

# “I WAS JUST HELPING HER UNDERSTAND” – MALIGNANT POSITIONING AS CHEATERS AND THE CONFLICT BETWEEN STUDENT CULTURE AND ACADEMIC TRADITION IN DISCIPLINARY HEARINGS

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## ABSTRACT

This paper examines some dimensions of the positioning of students as cheaters and the negotiation of this position in disciplinary hearings. It looks at the rhetorical management of personal and departmental positions, where the concern for the department is to strategically position itself as justified in its accusations and the concern of the students is to reposition themselves as honest. These issues are examined in relation to the report on decisions and sentences in disciplinary matters concerning students in higher education issued by The Swedish National Agency of Higher Education. The focus is on the use of strategic and malignant positioning in the reports to the Disciplinary Boards and the decisions formed by the Boards. The conclusions of the authors are that positioning students as cheaters is a malignant form of positioning. It is difficult for students to reposition themselves as honest students because of differences between student culture and academic traditions. It is enough for academic departments to have informed students of rules for assignments to strategically occupy the moral high ground. Students' strategic uses of justifications of personal, emotional or technical nature do not influence the Disciplinary Boards. Neither do attempts to undermine the departments position criticising information or educational methods.

## 1. INTRODUCTION

As students in all areas of formal education start using technology an old worry has been surfacing in educational institutions. How do we keep students from cheating? Labelling student activities as cheating is not something new and research on this problem has been carried out for almost a century. Today's worry seems to a large extent to be fuelled by affordances of technology, a new mode of distribution, net-based education, a shift towards essay-based examinations and a persistent belief that the ethics of a younger generation always is less ethical than that of the generation that went before. In an earlier paper (Nilsson, Eklöf & Ottosson, 2003) we argued that worries about cheating have triggered a series of doublets in discourse where technology, pedagogy, ethics and context are seen both as the reasons for cheating and the solution to the problem. Teachers look to applications like copy and paste and claim they have made it easier for students to cheat. At the same time they look to plagiarism detection sites as a means to spot cheaters. Teachers will look to pedagogical methods that encourage plagiarizing to explain why students copy work. At the same time they will look to close tutoring as a means to prevent plagiarism. They look to an increasing orientation towards teleological ethics among students and society at large to explain why students will break rules and to clarifications of institutional rules as a solution. Whatever the reasons and solutions argued in this discourse on learning it firmly positions a majority of students as cheaters or copy-and-paste plagiarists while their teachers and educational institutions are positioned as in need of advice on how to prevent cheating. Cheating frequency is reported to be so high that more than half the student population has cheated at one time or another. The numbers of students that cheat are reported to increase at a rate that some researchers consider to be epidemic. This malignant way of positioning students send their teachers on an endless array of detective work where any piece of well-written material gives cause to suspicion, any sign of skilled use of technology must be questioned, and new forms of learning with the help of technology are largely ignored.

Research into student cheating, attitudes towards cheating, personal traits behind cheating as well as experiences told by teachers and administrators have a tendency to support this malignant form of positioning. Research has up to date been primarily concerned with three problems. The first problem concerns the extent to which students cheat. A second problem has been to find out what attitudes students have towards cheating (Aiken, 1991; Davis, et al, 1992; Auer & Krupar, 2001). A third related problem has been to find reasons for and ways of explaining why students cheat (Barnett & Dalton, 1981; Davis et al., 1992) taking an interest in situational determinants for cheating, such as pressure or class

size, and dispositional determinants, such as low intelligence, need of social approval or low social control, while high personal ethics provided resistance. Research into how to prevent cheating has been missing as well as a discussion on how different perspectives might influence what should be called cheating.

Research on cheating has foremost been carried out through surveys and the problems in that research can be illustrated by research on frequency. Auer and Krupar (2001) report on statistics from Virginia Tech between 1996 and 1999 that serves to illustrate the problem. The numbers show that more cases of academic dishonesty have indeed been reported for every year. Most of them are reported during examination weeks. More students are convicted or in 1999 transferred to the Graduate Honour System. Similar figures can be found in a report from the Swedish National Agency for Higher Education which we will later use as our data for this paper. This compilation of data shows that 231 students were brought up for hearings in 2003 which is an increase by 43 percent as compared to 2002. Out of 231 students 173 were suspended and 58 were warned. Suspensions increased by 57 percent from 2002 and by 116 percent from 2001 the first year the agency issued a report. These numbers from total student populations however must be considered small, although it is suggested that they are the tip of an ice-berg. Haines et al (1986) claim that detection rates are as low as 1,3 %. This together with the fact that faculty are reported to help students cheat (Cizek, 2003) or to be hesitant to report on cheating (Maramak & Maline, 1993) leads to the conclusion that studies on student cheating must build on other material than records of suspensions and warnings. Conclusions about the frequency of cheating to a large extent build on student self declarations. These vary between suggesting that cheating has always been a part of student behaviour and that the increase is small (McCabe & Bowers 1994; McCabe & Trevino, 1996), to the opposite, that cheating is epidemic or almost epidemic (Haines et al., 1986). Most studies of cheating have however been carried out in English speaking countries, in academic settings, and in small institutions covering limited subject areas. Some larger studies exist. Davis et al. (1992) reported a study where more than 6000 students answered a survey. A proportion of 76 % of the students reported that they had cheated either in high school or in college. Meade (1992) reports a study with more than 15 000 students, from business, engineering, social studies and humanities, answering a survey. As many as 87 % of the business students declare that they have cheated at exams. Do these numbers bear witness of increasing cheating or maybe of an increased willingness to report and pass sentence? Do these numbers perhaps illustrate another appraisal of students and better skills at detecting plagiarised work?

Later studies have been concerned with differentiating student attitudes towards cheating using attitude scales. One example is Roberts and Toomb's Perceptions of Cheating Scale (1993). Several others have followed (Franklyn-Stokes & Newstead, 1995; Newstead et al., 1996; Björklund & Wenestam, 2003). These studies show a consensus among students on what is to be considered cheating, but also that they regard different forms of cheating as more or less serious. Björklund and Wenestams' study show that there are clear cultural differences among student attitudes as well as gender differences. Ashworth and Bannister (1997) are critical of the way these attitude scales are used and consider them premature. Students are led by already formulated ideas about what is to be considered cheating. In a study where interviews were used instead, it was found that what is to be considered to be cheating is a highly situated question. If they have to choose between helping a friend or following rules set up by an institution many will argue that the most ethical choice is to help their friend.

## **2. THEORETICAL BACKGROUND**

Students have all since studies on cheating begun at the beginning of the twentieth century been asked to report on their own cheating in surveys. Cheating in itself has been treated as relatively unproblematic. It has been treated as something stable that can be measured by indicators that prompt students to declare in what way they have broken universal academic rules. That cheating in itself is a construct perceived differently in different times and cultural settings is to a large extent treated as unproblematic by this research. That by comparison it would have been very different to measure cheating in Seventeenth Century University than in today's universities is left with little consideration. Thus it is not considered that bringing forward theses and defending them was the expected practice during the seventeenth century while students today are expected to defend their original research, not research carried out by others. That the cheating student through this also becomes a construct produced in discourse is something treated as equally unproblematic and left outside the scope of attitude scales. Discourse analysis brings another approach to these issues taking the construction processes per se as a topic of research. How do we construct the cheating student and reciprocally the institutions that position them as cheaters? There is a close tie between the examination and labelling students as cheaters. Foucault (2001) argues that the examination in itself is a disciplinary institution that serves the purpose to qualify, classify and punish. The exam makes it possible to distinguish between the normal student and the cheating student. In this paper we use positioning theory to illustrate the construction of cheating students. We focus on the construction of the cheating student as he or she appears in a report from the Swedish National Agency on Higher Education. Using positioning theory to study texts requires that they are studied for their practical and interactional role in discourse. Positions such as that of the cheating students put constraints on what that student can meaningfully do. Positioning theory takes an interest in the clusters of rights and duties/obligations that it considers to make up positions. These rights and duties/obligations are both constitutive of the position and of the acts a person is enabled to perform in that position. Positioning a student as a cheater may be thought of as a malignant

positioning (Sabat & Harré, 1999), one that will have real life consequences for the student's self as perceived by that student and others. Rights and duties/obligations are unequally distributed and as such have implications for the power of an individual. Once positioned as a cheater by the institution that student is subject to punishment such as warnings or suspension, disciplinary measures that are likely to impede on the student's results. Such students may be likely to be suspected every time they hand in an exam. Positioning theory distinguishes between deliberate and forced positioning (Langenhove & Harré, 1999). In deliberate positioning the initiative lies with the active person. I deliberately position myself or others as cheaters. The person may except such a position or feel forced to reposition him/herself. Rights and duties/obligations are considered to be expressed as anticipatory or retrospective justifications for acts (Harré & Slocum, 2003). In this case we are interested in how these rights and duties/obligations are interactively drawn on to position students as cheaters. What are the rights that academic institutions have available to draw on when they want to position students as cheaters? How do they justify their claims? What are the obligations for these institutions if anybody should challenge such a malignant positioning? Conversely, what are the rights students can draw on should anybody try to position them as cheaters? What are the obligations for students who decide to oppose such a position?

### 3. PRESENTATION OF DATA

Disciplinary actions at Swedish universities are regulated through The Higher Education Ordinance (1993:100), chapter 10. This ordinance stipulates that each university has to have a disciplinary board (§3) dealing with disciplinary issues such as accusations of cheating (§1). What is commonly labeled as cheating is in this ordinance defined as "by prohibited aids or other means attempt to deceive during examinations or when academic work is otherwise assessed" (§1.1). The disciplinary board or the principle of the university has the obligation to make decisions about warnings and suspensions, the two possible consequences of cheating or other misbehaving. Suspensions include being prohibited to take part in instruction, tests or other activities within a program or be prohibited to visit certain premises (§2). Suspension may not exceed a period of six months. The students also have the right to appeal to the different levels of administrative courts all the way up to the Supreme Administrative Court (regeringsrätten). The National Agency for Higher Education is the authority that has the responsibility to supervise Swedish universities. A search on the agency's web site returns 51 hits on the word cheating (fusk). These hits are from press releases, reports, documentations, investigations and suggestions for action. The last three years the National Agency of Higher Education has produced compilations covering the decisions on disciplinary matter made by the disciplinary boards of Swedish Universities.(Högskoleverket 2002;2003;2004) In this paper we will look deeper into the most recent list concerning decisions during 2003 (Högskoleverket 2004).

The purpose of the 2003 report on Disciplinary Measures from the National Agency of Education is to present a picture of current praxis. This way the report can give valuable input both to teachers and students. Through such a presentation agency hopes to further equal praxis in different institutions. It is pointed out that disciplinary actions directed towards students are serious matter. This calls for information to students of what may cause disciplinary action against them, but also measures to make sure that students are treated the same way in different institutions. One signal indicating that students may be treated differently at different institutions is the fact that the number of cases vary among institutions with a similar situation in other respects. The report has divided disciplinary actions into five different categories, The categories do not contain the word cheating. In the summary however, where these categories are mentioned they are presented with the conclusion that cheating is the most common disciplinary problem. The first category reports cases where crib notes and other not solicited aids have been used. This category to a large extent deals with cases where students have brought notes to their exams. These have been hidden in different ways, for instance as notations in permitted books. There were also cases of crib notes, formulas programmed in calculators, mobile phones that were not shut off and writing in the palm of their hand. We have chosen not to examine any cases from this category although we can see that this category can be problematic in ways that we will comment briefly on here. The main problem seems to be what is to be considered a legitimate aid. Guidelines may be missing or locally decided by those responsible for the examination of a course. Students argue that these guidelines sometimes are hard to understand, but institutions tend to treat them as unproblematic. Furthermore, according to legal practice it is enough that a forbidden aid is so placed that it is accessible. The fact that it has not been used does not prevent a convicting decision or even as it seems a mitigating circumstance (Högskoleverket undated). The cheating student has the right to give his or her version and the Disciplinary Board the duty to listen. It is very hard for a student positioned as a cheater to argue their case. In similar cases these explanations will lead either to the case being dismissed or to disciplinary measures. Two circumstances seem to lead to a higher degree of dismissal, when the institution can be considered to have caused difficulties and when evidence cannot be tied to a certain student. The fourth category concerns students who have altered the results on tests and the fifth students who have been misbehaving in different ways. This last group contains students who have slandered others in forums, thrown chairs at other students, and forged teacher signature. We leave these without comment.

We have chosen our cases from two other categories. From our point of view the second group, illegitimate cooperation, and the third, plagiarism and fabrication, are the most interesting as they highlight problems of how new technology, new ways of learning and students perceptions of what is ethical can collide with legal regulations and

academic traditions in a way that makes it harder to distinguish between cheating and new pedagogical practices. Plagiarism and fabrication are the most common reasons for taking disciplinary actions against students. 112 students received some kind of disciplinary measures and 42 more were accused but no action was taken. The most common accusations were that students had copied parts of other peoples work without correct use of citations or reference, had copied parts directly from the Internet, or copied earlier work done in the course. There are also some cases where students have used the same text in different courses. The category that deals with illegitimate cooperation concerns 46 students that had disciplinary actions taken against them and 26 who were accused, but where the cases were dismissed. The most common reason for suspension or warning was that students had delivered the same or similar answers on home exams where they were supposed to write their own paper.

### 3.1 CASE ONE – UNSOLICITED COLLABORATION

Two students brought in front of the Disciplinary Board have been reported for cheating. According to the report from an English department these students have cheated on two home exams. Student B has helped student N on the exams. She has not cheated in her own exams but the fact that she has helped her fellow student makes the institution position her as an accessory. The department thus positions both of them as cheaters. It is forcing this position on N and B. Forced positions are likely to be countered. To be successful in the attempt to position the students as cheaters the department has to build up a case where it occupies the moral high ground while at the same time undermining any attempt from the students to occupy that ground. What does it mean to cheat on a home exam? In this case it is an individual exam. At a first glance this categorisation of the exam seems to be unproblematic. An individual exam should be done individually. The institution furthermore claims that they have extensive handouts given to the students and that they are orally briefed on the rules. The head of the institution however does say that collaboration is allowed. He acknowledges that this may cause students to ask themselves whether they have managed to write an individual answer or not. This makes clear that the institution may not cover all possibilities in their guidelines positioning the institution as a possible cause of cheating. Should however “any student feel unsure about how individual their assignment is, they should give the name of the person they have been working with” (p. 62). It is possible that students who have collaborated should not be positioned as cheaters. The institution argues that for a student to make sure that they are not accused of cheating because of likenesses to other students’ assignments they should name these other students. Positioning students as cheaters does in such cases not only depend on whether it is justified to say that they have collaborated but on the fact that they have failed to report on who they have collaborated with. We would suggest that the storyline told by the institution is rhetorically designed not only to position the students as cheaters, but also to avoid any suspicion that the institution or its teachers are to be blamed. The handouts are extensive suggesting that they cover every angle. The possibility that students may still feel unsure is acknowledged. This has been dealt with through oral information that is characterised as clear and by providing an alternative choice, to name collaborators. The students both respond by trying to reposition themselves as normal students. They go about this differently.

The student N tries to reposition herself as a normal student. In the first she argues the normal student’s right to make technical mistakes. A cheater does not send in other peoples exams by mistake. They have an intent to deceive the institution. N has had no such intent. She has been to B’s flat to get help. Working on B’s computer she has accidentally sent B’s exam to herself in an e-mail instead of her own. At home she has sent this file to her tutor. It is unclear whether she has just forwarded the file leaving all information about the origin in the header of if she has sent a new mail with B’s file as an attachment. Something has been left in the file however that makes it possible for the institution to recognize the exam as B’s exam, not N’s. A month later she is informed that she has sent the wrong paper. The story should be easily recognisable for any one who has used a computer almost as a scripted event (Edwards, 1997). When working on a computer accidents like this will happen almost as if by a law of nature. Detail serves to present the story as a lived narrative. Even the clumsiness sending in an easily recognisable copy works to make her storyline credible. This is when another problem occurs. The appeal here we would suggest are to emotions. Emotions play an important part in positioning people especially in strategic social interaction (Parrot, 2003). At the time when she is informed that she has sent the wrong exam she does not have any notes or files of her own left. She does not think of that her original file should still be on B’s computer. Instead she writes her own paper with the help of the exam paper B had written. Positioning herself as the victim of technology and pressure should earn her the right to be repositioned. She concludes by another script formulation stating that it is common that people collaborate on exams. When it concerns the second exam N tries to reposition herself using the argument that she has in fact written her own exam paper. She is not culpable. She has even been collaborating with B. When she was at B’s flat she saw some of the examples she then used in the paper she wrote herself. What is at stake here is to what extent things that you learn when you collaborate can be used in your own work. It is notable that N does not try to appeal to rules of collaboration or to the intertextual nature of exams. Instead the storyline is constructed to support her position as an author in her own right. Alexandersson and Limberg (2003) have described this understanding of authorship using the transport and transform metaphor. It is enough to transport text to another location and transform it slightly to make it my own.

The student B also tries to reposition herself, but going about it differently. In the first case she denies any knowledge of N's action. She has not consented to B's use of her exam. It is interesting that she feels that she needs to elaborate on her position as a normal student. That she mentions that her examples are Polish we would suggest works to illustrate that she would be stupid to allow B to use them. Sacks (1992) and Potter (1996) illustrate how different people in discourse are often treated as more entitled to knowledge, emotions and experiences. The entitlement to use Polish examples should be her entitlement. N's use of the same examples would almost certainly arouse suspicions, something that she would be aware of. Harré and Slocum (2003) point out that people who want to position themselves often do this strategically. Strategic positioning involves trying to occupy the moral high ground. B takes up this position claiming she has only helped N understand. Ashworth and Bannister (1997) claim that this is an example of how students perception of what is ethical and academic institutions perception may conflict. B further claims that she has worked very hard to be able to study at a university and that she would not want to jeopardize it. These formulations together we suggest work as what Potter (1996) calls stake inoculations. Where is the profit for B? She has everything to lose by helping N. She might be called a cheater and not be able to continue her academic studies that she worked so hard for. Together these formulations work to show that she has been altruistic but not over supportive. If she has a stake it is not in helping B but in commitment to her own studies, As for N's paper it is not on her computer anymore. She has had it repaired many times since they were writing. She offers a technical explanation of the kind that creates Out-there-ness (Potter, 1996). What ever proof there might be of guilt or innocence they have been destroyed because of actions beyond her control. Is it reasonable to expect her to keep records of another student's paper? Still one might ask why she has not mentioned her cooperation with N. She explains that she usually mentions when she has been given help with her paper, "but not when she gives help" (p. 62). This appears as an example of what Billig (1996) calls particularisation. The guidelines states "clearly" that should students feel unsure about whether a paper can be categorised as individual or not because they have collaborated they should name whom they have collaborated with. What she points to is that this is not such a case. This is a special case of collaboration where help has been one sided. Her paper has not been influenced through the meetings between her and N. The second exam is explained much in the same manner. The interesting part here is how B invokes intertextuality. She has helped N but not dictated the answers. She has however used her answers when she has explained to N, but not anticipated that N would use them. Intertextuality may be an even more powerful rhetorical device in this kind of exam, where there is a narrow subject area and clearly defined assignments. It is more difficult to explain how N's figures have come to look like hers. Here she aligns herself with N. Maybe the computer has been on. It often is because she has a broadband connection. The Disciplinary board aligns itself with the English department. Assignments and instructions for the exam has been of such quality that the English department can be said to live up to academic standards. It is the students who have exceeded their rights. N is positioned as a cheater since she has used B's answers in an unsolicited way, thus attempting to deceive the department to get better study results. She is suspended for a period of three months. When it comes to B the disciplinary board does not take into account how she has particularised events. The case rests on whether B has helped N too much. It is argued that collaboration has been extensive "bordering on what should be considered to be allowed" (p. 62). The case is dismissed because it can not be proved that B has given her exam to N.

To summarize this case one can say that rhetorical appeals to the nature of technology and other scripted circumstances, to particularisation or to personal circumstances do not work to reposition student from a position as cheaters to honest students in this case. Rhetorical appeals from the English Department to institutional practices however do work. It is enough to claim that there are instructions and that these have been presented to the students. Whether the departments have the duty to make sure that these are understood by the students is not treated as relevant. Lack of evidence is not explicitly brought up by the students. In the end however it is this, not any other appeal, that makes the Disciplinary Board throw out the case against B. B's particularisation of events, that she has helped but not dictated and that she was not duty bound by guidelines to inform on who she has helped is not treated as relevant. Lack of evidence however is. This however makes the repositioning incomplete. She may still be a cheater just not one that can be sentenced. Furthermore intertextuality is not raised as a problem. Still there is a noticeable difference between the what the department considers to be a copy and what particularly the student B does. Using Alexanderssons and Limbergs (2004) metaphor transport and transform it is as if there are different positions taken up on how substantial a transformation must be for something to be considered an original contribution.

### **3.2 CASE TWO – PLAGIARISM**

One student is brought before the Disciplinary Board when a complaint has been made from a teacher at the Swedish Institute to the headmaster that the student has plagiarised in a report and a paper in a part of a course. The student is positioned as a cheater because he has copied at least one section of a text from an Internet source and at least one section and presumably more from other sources. This student has been reported for plagiarism also in another course. He does not deny that he has cited texts the way he has done but tries to reposition himself claiming that he is incapable of citing sources correctly. Invoking diminished capacity is interesting because it makes it possible for somebody to do something wrong but still not be guilty. Positioning oneself in this way is also something that a student would be unlikely to do since academic studies are about excellence. In this case it is even more interesting since it is the duty of

the Institute to help students if they do not manage assignments. What is questioned is whether they live up to the duty to give high quality academic education. This is a malignant form of positioning. The student is forcing the Institute into a position where it must justify why he does not master citing resources he has used in his writing. The justification is interesting from a pedagogical point of view. The Institute claims that all “students have been informed both at the beginning of the course and later during the four parts of the course about what applies when it comes to plagiarism”(p. 93). The use of the word informs here indicates that the duty of the Institute is to give information, not make sure that this information has been correctly understood. The student does not elaborate on this theme but only sticks to his claim that he has not had the intention to cheat. The review board does not elaborate on their decision but concludes that the student has acted to deceive and he is suspended for two months.

To summarize this case we suggest that while people may get away with murder claiming diminished capacity this is not a valid argument for a student who wants to plea that he is innocent of cheating. Furthermore it is a valid argument for an institute to claim that a student has plagiarized a text from the Internet in order to deceive, indicating that they understand this student to have such diminished capacities that he does not understand that such texts can be easily found by the department while at the same time arguing that he is smart enough to understand information about plagiarism and to deceive. It is also interesting that any attempt from the student to question the quality of the education at the institute is left without consideration. Copying, paraphrasing and making references is not treated as a problem as such. Instead the formal aspects of referencing is treated as self evident by the institution.

### **3.3 CASE THREE – THE USE OF ILLICIT AIDS**

The student V is accused of plagiarism in connection with an examination assignment. The assignment was to produce a web site using HTML, Java script, Pearl and Photoshop. V is accused of copying the code produced by another author as her own code making only minor adjustments. The report sent by a teacher at the course states that the student sent the assignment to the examiner via e-mail. The student also sent a mail to get a confirmation from the department that it had got the mail. It is a detailed report. Detail in narratives are considered to build credibility in providing witness (Potter, 1996). This is further established in the elaborate construction of the narrative where information is provided about why there were no communications about this assignment. The examiner answered that he due to vacations did not have the opportunity to look into the assignment until after the vacation. When he started looking at it he came to the conclusion that the coding sent in by the student was a copy from a textbook. What is particularly interesting is how the teacher undermines the students entitlement to have made an original contribution. In the report he states that when he opened the code he “immediately realized that V in all probability could not have written it” (p. 143). This creates an interesting doublet where the teacher positions himself as skilled enough both to judge the entitlement of a student to have written a certain code and also to judge how complex the code is, while at the same time positioning the student as not skilled enough and thereby as a possible cheater. Use of words such as immediately and with all probability supports his entitlement and the factual nature of this positioning. This is further elaborated when the teacher claims to “more or less immediately have found” that this code had another author. The detailed narrative here serves to build up the position of a teacher who is skilled at his work. If this view is accepted it stands to reason that his assessment that V’s alterations were minor is also accepted. The teacher found seven lines in the coding that were different and two of them were of no importance.

The student V positions herself differently. She states that she has read several books on HTML, Java and Pearl trying to understand how to make a guestbook. Reading several books works to create an entitlement that will position her as possibly being a skilled code-writer. It invokes a scripted way of understanding academic learning. She also positions her tutor. He has not explained to her that she could not do the assignment the way she did. She is not surprised that there are faults in her solution. She is surprised by the reaction from the university. Her opinion is that she has right to make mistakes and receive corrections. If she had made any mistakes it was not intentional. Student V tries to resituate the notion of what an examination is. Where there are categories as Billig (1997) would have it there is bound to be exceptions or special cases. What seems apparent from the teacher’s testimony is that there is a conception of the examination as the endpoint of an assignment. The result sent in by the student is the visible expression of her knowledge. V rewrites this into something that would resemble a lifelong learning or everyday learning understanding. This is also signaled in her communications with the department. She sent a couple of A4 papers with code written on them and a diskette saying “Please respond to [V@hotmail.com](mailto:V@hotmail.com)”. Respond to what? Should the response give comments on her assignment or confirm that it had been received? V’s line of argument seems to support the latter: So my assignment is not good enough. Tell me what to correct. Her examiner has a different view: Send in your final results and some time in a distant future I will tell you if it is good enough.

The Disciplinary Board states that V has been notified before the examination of the demands in the assignment in writing. Notifications in writing hold a special status. The instructions were to make a web site on her own accord with the aid of certain programs. The Board finds that she has used illicit aids and decides that she should be suspended for a period of three months.

To summarize this case one might say that appeals to different views on learning and examinations will not help students reposition themselves as normal students. The academic institutions in form of their examiners do have the final say on what is to be considered good enough instructions. Appealing to standard practice or personal attitudes towards learning will not change that. Particularization and resituating people or events seem to have little power in the eyes of Disciplinary Boards. It is difficult for students to position themselves in such a way that they hold entitlements to knowledge or to speak about what constitutes good learning or tutoring. Attempts to undermine the positions of teacher and examiners do not seem to pay off while the students rights seem be reduced to only duties once they are brought in front of the disciplinary board.

### 3.4 CASE FOUR – PLAGIARISM

The student L is accused of trying to mislead his examiners in connection with the delivery of a paper to the Department of Political Science. The student has used a paper which he has already used to be examined at another department. It is not plagiarism that is the problem in this case. The student has written the paper properly citing sources as far as can be understood. The deception is his failure to inform the institution that he is recycling an already examined paper. Not declaring the circumstances then is the ground for positioning the student as a cheater. What is interesting with this case is that the student does not try to justify his actions and support a reposition from cheater to normal student. The repositioning instead is a matter for the department and the Disciplinary Board. How do they go about positioning the student?

The reporter for the department states that as the essay did not have the flavor of a paper in political science “suspicions were formed”. This impersonal way of positioning is considered to construct a situation where no particular person is responsible. This line of working up a description is continued and the reporter states that “after some research one found an essay that was almost identical”. This essay had been submitted for examination once at the Department of History of Ideas and Theory of Science. The reporter builds a picture of a competent anonymous organization that fills its duties. The competence of the department is demonstrated in that it can distinguish between different flavors representing different disciplines. This is further exemplified by the amount of research put in effort. It is “after some research” not after considerable research that the original essay is found. One is to understand that competence has lead almost directly to The Department of History of Ideas and Theory of Science. The use of one instead of a person further suggests that this has been the responsibility of the department. The department, one is led to believe, does not take plagiarism lightly. This however not being the case it is still offered that the title of the paper was changed and the name of the tutor altered. Something is rotten in the state of Denmark or at least in Gothenburg.

What follows we argue rather works to undermine than build up the position of the department as responsible and bound by academic rigor. The tutor at the department of political science has stated in his report that he had been in contact with the student through e-mail and had met him once. At the meeting he asked the student of the origin of the paper, and he says that the student gave the impression that the paper had its origin in a work started in another department but did not tell that it was examined and finished. This may be offered to suggest that the student was trying to hide the fact the he was not working on a paper. It would have been very interesting to have a report from him. This not being the case it is still worth noting that through an entire course with the assignment to write an essay there was only one meeting between the tutor and the student. This undermines any suggestion that the department fulfills its duties to its students and can be argued to increase the danger of cheating.

What then follows is tantamount to confusing. The department states that it can accept that students reuse old material but this presupposes that the students inform the department that they are going to do so. If that had been the case the use of an already existing paper “would probably have been approved” and the student should have received instructions on how to adapt the paper to the applicable course plan. While most justifications work to build up the entitlement of the department to position students as cheaters we argue that this account undermines it and thus undermines positioning the student as a cheater.

It may be noted that it is a detailed description and from that aspect is constructed to fit the design of a credible report. Detail however is not enough. In this case one is left wondering why the institution has a need to be informed and if the students are aware of this rule. This is not covered. It appears as a bit puzzling that a department goes to so much trouble to fulfill its duty to prevent cheating when it obviously would not have considered it to be cheating had they been informed of the student’s intended actions. What action is being done by the department? Are they seriously trying to get a cheater convicted or trying to find out what the rules are? Whatever the reason for this particular action the Disciplinary Board finds L guilty of misleading the department and depriving it of the right to try the case according to the regulations in the Higher Education Ordinance concerning the right to count previous studies. Had this deception been successful the student would have been able to count a full course. The Board decides that the student should be suspended for six weeks.

This is one of few cases where there is an aberrant view. One member of the Board states that there is nothing wrong in using the same paper in two different institutions. The student should only receive a warning for trying to mislead, but the paper should be accepted.

Summarizing this case we find that there are several attempts from the department to position itself as a competent body that takes its duties as an academic entity seriously. Despite the fact that this is undermined by vague information and less intensive tutoring and a presentation of the rules for writing essays that borders on ontological gerrymandering the Disciplinary Board decides to position the student as a cheater. To the Board it is less than a worry that the department has been unclear. The actions of the student have been misleading depriving the department of the right to test whether earlier academic courses can be validated. When nobody speaks for the student at least in this case there is one member of the Board who does. One interpretation would be that it is possible for at least one member of the academic community to share the views of the student, the difference being that only the student is positioned as a cheater.

#### 4. CONCLUSION

Positioning students as cheaters is a serious matter as brought forward by The Swedish National Agency on Higher Education. It constitutes a case of malignant positioning. Students who are brought before Disciplinary Boards are as in our cases in most cases sentenced to suspension for two or three months. This suspension deprives them of exactly what they seem to be missing, knowledge of academic content and procedures, access to academic tutoring and exposure to academic values and standards. The process from the report of a disciplinary errand to a decision by the Disciplinary Board can be studied for its interactional results using positioning theory. This process take the form of storylines on unsolicited collaboration, use of illicit aids or plagiarism. Departments are often the actor that forces a position as cheater on the student. Positioning students as cheaters means forcing them into a malignant position using preformed categories of bringing crib notes, plagiarising tests, forging results or collaborating on exams. Both students and departments use strategic positioning to justify their actions. The statements show that positioning students this way appears as almost unproblematic. The statements of these departments seldom include reflections on the subtleties of what may be authorised use of other texts or acceptable collaboration and how these things may differ between departments or everyday work life and change over time. It is obvious that they do not take into consideration that students perceptions on collaboration or how an assignment should be carried out on good grounds may differ from that of the academic departments. They seldom reflect on what the department might have done to prevent cheating through negotiations of those perceptions. Instead efforts are being put into avoiding blame, inoculation of stake, demonstrating a serious commitment to fighting cheating behaviour and such and into defending the way they have positioned the student. These departments will not accept that guidelines or information may not guarantee that students' will understand what is required of them. Plagiarism is not treated as a problem of learning to master the academic rules for dealing with intertextuality. Instead it is treated as a crime where students that fail to comply by what is considered to be a universal set of rules are malignantly positioned as cheaters. Students will also use strategic positioning to try to reposition themselves. Students however, seem to be at a disadvantage when they strive to reposition themselves as honest students. Strategic positioning carried out by students will include emotional displays, trying to categorize their situation as special for personal reasons or technical. Sentences indicate that this kind of strategic positioning does not entitle them to occupy the moral high ground. Repositioning themselves through strategically positioning their departments has as little success. Strategically positioning these departments through questioning the way they educate, the help they give students, the unclear information they provide will not bring them down from the moral high ground and help the students leave the malignant position as cheaters. Only two things will help to reposition them. One is a lack of convincing material evidence. This way of undermining the department's position however is seldom used by the students. When used by the Disciplinary Boards it can further be argued that it does not fully reposition the student. The other thing is clear negligence on the part of the institution. This form of repositioning only seems to work when it is supported by the department. The Disciplinary Boards to a large extent accept traditional reasons for positioning students as cheaters as presented by the departments while students rhetorical efforts to justify their actions carry little weight.

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