6. Real Life – Case 1: Faculty and the Press

In June of 2003, a tenured member of the faculty was notified that he was being investigated for "scholarly misconduct". The charge stemmed from an essay authored by the professor that was distributed by the university's news bureau and subsequently appeared in the editorial page of the state's leading newspaper. The essay on smoking bans in restaurants and in other public places contained material similar and in places identical to a letter written by Delaware governor Ruth Ann Minner during a battle in her state over smoke-free restaurants. The issue was further complicated because the professor taught a medical ethics course.

The professor contacted the grievance officer contending that he might have "accidentally" plagiarized some content but that the university was out of line in calling an op-ed piece scholarship that came under the misconduct policy.

In July, the university commenced their formal investigation by selecting a committee of inquiry that included a vice president for research, the dean of the professor's college, the chair of his department, an the chair of the Faculty Senate's professional standards Committee. If the committee found that the professor plagiarized, the university policy sanctions ranged from an oral warning to termination and dismissal from the school.

The debate continued for another month with more editorials being published in local newspapers, students expressing their opinion in the student newspaper, and other faculty members parsing the definition of plagiarism and scholarly works.

The union grievance officer let the investigation continue but registered a strong concern with the provost that any recommendations of disciplinary action would have to follow both the contract and the agreed upon policy of misconduct in scholarly activity.

The result of the investigation was that the committee found that a formal investigation was warranted and referred the case to a six-member Peer Investigation Committee.

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The attachments include a copy of the pertinent policy and one of the newspaper articles.

Both parties very much want to settle the case, the administration because among other reasons the offending faculty member is highly valued and the union because this or any faculty member deserves aggressive representation in assuring due process and that whatever "penalty" might be imposed "fits the crime." On the other hand, it is embarrassing to both the administration and the union to be seen as being soft on plagiarism.
Students rap prof on plagiarism flap in Durham

By SEAN MURPHY
Staff Writer

College students in downtown Durham Saturday voiced disappointment in what one called a "double standard" regarding a professor embroiled in a controversy over alleged plagiarism — an oversight that could earn students a failing grade, or even expulsion.

"I just think if you're a professor, you ought to be a little more professional," said senior Wes Silva, 21, a civil engineering major.

Nick Lunger, 21, a business major, agreed.

"That's embarrassing that a teacher would be so unintelligent," he said.

Eric Donahue, 22, a business major, said he never understood why anyone — student or teacher — would bother to plagiarize anything.

"It's so much easier to just cite something. Why plagiarize it?" he said.

Andy Bellstri, 21, an English major, said he is often notified in class syllabi that students who plagiarize will be failed immediately. It is ironic, then, that a professor now stands accused, he said.

"It's like a double standard," he said.

According to the Associated Press, a UNH associated professor of health management and policy, wrote an essay supporting smoking bans in public places such as restaurant, which he then sent to the Union Leader of Manchester.

Certain passages, the AP reported, are very similar to a letter by the governor of Delawares, Ruth Ann Minner, on a similar topic, but to a different audience. One paragraph in particular was an exact, word-for-word copy, according to the AP.

He did not return calls to his Dover home. On Saturday, UNH News Bureau Director Kim Billings said, in a statement, that "We were made aware of the plagiarism allegation yesterday, and it has been reported by the Provost's Office to the Office of the Vice President for Research. This action follows guidelines of our Misconduct in Scholarly Activities policy. Following that report will come an inquiry into the allegation by the VP for Research."

The university's 2002-2003 Student Rights, Rules and Responsibilities handbook calls plagiarism "The unattributed use of the ideas, evidence, or words of another person, or the conveying of the false impression that the arguments and writing in a paper are the student's own."
An instructor can do no more than fail a student for the course after determining a student was guilty of plagiarism, but the college dean could potentially issue a punishment of "suspension or dismissal," according to the handbook.

UNH's Policy on Misconduct in Scholarly Activity lists plagiarism, among other actions, as constituting misconduct. If an investigation finds a faculty member guilty of misconduct, the policy indicates "sanctions" shall be imposed.

"These sanctions range from oral warning, to the issuance of official letters of reprimand, up to and including suspension without pay, termination of employment or dismissal from the University," the policy indicates.

... is known in Dover for his stances on smoking. He served on the Board of Health and promoted new rules to curb smoking at restaurants in the city. He also served on the city's Board of Ethics, which was formed in 1997 to review complaints against city officials.

The board, under ...'s term as chairman, came under criticism after finding off allegations of violating Right to Know laws and not keeping minutes of its meetings.

In the wake of increased scrutiny by the city council, ... resigned in March 2001 and the ethics board was formally abolished in February 2003.

"From both a personal and professional perspective ... I can no longer watch the desecration of the values and ethical norms that have served as the cornerstone of our efforts in Dover for nearly four years," ... said in his resignation letter.

Staff Writer Brad Morin contributed to this report.

Staff Writer Sean Murphy can be reached at 742-4455 ext. 5394, or by e-mail at smurphy@fosters.com.

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