large cable television provider filed for bankruptcy and is under federal investigation. The founders have been charged with defrauding investors and misuse of corporate funds.

Each of these examples became news as a result of the public exposure of the underlying fraud or wrongdoing. These stories do not combine, however, to say that cheaters never prosper. Instead, they create the image of a nationally corrupt corporate structure in which all large corporations and their executives are on the take. In fact, cheaters appear to prosper very well, at least until they get caught. At that point, they
have the benefit of their accumulated wealth to hire aggressive legal counsel to defend them. Getting caught appears in some cases to be no more than the cost of doing business.

Similar examples abound in news reports regarding scandal in the Catholic church, television reality shows premised entirely on deceit, and politicians exposed for lying and fraudulent activities. The news from all public sectors reinforces the perception that many, if not most, successful people engage in dishonest behavior.

**Political Correctness, Censorship, or Patriotism?**

The final example of dishonesty in our culture is perhaps more subtle. Our students have come of age in a political climate that does not exalt honesty as a core value. They are surrounded with examples in which, for political or social reasons, the truth is suppressed, withheld or not expressed. These are not the cases of outright lying and fraud that were discussed in the previous section. Instead, this is a more insidious form of dishonesty in which truthful or honest views and opinions are withheld or discouraged on the pretense of perpetuating a perceived higher value such as security or patriotism. These examples further support the argument that the larger world of student experience is not one that values honesty in a fundamental way. Instead, honesty is treated as somewhat important, but as something that can be readily sacrificed or censored for a perceived greater good.

Censorship can take many forms. The most extreme examples include government prior restraint or prohibitions against certain speech. At the other end of the spectrum is self-censorship, in which an individual chooses not to express certain sincerely held viewpoints that are perceived to be controversial for fear of the possible repercussions. A related form of censorship is group shunning in which a group responds to controversial speech by shunning or other social responses designed not only to express disagreement but also to discourage any further expression of the viewpoint.

Days after the terrorist attacks of 9/11, and in response to President Bush’s reference to the terrorists as cowards, comedian Bill Mahr responded by saying:

We have been the cowards, lobbing cruise missiles from 2,000 miles away. That’s cowardly. Staying in the airplane when it hits the building -- say what you want about it, it's not cowardly.
ABC immediately cancelled Politically Incorrect, the successful talk show that Mahr had been hosting. When Mahr made this comment, the country was still in shock over the tragedies associated with the terrorist attacks. Many found the comment to be untimely or in poor taste, but the public response went further. The public response said more than simply that the public did not agree with the remarks of a late night comedian. The response said this speech is unacceptable and will not be tolerated. Many interpreted the public response to be just one of many instances intended to communicate that no challenge to the government would be tolerated. Sometimes this position was couched in the explanation that during a time of national crisis, it is essential to present a united front to our collective enemy and that expressing any question regarding the judgment of the President suggested a lack of cohesion that would increase our national vulnerability.

This “ends justify the means” approach bases a serious intrusion into free and honest expression by playing the ultimate trump cards, patriotism and national security. Similar examples can be found in the implementation and related discussions regarding the USA PATRIOT Act.

The drafters of the USA PATRIOT Act reinforced their message by using a very awkward title to get to the desired acronym. The complete title of the Act is “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.” The Act was passed six weeks after the 9/11 terrorist attacks. It contains a number of controversial provisions, including provisions designed to increase government and law enforcement surveillance. Some of these provisions had failed to receive Congressional support prior to 9/11, but passed under the guise of patriotism. In fact, it appears to be unpatriotic on its face to question something called the USA PATRIOT Act.

The national debate surrounding Section 215 of the Act highlights the issue of honesty. This section permits seizure of business records and other tangible items, including computer systems, if the seizure is in furtherance of “an investigation to protect against international terrorism or clandestine intelligence activities.” Booksellers and librarians expressed concern that this broad provision could be used to permit
seizure of library lending records and information about book purchases as a means of intelligence gathering. In addition to the broad definition of business records and the lack of independent judicial oversight required to obtain an order, the ACLU and others have objected to the provision of the act that prohibits disclosing the existence of a surveillance order. Sometimes called the “gag-order” provision, the Act prohibits anyone served with an order from disclosing to anyone that such an order has been served. Those that are troubled by this are concerned that the inability to determine how these orders are in fact used will make it impossible to determine whether this power is being abused.

The American Library Association entered a public debate with Attorney General John Ashcroft regarding this provision. They voiced their objection to the “gag-order” aspect of the law. They also asked the Attorney General to disclose how many such orders had been issued under this provision (without revealing the circumstances under which any individual order had been issued). For months, the government refused to provide the number of orders that had been issued, claiming that to reveal this information would present a nation security risk. Following controversial remarks in which he derided the ALA’s concerns as “breathless reports and baseless hysteria,” the Attorney General admitted that (at that time) no orders had been issued under the controversial provision. No explanation was provided, however, as to why release of the fact that the provision had not been used at all could have previously been considered to be so sensitive.

Each of these examples could be treated in isolation, but the cases and the related media coverage create a climate in this country that suggests that honesty is not a core value. This climate does not excuse or discount the individual responsibility students have for making ethical decisions, but it does create a context for understanding how students may come to exercise poor judgment when faced with difficult decisions.

CONCLUSION

Why do students cheat? We can identify evidence of a larger culture, both on and off campus, in which people in positions of power and authority are seen to be cutting corners and achieving success through fraud and deceit. Ultimately, however,
the decision to cheat is an individual one. Perhaps the better approach is to look at students who do not cheat to see what inner resources they call upon when faced with the pressures and context that might encourage the less honest choice.  

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