



ILLINOIS STATE  
BAR ASSOCIATION

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**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF ILLINOIS**

Casey McDermott, et al.	)	
Plaintiffs	)	
	)	
v.	)	<i>No. 424-2007</i>
	)	
Lincoln College, Lincoln College Provost,	)	In the United States
And Lincoln College Review Committee,	)	District Court, Central
Et Al.,	)	District of Illinois
Defendants	)	
	)	

**2007 Illinois State Bar Association  
High School Mock Trial Invitational**

**Friday and Saturday  
March 2 and 3, 2007**

**University of Illinois at Springfield  
Public Affairs Center**

Plaintiff Witnesses: Student Casey McDermott  
Student Kendall Anderson  
Professor Riley Porter

Defendant Witnesses: Provost Pat Michaels  
Professor Cassidy Wallner  
Student Madison Burford

Mock Trial Coordinator: Donna Schechter  
LRE Committee Liaison: Melinda J. Bentley, Esq.  
AS AMENDED DECEMBER 19, 2006  
As Amended January 16, 2007

## **2007 Illinois State Bar Association - High School Mock Trial Invitational**

Synopsis/Statement of the Case (not to be used during trial)

College students **Casey McDermott** and **Kendall Anderson** have been expelled from Lincoln College in Lincoln County, Illinois for selling term papers and for plagiarism. They are suing Lincoln College, a private school, the Lincoln College Provost and the Lincoln College Review Committee, for wrongful dismissal. The students allege breaches in due process and are seeking full reinstatement with their student records expunged, with all charges by the school dropped.

**Professor Riley Porter**, a member of the College's Review Committee that recommended expulsion and prosecution on a split vote, sides with the students, feeling that the punishment is too severe and could jeopardize their promising futures. Professor Porter has had both Casey and Kendall in class and found them to be energetic, intelligent students.

**Provost Pat Michaels** speaks to the college's reputation as one that must be protected. After a thorough review of all papers turned in during the term, it was found that a number of papers with the exact titles as those listed in the notebook, and with corresponding page numbers and footnotes have been turned in by various students during the school year to a number of teachers.

**Cassidy Wallner**, a lawyer and professor at Lincoln College, drafted the plagiarism policy and can speak to the college's care in maintaining standards of excellence in curriculum and fairness in policy. Wallner feels that the sale of the term papers is an egregious infraction the Review Committee and is also concerned that the conduct is a breach of Illinois law.

**Madison Burford**, a Lincoln College student, turned over to college officials a notebook that lists titles of term papers available for purchase, costs, dates sold and amounts received. Burford has experience serving on the College's Review Committee.

Note: Normally damages would be sought in this type of civil action. None are being sought in this case.

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Defendants	)	
	)	

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**Preliminary Statement**

Plaintiffs Casey McDermott and Kendall Anderson, by his/her attorneys, Friend & Truly, Ltd., complain against Defendants and allege the following:

1. That Lincoln College, Lincoln College Provost, and Lincoln College Review Committee, et al. denied Casey McDermott and Kendall Anderson due process during the hearings regarding the alleged plagiarism and sale of papers and for denying due process in the appeal process after the College, et al, expelled Casey McDermott and Kendall Anderson from the College.
2. Defendants, through their negligence in denying due process hearings regarding the actions of Casey McDermott and Kendall Anderson have caused Casey McDermott and Kendall Anderson irreparable harm to their reputations and their future prospects for employment.
3. Plaintiffs allege that they have been singled out and have been treated differently from others whose actions were as egregious as or more so than their own in that other students came forward and admitted to blatant plagiarism and have suffered no punishment.
4. Plaintiffs have been damaged by Defendants' actions and are entitled to relief as set forth in their Prayer for Relief.
5. Plaintiffs seek declaratory and injunctive relief on behalf of themselves on the basis of their Constitutional Rights to due process and fair hearings. Defendants should be required to release the names of any and all students, faculty and/or staff that came forward to support the allegations of plagiarism and sale of papers so Plaintiffs have the opportunity to question them directly.
6. Plaintiffs acknowledge that Lincoln College is a private entity.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Declare that Defendants' order expelling them from Lincoln College be overturned and they be reinstated at the College.
2. Require Defendants to remedy immediately the due process defects in the maintenance and management of all Lincoln College policies, procedures and documents that address the subject of plagiarism, sale of papers, and student disciplinary procedures so they are uniformly distributed, discussed and adhered to in the event of an infringement.
3. Plaintiffs seek no monetary damages for their emotion and mental distress caused by Defendants' acts.
4. Plaintiffs ask that the Court award Plaintiffs attorney fees and costs incurred in prosecuting this action.
5. Grant such other and further relief as the Court deems just and proper.

## **JURY WAIVER**

Plaintiffs Casey McDermott and Kendall Anderson agree that these matters may be determined by the presiding judge and waive the right to a jury trial.

Respectfully Submitted:

Friend & Truly, LTD.  
Attorneys for Plaintiffs

**Judgment for Relief**  
**(Teams must prove one of the options listed)**

**Option I.**

A. The Courts find that the Defendants willfully and maliciously violated the due process rights of Casey McDermott and Kendall Anderson and that Plaintiffs be reinstated in their positions as students at Lincoln College, and that Lincoln College re-evaluate all policies, procedures and manuals that address student conduct to ensure that such due process failures do not continue.

B. The Court awards reasonable attorney fees for the Plaintiffs.

**Option II.**

A. The Court finds that the Defendants violated the due process rights of Casey McDermott and Kendall Anderson and that Plaintiffs be reinstated in their positions as students at Lincoln College, with alternative punishment in place for their actions.

B. The Court awards reasonable attorney fees for the Plaintiffs.

**Option III.**

A. The Court finds that all elements of the due process violation allegation were unfounded and issues a judgment in favor of the Defendants. Plaintiffs will not be reinstated.

B. Each side is ordered to pay for their own attorney fees and costs incurred.

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**Stipulations**

1. The notebook in question is stipulated as authentic and is/was the property of Anderson and McDermott.
2. It is stipulated that the notebook in question is in the exact condition as when it was found by student Burford.
3. All exhibits are accurate and authentic
4. Normally due process claims of this nature are reserved for governmental agencies; however, for this case, they extend to private universities.

# **WITNESS AFFIDAVITS**

**2007**

**Illinois State Bar Association  
High School Mock Trial Invitational**

## **Madison Burford – Defense Witness**

My name is Madison Burford and I am currently in my junior year at the College. I live in the same dormitory as Casey McDermott and Kendall Anderson. I'm the Residential Advisor, or R.A., for the dorm, and have been since the beginning of my sophomore year. As R.A., it's my responsibility to mediate minor disputes, try to control noise levels, answer general questions about campus life, advocate on behalf of the other residents of the dormitory with college personnel, meet regularly with campus administration to keep them informed of the students' needs, wants, morale, etc.

In order to retain the R.A. position, I must maintain a 3.0 grade point average on a 4.0 scale, and must have the support of the students in the dormitory. To my knowledge, I've never received a written derogatory report from any of the residents.

It's also one of my duties to monitor the public spaces in the dorm, and make sure that they are tidy and that all equipment is in working order. This means that I regularly check the hallways, bathrooms, reading room and entryways to see if lights, computers, fire alarms, smoke detectors, etc. are in working order.

Because I serve as an advocate for the students in our dorm, I am familiar with college policies. And, as a pre-law student, I am also aware of the reasons behind many of those policies. Take for instance the plagiarism policy. Because many of the students at this college are in the pre-law studies program, it's important that we conform not only to the college's policies, but to Illinois law as well. And, as pre-law students, we are held to a higher standard. We will all have to successfully undergo character and fitness reviews to be eligible to receive a license to practice law.

On March 7, 2006, I was doing a late evening check of the reading room to turn off lights and the computers. It was about 10:30 p.m. and the room was empty. The computers were off, but a lamp by the window was on. There's a table and chair there. It's a favorite reading spot as the window has such a nice view of the campus and the chair is an old leather thing that's incredibly comfortable. Students have to take turns in that chair.

As I reached to turn off the lamp, I noticed a small notebook leaning against the chair, sort of wedged between the chair and the table. It was leather bound and blended in with the leather of the chair. I didn't recognize the notebook. To my knowledge, I hadn't seen any of the students from the dorm carrying anything like it. It looked quite expensive; not the normal student notebook.

There was no marking on the outside of the notebook indicating ownership, so I looked inside the front cover. I remember seeing two very familiar names, Casey McDermott and Kendall Anderson, on the inside cover of the notebook, with their dorm room numbers, and dorm phone extensions. The first page had a huge

handwritten “confidential” mark. I thought that I’d simply return the book to them, as they shared a room, on my way back upstairs. Their room is on the floor immediately above mine. Casey and Kendall were in their senior year. They were getting ready to graduate.

I remember that I set the notebook down on the table so I could take off my sweater. It was warm in the room. I don’t know how it happened, I guess I must have set the notebook too close to the edge of the table, but it fell. When it landed, it was open to a page that looked odd. I couldn’t help but notice all the columns and figures. The notebook was full of information on term papers, themes, book reports and the like, the number of pages, number of footnotes or references, how many times the papers had been used, the professor’s names who had seen the original papers. It was incredible. It was a methodical listing of term papers for sale. All the professor’s names were from this college. Behind that list were copies of all the papers that copies of were listed. It was staggering. My hands were shaking and I felt a little bit ill.

It was obvious to me that Casey and Kendall were selling papers to other students on campus, which is a blatant infraction of the plagiarism policy. I’d heard rumors that this kind of thing was going on, but it had honestly never occurred to me that anyone I knew would be doing this.

Because of the late hour, I knew none of the administrative offices would be open so I couldn’t turn the notebook in immediately. So, I took the notebook back to my room and sat staring at it for at least an hour. I kept wondering if Casey and Kendall were worried about losing the notebook, if they were worried about being caught. If the notebook was a real reflection of what they were doing, they had risked not only their college careers, but their futures as well. Both Casey and Kendall are in the pre-law program; or they were.

I knew immediately that I would need to turn the book over to the dean of students and let the college sort things out first thing in the morning. It was not my intent for Casey and Kendall to get into trouble. But, if I helped hide their activity, then I would be complicit and it could affect my future as well. I want to be a lawyer. I kept thinking about character and fitness. Those words kept pounding in my brain. I didn’t show the notebook to anyone else, and I didn’t alter it in any way. I can swear to that with a clear conscience.

I went to the Provost’s office early the next morning, on the 8<sup>th</sup> of March. I think I even got there before the Provost arrived. I was relieved when I turned the book over to Provost Michaels.

Sometime later, as an R.A. I was asked to post signs in the dorm asking for students to come forward with any information they may have regarding the sale of term papers on campus. I know there was quite a bit of discussion in the dorms on the issue but I never overheard anyone admitting anything.



All R.A.'s were gathered together for a meeting conducted by the school's administration and we were all asked to conduct discussions with students in the dorms and indicate the seriousness of the offense to the students. This was only a part of the College's program to deal with this issue. All classes discussed the issue; all professors opened their doors to discuss the matter on an individual basis if the need arose, and the offer of amnesty was discussed very openly.

As an R.A., I am pretty familiar with college protocols. I do know that when students are caught breaking the rules, that certain set procedures are followed. A report is made, there's a committee to review the infraction. That review committee is made up of school officials, professors and some student members.

My first year at Lincoln College, I sat on the Review Committee as a student representative. That required me to sit through about three hours of training on college protocols, policies, confidentiality and ethics. I never had to sit through a hearing as serious as this one; however, I am absolutely confident that this college takes these things very seriously and works very hard to ensure that every hearing is as fair as it can possibly be. There was one hearing where the Review Committee had to hear complaints brought by a number of students against a group of students in a dorm who were smoking in the common rooms. That was the only hearing I participated in and the College was very mindful of protocol and fairness.

My student term lasted only one year on the Review Committee. All other members of the Committee usually serve much longer terms. I think they like student input, but rely on long-standing members for continuity.

I know that Casey and Kendall don't think the college treated them fairly, but I am confident that everyone involved in this matter was treated within the bounds of reason. We all had to sign a paper when we went through student orientation. That paper contained the policy and we had to sit there and read the thing in front of people before they let us sign it. Casey and Kendall must have read and signed the document so they were fully aware that what they were doing was against school policy. I know the paper was long, but we were supposed to read it before signing and that's what I did.

I don't know why they are suing about due process and constitutional rights. They had ample opportunity to defend themselves; it's just that their defense wasn't credible to the university officials. Expulsion is a serious business. Every contact I've ever had with Lincoln College officials and administrative personnel leads me to believe that all procedures would have been followed to the letter and every attempt was made to ensure fairness.

**Cassidy Wallner – Defense Witness**

College Professor of Law and Legal Writing

Member of College’s Review Committee for Disciplinary Actions

My name is Cassidy Wallner and I am a professor of law and legal writing at Lincoln College. I also serve on the College’s Review Committee for disciplinary actions and was present at the hearings when the actions of Casey McDermott and Kendall Anderson were reviewed and deliberated.

I have served on the Review Committee since 1998 and this is only the second time such a serious hearing has had to be conducted. Most infractions are quite minor and are dealt with quickly with both parties satisfied with the remedy that is reached. We take great care in our research and deliberations to ensure fairness.

There was a comparably serious incident in 2000 where a student was suspected of arson on campus and was subsequently tried and convicted of the crime. I meant by “serious” that the incident broke an Illinois law as well as a campus rule. Prior to the student’s arrest for arson, the Committee reviewed three anonymous written submissions that all pointed the finger at the same student. The College turned the documents over to the police for investigation and, upon notice that an arrest warrant for the student had issued, the Review Committee convened and voted unanimously to expel the student.

That student had no recourse and was not present for questioning at the hearing, as the arrest was in process as the review committee met. It is my understanding that that particular student may still be serving time for the arson, but I am not at all sure.

Because this college is private, we have some discretion in our admissions policies and that extends to who we decide to keep on as students. While there is no written “zero tolerance” policy with an accompanying list of possible infractions, I would say with confidence that there are certain lines that cannot be crossed at this college without incurring some very serious repercussions. Because we are rather strict, and because the students know that, we have had very little trouble within our student population. They know not to break the rules. They are here to learn and they are, for the most part, very serious students.

I am personally aware that McDermott and Anderson were fully informed of the College’s plagiarism policy as we discussed it in the classroom. I do know that the University has a zero tolerance policy against plagiarism, as stated in that particular policy. There is no “zero tolerance” laundry list of prohibited activities. The minute you issue a laundry list, someone will find something that’s not on it.

Both McDermott and Anderson were both enrolled in my class on creative legal writing and we did numerous exercises on plagiarism, including defining it quite

clearly and undertaking internet research on the issue. In addition, upon enrollment, every student receives a student handbook and is asked to read the entire document and submit a paper stating that they did read the materials. It's a lengthy document, but very readable and understandable.

As part of the College's Review Committee, I had the opportunity to read each of the student statements that were submitted in this matter. The Provost informed the Review Committee that each of the amnesty students met with the Provost during an informal interview and was asked to write a statement. Those statements were used by the Provost in gathering additional information from those individual students. Where the Provost had questions, the students were asked to more fully explain in their statements. So, we have a number of quite convincing and detailed accounts of how McDermott and Anderson undertook to sell their papers on campus. And, oddly, not one of the student statements mention that McDermott and Anderson advised them to change the papers they purchased. And, McDermott and Anderson were completely unable to produce any documentation confirming that they had donated the money they received from the sale of the papers. It was the overwhelming impression of each student involved that this was a "for profit" endeavor.

Each of the student witnesses received amnesty and a guarantee from the Provost that their names would not be released and that confidentiality would be maintained. Each of their statements, however, was signed and witnessed by college personnel. Those amnesty students paid a bit of a price. The college did notify the parents and/or guardians of those students and indicated that they were being interviewed in relation to a case of plagiarism and/or selling of papers on campus. Each of their statements contains, immediately above the signature, language that assures that the student has reviewed the statement for accuracy and agrees with the content. Each of the parents and/or guardians gave permission for the college to use the sworn statements in the hearings.

We took every precaution to provide a fair hearing for McDermott and Anderson. However, the amnesty students were guaranteed that they would not need to be present during the hearings and would not need to testify against McDermott and Anderson directly or in person. This was done to safeguard their identities, to protect them from public humiliation and harm to their reputations, and to guarantee that there could be no retaliation on the part of McDermott or Anderson, or from other students who may be supporters of McDermott and Anderson.

Given the number of papers that their notebook indicates were sold, I don't believe there is any credible way for McDermott and/or Anderson and their friends to determine which of the students received amnesty in exchange for admitting their participation in the activity.

McDermott and Anderson are trying to be reinstated and are arguing that the College didn't provide them with due process. I think their small amount of law-

related education has gone to their heads. This college is very aware of due process and does everything in its power to provide fair and impartial hearings when they are needed. What they need to remember is that administrative hearings within a private college are very different from a court of law and are not bound by the same rules. We are bound by our own rules, and must offer reasonable accommodation when it comes to who testifies and what information is reviewed. We did that.

I'd guess that the lack of opportunity to cross examine the amnesty students is what's irking them; however, McDermott and Anderson had already admitted their wrongdoing so there was no need to cross examine those who came forward to corroborate their admission. To my mind, any cross examination they could have undertaken would only have served to confirm their guilt. Were they going to ask them why they came forward? Why they didn't re-write the papers? I don't think any of that would have been at all relevant or helpful.

McDermott and Anderson were told they could bring forward any witnesses they might choose to support their case and they brought forward no one. Not one student came forward to support their cause and not one teacher or school administrator came forward at the hearings to advocate on their behalf. This was either because they failed to seek those people out, or those people refused to become involved.

McDermott and Anderson broke campus rules and broke Illinois law and, if appropriate punishment is not assigned by this College, our reputation will be harmed. The day before the Provost denied their appeal, the news was full of stories about a Harvard student who had been accused of plagiarism. Even though that case had nothing to do with Harvard University coursework, Harvard still made it into the news. We don't want that kind of negative publicity, especially since in our case the work was course-related. This is, quite simply, a tragedy for all involved.

## **Pat Michaels, Lincoln College Provost - Defense Witness**

My name is Pat Michaels and I am currently serving as Provost for Lincoln College. I have held this position for ten years.

The Provost at Lincoln College, which is a private college, oversees all the academic programs on campus, which includes teaching and research activities. In my capacity as Provost, I supervise the deans of the various departments and work closely with faculty on various internal committees. In addition, I represent the university as public spokesperson.

I have final approval of all hiring and firing of campus personnel, from deans to technical support personnel. It is also part of my job to ensure that everyone who graduates from this college has earned his or her degree and leaves here with the kind of education they paid for.

My background education includes an undergraduate degree from the University of Illinois at Springfield, with graduate work at the University of Illinois at Champaign-Urbana. I hold an undergraduate degree in marketing and education, and a master's degree in education. I also have a Ph.D. in literature.

I am quite familiar with all the College's policies and practices and, in fact, helped draft the plagiarism policy that all students must read and sign upon being admitted to the college. That policy, along with others, is contained in our student handbook. The handbook is only about 100 pages long, and is very well indexed. We have on file papers signed by Anderson and McDermott indicating that they read and understood the entire document.

If we allow students to cheat, and share or sell term papers, avoiding the work that they should be doing, we not only hurt them, we hurt all graduates of this college who did the work and fairly received their diplomas, we hurt the future graduates, and we hurt the reputation of this fine college. Our reputation simply cannot be undermined by this kind of activity. We have to take a strong stand, as unsympathetic as that sounds, it's a fact.

When I first heard that there was a systematic term paper selling activity on campus, I was first disappointed, then angry. However, my personal feelings had to be set aside and I knew that our policies and procedures would need to be followed.

We called for a Review Committee meeting, a committee consisting of college administrative personnel, professors and student appointees, to review the matter. This internal protocol ensures a thorough review of the accusations and allows the accused students to testify on their own behalf. This procedure is set out in the campus catalog that every student receives upon admission.

This college is being sued on the grounds that we did not provide due process for the students who were expelled. I can tell you in no uncertain terms that those students received a fair hearing. They were guilty; they admitted to selling the papers, they admitted their guilt. No matter what their rationale, they were guilty and that type of activity cannot be allowed. It's illegal and does harm to everyone involved, and that harm extends to all our students, personnel and alumni. There was nothing arbitrary or capricious about our investigation or the resulting punishment of expulsion. We followed established rules and guidelines and adhered to school policies that had been in place for years.

We posted signs across the campus asking for students who might have utilized one of the purchased papers to turn themselves in. We did this so that we would know the extent to which the student cheating had risen. We had a number of students come to my office and take advantage of the amnesty we had offered. They provided written statements, which were witnessed and sworn, indicating their purchase of papers from students Casey McDermott and Kendall Anderson. I personally did a word by word comparison of the papers returned by the amnesty students and those found in the binder that Madison Burford found. The papers were obviously the same ones sold by McDermott and Anderson. There were very few, and very minor discrepancies.

McDermott and Anderson were allowed to read the papers when they met privately with me in my office on Sunday, March 26. It was there that they both confirmed the sale of the papers in question. They again tried to defend their behavior, stating that they only sold papers when students had dire need and donated all the proceeds to worthy causes. They also said that they had advised everyone who had purchased papers that they should be used as background information or resources only. They still sold the papers. That very act of saying that the material should be altered shows that they knew they were doing something wrong; something that is against school policy.

As to the financial contributions, we went so far as to check with the legal service corporations and other campus entities McDermott and Anderson mentioned they had donated to, and they had no record of receiving donations from these two. Even if they donated confidentially, they had no record of receiving confidential donations during the period in question.

McDermott and Anderson also indicated that one student had been ill with mono and was late with assignments; one student had a family tragedy and had been off campus and needed help catching up with course work; one student broke up with a boyfriend and was too emotionally disturbed to do her own research, etc. I know of no professor on this campus who wouldn't have extended the courtesy of an extension had those students taken the time to ask. Each of the students had personal knowledge of the activities of McDermott and Anderson and, instead, turned to them for help. This is disappointing and disturbing.

No matter what their excuses, and there were many and some were compelling, the students Casey and Kendall did not lessen the severity or illegality of the deed. They broke the rules and they admitted to breaking them.

As to the denial of due process; we followed all our established and published procedures for an incident of this type. We first secured all documentation that was available, in the form of the notebook that had been turned in by Madison Burford. If there was a smoking gun, that notebook was it. It had complete documentation of their history of selling papers, rules for selling, and the papers that were actually sold. It was very disturbing to see how organized these students were. I should credit Burford for taking such quick action. That student was in my office waiting for me the morning after the notebook was found and his/her hands were shaking as he/she turned the book over to me. I think Burford knew full well the ramifications of McDermott and Anderson's actions.

I felt that the College would be best served by asking witnesses to come forward so we offered a general amnesty for this purpose and posted signs across the campus and asked all college personnel to assist in spreading the word. I ran this idea past our College legal counsel who agreed. We offered amnesty for a full week.

When those witnesses did come forward, they were interviewed and statements were taken. Each of the students met with me personally at the end of the amnesty period and confirmed their participation in the paper selling activity. Each student turned in the paper that they had purchased, and the ones they ultimately submitted to their professors. We were able to do a side by side comparison of the documents. Each of the students wrote a voluntary admission which they signed in front of me and in front of another witness from my office. All these were signed in my presence on March 25.

I would like to add that none of the students who came forward mentioned that McDermott and/or Anderson advised them to alter the papers, as McDermott and Anderson state they did. I did ask each of the students if they had been advised to change the papers, but each said they had not.

After the side by side comparison, we convened a committee to review the documentation and review the testimony by the students who were accused, McDermott and Anderson, and we read aloud the statements from the students who had admitted purchasing the papers. That hearing was scheduled in a timely manner and was held on March 27. McDermott and Anderson were in the room and were able to participate fully in any and all discussion of the allegations, the witness information and in defending themselves. They had counsel present. They had every opportunity to comment on what they were hearing but never spoke. I don't know if their silence was because they had nothing to say, or if they had been advised to keep silent by their counsel.

If they try to say that due process was not afforded because they couldn't confront their accusers, it's not the students who came forward that are accusing them. It's the college that is accusing them, and it's the college that is expelling them. The amnesty students were guaranteed confidentiality and, while their sworn statements were available for review, their names had been redacted for their protection.

After a full disclosure of the information at hand, the review committee excused all those involved in the issue and deliberated in private. I was present at those deliberations and can tell you without breaching any confidentiality that the vote to expel the students was easily made and it was by a split vote of the full committee, but by a clear majority.

For purposes of the appeal for reinstatement, lawyers for Casey and Kendall subpoenaed records from the college relating to any and all students who had been expelled in the past, or for whom expulsion had been considered and waived. These files were sealed and, as we are a private university, we are not subject to the Freedom of Information Act, which they tried to use to get us to release the information. In order to prove the College has a consistent policy and acts in an even handed manner, we did release some information but kept the names of the students involved in the prior misconduct confidential. By redacting their names, we feel confident that we are respecting their privacy.

If Kendall and Casey were all that worried about Character and Fitness to practice law, they certainly didn't demonstrate that concern in their actions. In any case, the only entity authorized to determine "character and fitness" is the Supreme Court's Committee on Character and Fitness, not this College. All this concern over their future admission to the bar has nothing to do with the case at hand. These students are not yet admitted to a law school, let alone applying for the bar examination.

In the entire history of this College, we have only expelled students for the most egregious transgressions. Some of those include arson, drug possession, theft, rape, embezzlement and the like. The facts that lead to the vast majority of expulsions were confirmed by a conviction in a court of law. Those that did not go to trial were settled by use of dispute resolution. Every one of the previous expulsions was done by unanimous vote after a thorough review. Only one of those students was reinstated and that was because that student paid restitution and submitted a letter acknowledging the act and apologized fully. In that particular instance, the only thing damaged was college property...not the reputation of the college, as is the case here.

These particular students, McDermott and Anderson, set in place a complex system for selling papers and that is a breach of this College's policies and a breach of Illinois law. We cannot accept or condone such behavior by letting these students remain on campus.



## **Casey McDermott – Plaintiff Witness**

My name is Casey McDermott and I am 21 years old. I was, until the expulsion, a senior at Lincoln College. As far as I know, up until the incident at hand, my record with the college has been exemplary. I have a high grade point average, am here on a full academic scholarship, which means my high school years were clean as well. I am enrolled in the pre-law program and hope one day to become a lawyer or a judge.

All my life I've been complimented on my ability to see both sides of a question and to be fair minded and have even mediated small disputes between friends. I'm the kind of person who likes to help others and I think the legal profession will enable me to do just that. My dream is to work in disadvantaged areas and help those who may not be able to afford private legal representation. Because of my interest in legal assistance to the indigent, I've been volunteering at Prairie Justice Legal Services, a Lincoln College legal services office for students.

I got that job when I was a freshman, so I've been working there for over three years. Kendall Anderson works there as well. We'd see students come into that office under so much stress, not only from their legal issues, but from the overwhelming course work that can back up when outside problems take over your life. Kendall is as sympathetic as I am, and we came up with an idea that we didn't think would hurt anyone.

When someone would come into the office, or if we heard of someone on campus who was having a crisis of some sort, and might need help, we could share some of our school work, like the term papers, to help them through the turmoil. We helped students who were being evicted from student housing, had traffic accidents, family issues, and things like that. We took some of the pressure off and allowed them to pass their courses.

And, as we stated during the investigation, we always strongly encouraged all the students to do their own independent research to update the materials. In essence, we thought we were providing a sort of outline for the kids who were having trouble so they could bypass a few steps in their research process. Yes, we sold the papers, but we always told the students to do their own work to make the paper their own. We felt that selling the papers was an important part of the process to make the students do their own work. It also meant that the students might not come back for another paper if they had to pay. It also gave us the opportunity to donate funds to projects we felt were important. Unfortunately, we kept no receipts.

All the funds we received were donated to good causes. We donated some to the campus library for new books, we donated some back to the legal clinic, we donated some to other campus related organizations, and we donated some to local charities. I can honestly say that we kept none of the proceeds. We did this to help students in trouble and made no profit.

I think our punishment is far too severe for the supposed crime we committed. I don't think it's a crime to help others.

As to due process, there was none. The college administration decided they needed to make an example of us and they proceeded to secure the information to do so. They posted "wanted" posters across campus so that anyone with a grudge against us could come forward and testify that we'd sold them papers. Evidently there were quite a few students who came forward that we must have sold papers to.

I think we should have been allowed to question all those who came forward to testify against us; meet face to face with all those students who took advantage of the college's amnesty offer. We weren't. We were given a list with titles of papers and other statistics on how many footnotes matched our original works, and how many pages the papers ran. What kind of evidence is that?

I want to know if any of those amnesty students told the college personnel in their interviews that we'd told them to use the papers as outlines, as ideas, as a source, but not to use it as their papers. We advised them NOT to cheat. We told them NOT to simply copy the papers. The papers were supposed to be a study aid, and were not sold as a way to circumvent studying or learning.

Due process, at least to me, means that we should be fairly heard and we should have the ability to face our accusers. They're saying the college is accusing us, but it wouldn't be able to do so if they hadn't rounded up all these supposed witnesses who swore they got their papers from us. Those are the students we'd like to question face to face.

And, I'll admit I signed a paper stating that I read the entire student handbook and understood it, but the thing is about 100 pages long and it's incredibly hard to read without falling asleep. I know I scanned it, but I don't remember seeing any language on plagiarism or selling of papers.

This is the United States, and this campus is governed, ultimately, by the laws of this country. The Constitution says that all citizens should be treated fairly when they stand accused of a crime. That's due process—it's about fairness. Kendall and I have been denied due process because we never got to face those students who allegedly purchased our term papers and turned them in as their own. The college said that the information was confidential and that they needed to protect those students. What about protecting our rights?

This college is worried about its academic reputation, yet they have trampled our rights to a fair hearing. We had no clear knowledge that assisting other students with research background was ill advised and at the hearing we weren't allowed to question our accusers. We were simply expelled without having the

opportunity to fully defend our side of the case. What about their reputation when it comes to fairness and taking care of their own students?

We thought that by being forthright and admitting what we'd done, we'd be extended some courtesy or fairness in the hearing process. We weren't. We were treated like criminals from the first second we were notified.

The College gave absolutely no consideration to the fact that we only did this to help others. They gave no consideration to our futures and all the time we have invested in our educations. They have, through their action in expelling us, pretty effectively ruined our legal career aspirations. I mean, really, people get paid for tutoring. Our sharing of information efforts were just as helpful to those people who were in need.

I don't have any idea how this will impact our character and fitness when we sit for the bar, or if we should even bother going on to law school. If we don't get admitted because of this mark on our records, what's the point of continuing down that career path? Would the character and fitness review committees offer us an opportunity to explain our actions? This college offered the opportunity for us to explain our actions, but when we tried they turned a deaf ear.

My future will be ruined if I'm not reinstated, and so will Kendall's. I think we would both make very good and compassionate lawyers. The Lincoln College administration has pretty much put our law school and career plans in serious jeopardy.

Every other person ever expelled from Lincoln College had good reason to be. They were arsonists, rapists, druggies and worse. We're just two students who tried to help other students. That's why we're seeking a review by the courts. We're seeking justice. We're seeking fairness. We're seeking an opportunity to tell everyone that what we did may have been unwise, but we did it with the best of intentions and did not profit from our sale of the papers. We want to get back into the College and we want to graduate, without a negative mark on our school records. Our futures depend upon the expulsion being overturned and our being reinstated in good standing.

The college has reinstated after expulsion before, so why not this time? We'll write letters of apology and have already admitted that we did what we did. What's the difference between us and that other student who was reinstated?

**Professor Riley Porter – Plaintiff Witness**

Lincoln College Professor of Law

Member of College’s Review Committee for Disciplinary Actions

My name is Riley Porter and I am a Lincoln College Professor of Law and also serve on the College’s Review Committee for Disciplinary Actions. The McDermott and Anderson affair is the first hearing I attended as a member of the Panel.

While I initially voted with the majority of the other panel members to expel these students, I have reconsidered and now advocate taking a more lenient position. I don’t think Lincoln College needed to worry about its reputation as the media knew nothing about this incident. The fact that they were expelled and the college refused their requested appeal forced the students to take this matter to court. Now the media is aware, and it’s only because the College chose to be inflexible.

I think there is no question that Anderson and McDermott are guilty of having sold papers on this campus and deserve punishment; however, I strongly disagree with the level of punishment that has been apportioned. They do not deserve to be expelled, especially when the students who actually did blatantly plagiarize papers are not being punished at all. There is no equity in this. I might feel differently about this appeal if the College had expelled or penalized in some way those “amnesty” students, but they let them get off with virtually no punishment and it was they who cheated and broke the rules.

It is quite clear that McDermott and Anderson wrote their own papers, which they later sold, and that those papers received high marks for originality, research, depth of understanding and all the other criteria that our college professors usually utilize in grading papers. These are two very talented students and their actions have seriously jeopardized their future careers as lawyers. The fact that the issue is on their records is, I think, sufficient punishment as that blot will obviously need to be discussed in any future character and fitness hearings when they try to become attorneys.

It is also quite clear that they did not wish to profit from their activity. They only offered their papers for use if a student exhibited a compelling need, and then they clearly stated, in every case, that the papers were meant solely as research tools and should not be used verbatim. The fact that a small percentage of those who purchased papers subsequently plagiarized them is not the fault of McDermott and Anderson. The amnesty students are paying no price for their complicity in this endeavor and I find fault with that.

I am also concerned that McDermott and Anderson were not allowed to question those amnesty students directly or indirectly either before or during the administrative hearing. Their futures depended upon providing the Review Committee a clear and convincing argument that their sole purpose in doing what they did was for “humanitarian” reasons, if you will. The Review Committee heard little about the reasons and rationale behind the purpose of selling the

papers; but was provided a very brief synopsis by the Provost that McDermott and Anderson agreed to. They did not respond to the synopsis at the hearing, nor did their attorney. Why they chose to remain silent is beyond me. I think there were others on the Review Committee that could have been swayed by their reasoning and compassion, if they had shared it with the panel.

While what these students did is blatantly against school policy, this school has in place numerous other options for punishment that could have been utilized without ruining the futures of these two very talented students. They could have flunked the semester, been forced to undertake community service, they even could have been expelled for one year and then reinstated in good standing with a mark on their records.

Full expulsion with no avenue for appeal or reinstatement seems far too extreme, especially given that the only other times that this College has expelled students was when those students undertook far more egregious crimes that truly harmed others or significantly harmed property. There was rape, arson, drug possession, and stalking and hate crimes. McDermott and Anderson were trying to help people, not harm them. This should have been taken into consideration. I wish now that I had argued these points at the original hearing instead of being so compliant.

I also encouraged the Provost to contact McDermott and Anderson to let them know that they were being expelled during the time they were absent from campus on spring break. Making them wait until they returned to campus was callous and coldhearted. Those two students deserved to receive notification the day the expulsion was voted. Not a week and a half later. Letting them return to class was misleading and outside the bounds of common decency. It's almost as if the Provost wanted them present on campus to experience the highest possible level of public humiliation. Their friends, housemates and classmates all know what's going on and are now aware of the expulsion, I'm sure, but did McDermott and Anderson really need to return to campus to learn of their humiliation? They could have, and should have been contacted at home.

Now this College is faced with a very public court case, where media attention is being drawn to the campus and to our student body as a whole. The media will want to investigate past records, they'll want to interview students and campus personnel, and I can only believe that the entire court case will draw unneeded and unwanted attention to this campus, when the entire reason for expelling those students was to ensure that Lincoln College's reputation remained clean. The entire campus, student body and staff are being pulled into this now, with the press taking sides and looking for comments from whomever will speak with them.

I think this College, as well as Casey McDermott and Kendall Anderson have had enough attention from this matter. We need to make it go away. We could settle the matter once and for all by reinstating them, with provisions that their conduct

must be above reproach for the rest of their time at Lincoln College. We could reinstate them with blots on their records and then the media attention would stop or at least lessen.

I don't think the expulsion was well thought out. I think there were other viable and fair options that could have been implemented and should have been considered.

## **Kendall Anderson – Plaintiff’s Witness**

My name is Kendall Anderson and I should be a senior at Lincoln College in Illinois. I’m expelled, but hope to be reinstated after having a chance to tell my side of the story.

I’m 21 years old and have been a student here since my freshman year. I currently have a straight A average and was in line to be the College’s valedictorian, but I’ve been stripped of that particular privilege. I guess I should say I was a senior at Lincoln College. I can’t get used to the idea that Casey and I have been expelled.

Like Casey, I was enrolled in the College’s pre-law program. Unlike Casey, I worked full time at being a good student. I had to study harder to make my grades and needed more time for that, so I don’t have a full-time job, but I did volunteer once in awhile at Prairie Justice Legal Services with Casey.

I can’t believe how out of hand this entire thing has become. Casey and I thought we were helping kids here who had a real need, and those same kids have now come forward and ratted on us. It’s a real lesson in human nature, I guess. You can’t tell who your friends really are until trouble knocks on your door. I know this for a fact. I had a juvenile record, I guess you could call it. I got caught shop lifting when I was 12 and even though that record has been expunged, I still feel like I’m living that down, at least where my parents are concerned, and for myself.

I was shocked when Casey and I were called to the Provost’s office and were shown the notebook that Madison Burford had found and turned over to Pat Michaels. I thought Casey had the book safely put away somewhere, and I guess Casey thought I had it. Neither of us missed it, and we both thought it was the best thing to do to tell the truth immediately about what we’d done. That’s what I did when I got caught shop lifting and it helped in that case. Honesty didn’t help us much in this case though.

We thought we explained our rationale pretty well. We only helped students in dire need. Those who were having emotional problems, or legal issues, or were having family conflicts. They had fallen behind in their course work and needed a little bit of help. We offered that help in the form of term papers that had a record of being graded well. We always sold at a fair price, always donated the money, and always told the purchasing student that the only reason they were getting the help was because they had exhibited a true and worthy need. Then we always, without exception, advised the student to use the paper only as a research guide and to make sure they altered and updated the material.

Evidently there were quite a few students who took advantage of the amnesty program who just took the papers, retyped them, and turned them in as their own. To my mind, that’s a far greater infraction than what we did. After all, we told each and every person we ever sold a paper to that it was necessary for them

to use the paper as a guide only. We told them not to copy directly from the paper. We told them that was plagiarism. Why was amnesty offered to those students instead of holding them accountable for their actions? The professors should have realized there were similarities in the papers and challenged those students who had plagiarized our works, that were provided with a warning to use them as background only.

We were both surprised when we saw the amnesty posters going up across campus, as we thought the issue had been pretty fully addressed during our meeting with the Provost and that the Provost had accepted our explanation and even sort of respected us for admitting so openly to what we'd been doing. Neither of us had any idea there was a statute prohibiting the sale of papers. That stunned us.

Casey and I know that other students from the College have been expelled in the past. Heck, it's easy enough to find that out and that's what Casey and I did when we found out we'd been expelled. We went to the public library and did a bit of research. Between 1962 and 2000 the College had expelled only nine or so students. We may have missed one or two. I don't know if the College released information to the press on all of them. All the expulsions were for really awful crimes like setting major fires on campus that did tremendous damage, or raping a girl, or hate crimes that really got the whole campus up at arms. How can you compare what we did to arson or rape, or hate crimes? Those are truly serious crimes that really hurt people. We didn't hurt anyone; we really thought we were helping.

I think our due process rights were completely ignored. We never got to question those students who got amnesty. We don't know who they are or why they decided to turn themselves in and cause us so much trouble. We helped them when they were down and out and in need and this are the thanks we got.

I read most of the student handbook that the college hands out upon admission and I saw nothing in it that stated we couldn't share our research papers as guides, offer assistance, and help other students in a jam. And that's what we meant to do. We provided research assistance to kids whose grades were in jeopardy due to circumstances out of their own control.

I'd have liked to bring out the past expulsion record during the hearing so that every one would realize that what we did wasn't all that awful or harmful. I don't know if that would have helped as the cases were from as far back as the 1960's, at least some of them were that old. We couldn't ask those folks to testify on our behalf. How could we?

If the College hadn't made such a big deal about it, how could their reputation have been hurt? And, there's that one student from way back who damaged a monument and was expelled but got back in. I'd have liked to question that person about how they were able to work the system to their benefit.



I also wonder how come it took the Provost a week and a half to tell us that the Review Committee had voted to expel us. Why let us go home on Spring break thinking that all would be well, and have us come back to hear that news? We both thought that we'd get a reprimand, or some light punishment. We were back on Sunday evening and didn't hear until Wednesday. During that week all our teachers treated us like we had the plague. It was embarrassing. They wouldn't look us in the eye and they pretty much ignored us when we asked questions about course work.

We should have suspected we'd be expelled then, but we didn't. We still thought we'd be able to continue on with our classes and maybe get a reprimand.

They absolutely ignored all our reasons for doing what we did. We didn't intend to cheat, and we didn't think we were cheating...we wanted to help people. We wrote each and every one of those papers ourselves, so we didn't plagiarize. We donated every cent we got to charitable causes in the community and on campus, so we certainly didn't profit by what we did. We saved quite a few students from failing or dropping out by giving them a bit of a boost and selling them a paper that they were told should be used as background research. We sure didn't know that was illegal under Illinois law.

Everyone says that ignorance of the law isn't an excuse. I guess it isn't. But who did we hurt? Only ourselves, I think, and that's illegal? The college student handbook sure didn't cover the issue of helping others. That 100 or so page tome was harder to read than some of the most complex assignments we've had here.

We want to be reinstated, and will accept a lesser punishment gladly, just so we don't lose our chance to go to law school. How can they take that away from us in such an arbitrary and capricious manner? They're ruining our lives by expelling us.

That person who was reinstated years ago used mediation. Why didn't they offer us that option? Why don't they let us write letters of apology and let us stay? I don't understand why what we did is so much worse than that student in 1968 who defaced a school monument. That was all over the newspapers so why did they think that didn't damage the school's precious reputation? We'd sit through mediation sessions and work toward some lesser punishment. We'd both be happy accept whatever other punishment the college would like to assign us, but they should let us stay.

If they let us stay, we'll be able to prove that we're good and honest students. If the expulsion stands, we'll have no opportunity to clear our names and remedy what we did.

**Exhibit A** - Excerpt from Notebook marked with names of defendants **Casey McDermott** and **Kendall Anderson**

<i>Title</i>	<i>Type</i>	<i>Pages</i>	<i>Footnotes</i>	<i>Professor</i>	<i>Origin Date</i>	<i>Times Sold</i>	<i>Cost</i>	<i>Grade rec'd</i>
Moby Dick	Book report	8	15	Wheeler	2004	2	\$50	B-
Pride Prejudice	Book report	11	20	Wheeler	2004	1	\$55	B+
Ethics & Conflicts	Term paper	22	31	Rendleman	2005	2	\$75	A-
Brown v. Board of Ed.	Term paper	33	42	Rendleman	2005	1	\$75	B+
Election Law – yesterday v. today	Theme	7	0	Covington	2004	2	\$25	C
Judicial Independence	Theme	11	0	Robinson	2004	2	\$25	B
Psychology of Crim. Behavior	Essay	19	50	Rendleman	2004	2	\$75	A-
MCLE Rules in Illinois	Term Paper	56	47	Speedie	2005	3	\$100	A
International Law & Terrorism	Essay	29	40	Bentley	2003	3	\$100	A
Team of Rivals/Lincoln	Book report	7	11	Lyman	2006	0	\$50	A
Brown v. Bd of Ed.	Case synopsis	5	0	Smythe	2005	1	\$25	B-
Marbury v. Madison	Case synopsis	6	0	Smythe	2005	1	\$25	B+
Dred Scott v. Sanford	Case synopsis	9	0	Smythe	2005	1	\$25	C+
Mapp v. Ohio	Case synopsis	8	0	Jones	2004	0	\$25	A-
Gideon v. Wainwright	Term paper	36	39	Jones	2005	1	\$100	B-
Roe v. Wade	Essay	21	71	Jones	2006	3	\$100	A
George Orwell	Theme	16	23	Wheeler	2006	2	\$50	A-

Lord of the Flies	Book report	4	0	Wheeler	2005	0	\$25	B
Great Expectations	Book report	13	5	Wheeler	2004	3	\$50	B+
Traffic Law Review	Essay	25	42	Speedie	2005	2	\$100	A-
How a bill becomes a law – a legislative review	Term Paper	30	48	Covington	2006	4	\$100	A
Lincoln’s legal legacy	Term paper	50	76	Mathewson	2006	1	\$100	A-
Illinois Constitution v. U.S. Constitution	Essay	15	22	Kopecky	2005	3	\$70	B+
1 <sup>st</sup> Amendment Rights	Essay	11	15	Kopecky	2005	2	\$50	B
One-L	Book report	7	15	Rendleman	2006	3	\$75	A-
Civil Action	Book report	8	12	Wallner	2005	2	\$50	C+
The Paper Chase	Book report	11	11	Rendleman	2004	4	\$75	B+
To Kill a Mockingbird – the trial	Essay	22	25	Bentley	2005	2	\$50	B
Mediation versus litigation	Essay	14	24	Rendleman	2005	3	\$50	A
Terrorism and the Patriot Act	Essay	12	52	Bentley	2005	5	\$100	A
East Asian Governments and legal systems	Essay	34	67	Bentley	2006	2	\$150	B
Law and Literature	Term paper	22	45	Wheeler	2005	3	\$100	A+
Eminent Domain and historical properties	Essay	14	28	Bentley	2004	1	\$50	B-
Ethics in	Essay	13	60	Rendleman	2003	1	\$75	B+

Government								
Mental Health Records Shields	Term paper	38	42	Jones	2006	1	\$100	A
Illinois Governors on trial	Essay	15	36	Kopeccky	2006	0	\$75	B-
Prominent Women in the Law	Essay	36	19	Wallner	2005	2	\$75	A

**Exhibit B - From the notebook of defendants Casey McDermott and Kendall Anderson**

Last Will and Testament - We pass this volume on to continue the legacy of great minds at work in stressful times with the following caveat:

- Encourage creativity in use of papers...stress they must only be used as a guide
- Donate all proceeds to local causes
- Only sell to students with an honest need for assistance
- Never sell to the same student more than once

Pass it on when you complete your time as guardians!

**Exhibit C(1) – Lincoln College, Springfield, Illinois**

Plagiarism Policy –Excerpt from the Lincoln College Handbook, 2006 edition

Lincoln College in Springfield holds all students in high regard and relies upon their individual integrity in their conduct. Each student is expected to conduct themselves in an ethical and professional manner during their course of study. Lincoln College in Springfield has adopted a zero tolerance policy toward plagiarism.

Plagiarism may take one of three possible forms:

- Using another person’s writing in one’s own work without appropriate acknowledgement
- paraphrasing another person’s work without appropriate acknowledgement
- presenting another person’s original theories, views, perceptions or ideas as your own.

Lincoln College in Springfield, Illinois takes plagiarism seriously and will not tolerate it in any form.

Upon receipt of an allegation or finding of plagiarism, the head of any department may convene a Review Committee, consisting of no fewer than five faculty members and one student representative to review the matter. If there is a finding of plagiarism, depending on circumstances and the seriousness of the infraction, the Review Committee may recommend to the Provost of the College any of the following:

- Written warning to be placed in the student’s permanent record
- Failure of the course
- Suspension for a specified period of time
- Expulsion

Exhibit C(2)

Separate page in front of Handbook

Each student is provided a copy of this Handbook upon admission and is required to sign a declaration that they have read and understood these policies. .

I have read and understood the Handbook and understand the penalties that may be imposed for not complying with the policies contained therein: \_\_\_\_\_

(name)

Dated: \_\_\_\_\_

## **Exhibit D – Plagiarism Amnesty Poster**

*Lincoln College in Springfield, Illinois has experienced a serious infraction of its plagiarism policy. Two students have been accused of selling term papers, reports, essays, etc.*

*In order to determine the breadth of this problem, Lincoln College is offering a week-long amnesty for students who may have purchased a paper from anyone.*

*All admissions will be kept strictly confidential and no blemish will adhere to the admitting students' records.*

*Contact the Office of the Provost for an appointment to discuss this matter or if you have questions or concerns.*



## **Exhibit E – Excerpt from Lincoln College Catalog, 2006 edition**

This policy applies to all students enrolled in Lincoln College. This includes full time and part time, as well as on line students. If a grievance is filed against a Lincoln College Student, be it by faculty, staff or student, the following information must be provided:

1. The name, address, telephone number and, if applicable, the e-mail address of the student about whom the grievance is made.
2. The name of the person alleging the complaint, including all contact information.
3. A full description of the issue, action or problem, including the date of the infraction, the names of any witnesses to the issue, action or problem and contact information for same.
4. The person alleging the complaint should also provide supporting documentation, if applicable. For instance, if the complaint involves plagiarism, a copy of the plagiarized paper should be included in the report.
5. Grievances should be filed with the Provost's Office, who shall have primary responsibility for initiating the investigation of the matter. The Provost's Office is responsible for notifying the person or persons who are the subject of the complaint that a grievance has been filed and that an investigation will be conducted by a Review Committee. The Review Committee will consist of appointed members from the college's administrative personnel, faculty and student body.

The following schedule will apply to all complaints, unless a complaint is filed during a period during which the school is closed (vacation/break). If that is the case, the notification process may be delayed until students are back on campus.

- Within 10 days of receipt of a complaint, the Provost will notify the Review Committee and schedule a meeting;
- This meeting must be conducted within 30 days of the complaint being filed, giving adequate time to notify parties, collect information, schedule witnesses, etc.
- Upon review, the Review Committee may recommend any of the following:
  - Dispute resolution
  - Deferral of determination pending additional information
  - Reprimand of the person in question with official notice placed in the permanent file
  - Failure of a test, paper, course
  - Suspension from the course
  - Suspension from the College for a specified period of time

- Financial restitution
- Expulsion

During Review Committee meetings, formal rules of legal evidence do not apply. Each party may be accompanied by a non-witness of their choosing (parent, friend, professor, advisor, and/or attorney). These non-witness attendees may participate in discussions, at the discretion of the Review Committee. All additional witnesses and/or their sworn affidavits must be listed and disclosed to all parties involved in the dispute.

All Review Committee hearings are strictly confidential and are closed to the public.

The Review Committee, at its discretion, may request additional time to gather information/evidence, should they feel such time is necessary to provide a fair and equitable hearing. Such requests must be made to the Provost and must include appropriate rationale for the requested extension.

Within 30 days of the Review Committee hearing, a report will be filed with the Provost that will include the Panel's recommendation. Copies of this Report will be provided to the respondent and the complainant.

Should an appeal be requested, it must be requested/filed with the Office of the Provost within 30 days of the final report.

*Prohibited conduct:*

- |  |                                    |
|--|------------------------------------|
| Academic cheating                                    | Academic plagiarism                |
| Attempts to bribe faculty members                    | Bomb threats                       |
| False fire alarms                                    | Harassment in any form             |
| Hate crimes  | Hazing                             |
| Intentional property damage                          | Stalking                           |
| Tampering with alarms                                | Tampering with emergency equipment |
| Theft  | Threat of violence                 |
| Unauthorized possession of dangerous materials       |                                    |
| Unauthorized possession of weapons                   |                                    |
| Unauthorized smoking in restricted areas             |                                    |
| Underage drinking                                    |                                    |
| Use of illegal drugs or controlled substances        |                                    |
| Violence   |                                    |
| Other, as determined by the Provost/Board of Regents |                                    |

**Exhibit F**

**Amnesty Records – CONFIDENTIAL – Provost’s Eyes Only**

<b>Student Code</b>	<b>Paper Used</b>	<b>Pages</b>	<b>Footnotes</b>	<b>Text comparison</b>	<b>Affidavit sworn</b>
Alpha	Election Law -Yesterday v. today	7	0	Identical	Yes
Beta	Gideon v. Wainwright	36	39	Identical	Yes
Gamma	Great Expectations	13	5	Identical	Yes
Delta	Judicial Independence	11	0	Identical but for three sentences revised	Yes
Epsilon	Lincoln’s Legal Legacy	50	76	Identical but for two paragraphs	Yes
Zeta	Dred Scott v. Sanford	9	0	Identical	Yes
Eta	MCLE Rules in Illinois	56	47	Identical, save for 2 additional pages at end of paper	Yes
Theta	Prominent Women in the Law	36	20	Identical but for one additional footnote to update	Yes
Iota	Ethics and Conflicts	22	31	Identical	Yes
Kappa	East Asian Government and Legal Systems	34	66	Identical but for one footnote omitted	Yes

Alpha – Duncan Montana (sophomore)  
 Gamma – Artemis Bird (junior)  
 Epsilon – Lincoln Prefect (junior)  
 Eta – Hazel Watership (senior)

Beta – Kilgore Salmon (freshman)  
 Delta - Dorian Black (junior)  
 Zeta – Winnie Jones (sophomore)  
 Theta – Carter Halleck (senior)

Iota – Leah Shannara (junior)

Kappa – Jacqueline Vincennes (senior)

*Stipulated that all the above noted students have admitted to plagiarism and have been granted amnesty during the official amnesty period. They have sworn that they purchased papers from Kendall Anderson and/or Casey McDermott, and have submitted said papers to the Provost for review. Provost's review is stipulated as accurate.*

## Exhibit G - Lincoln College Expulsion Records<sup>1</sup>

1. 1962 Name Withheld Expelled for intentional destruction of property/arson - (conviction)  
Expelled prior to trial and conviction.
2. 1968 Name Withheld Expelled for defacing a monument on college campus - (mediated dispute resolution and restitution paid)  
Expelled prior to mediation and repayment. Reinstated after full restitution paid and letter of apology sent to college.
3. 1972 Name Withheld Drug possession - (conviction)  
Expelled prior to trial and conviction.
4. 1972 Name Withheld Sexual predator/rape - (conviction)  
Expelled prior to trial and conviction.
5. 1975 Name Withheld Drug possession - (conviction)  
Expelled prior to trial and conviction.
6. 1980 Name Withheld Stalking/Hate crime - (conviction)  
Expelled prior to conviction.
7. 1981 Name Withheld Stalking/Hate crime - (conviction)  
Expelled prior to conviction.
8. 1990 Name Withheld Theft/embezzlement - (mediated dispute resolution)  
Expelled prior to mediation. No reinstatement requested or offered.
9. 2000 Name Withheld Arson - (conviction)  
Expelled prior to conviction.
10. 2006 Names Withheld Plagiarism/Sale of Papers - (appeal pending)

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<sup>1</sup> All the above cases were reported in the local media so both Casey McDermott and Kendall Anderson would have access to the information through public records in the local public library. All school personnel would also have access to this information.

## Case Timeline

March/April/May 2006

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>MARCH</b>			1	2	3	4
5	6	7 Notebook found by Madison Burford	8 Notebook turned in to Provost	9 McDermott & Anderson called to Provost's office	10 Formal notification of Review Hearing schedule sent to Committee members & to McDermott & Anderson	11
12	13 Posters offering amnesty appear on campus	14 Amnesty offered	15 Amnesty offered	16 Amnesty offered	17 Amnesty offered	18
19	20 Amnesty offered	21 Amnesty offered	22 Amnesty offered	23 Amnesty ends	24	25 Provost meets with each amnesty student & receives sworn & witnessed statements
26 Provost meets privately with McDermott & Anderson	27 Review Committee meets	28 Review Committee meets again	29	30	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>APRIL</b>						1
2	3	4	5	6	7 Review Committee meets again and votes to expel	8
9	10 Spring break	11 Spring break	12 Spring break	13 Spring break	14 Spring break	15
16	17 Classes resume	18	19 McDermott & Anderson notified of expulsion in meeting with Provost	20	21	22
23	24 McDermott & Anderson file notice of appeal with Provost	25	26 Provost denies appeal	27	28	29
30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>MAY</b>	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 McDermott & Anderson file suit for reinstatement	16	17	18	18	20
21	22	23	24	25	26	27
28	29 No classes - Memorial Day	30				



**STATUTES - (110 ILCS 5/) Academic Plagiarism Act.**

Sec. 0.01. Short title. This Act may be cited as the Academic Plagiarism Act.  
(Source: P.A. 86-1324.)  
(110 ILCS 5/1) (from Ch. 144, par. 219)

Sec. 1. The assisting or promoting of plagiarism in institutions of higher education is declared to be against the public policy of this State.

Upon written petition by the chief executive officer of the campus of any accredited institution of higher education in this State, the Attorney General or the State's Attorney of the county in which such campus is located, is authorized to institute civil proceedings in the Circuit Court to enjoin the sale, preparation for sale, advertising for sale, or offering for sale of any academic papers. The court may grant the injunction upon finding that (1) the preparer, advertiser or seller has purposely engaged in a course of conduct which he reasonably should have known would result in the submission of such academic papers, substantially unchanged, as original work by any person other than the author in partial or total fulfillment of requirements for academic credit at such accredited institution of higher education, and (2) that for the prevention of future conduct of the same character, the public interest requires that such preparation, advertising or selling be enjoined.

For purposes of this Act, "academic papers" includes any theme, essay, term paper, book report, thesis dissertation, or other academic paper.

The proceedings authorized by this Act shall be conducted in accordance with the Civil Practice Law and applicable rules of court.  
(Source: P.A. 82-783.)

Jury Instructions: No jury instructions are provided with this case.

Plagiarism Lesson Plan  
2007 Illinois State Bar Association High School Mock Trial

1. Open the class session by introducing the subject of plagiarism and concerns schools have with students not doing their own work, or using the work of others.

Ask the class to develop a comprehensive definition, without looking at dictionaries or the Internet. Discuss the differences between quoting, paraphrasing, summarizing and original thinking. Write the definition on the chalk board or overhead projector so the entire class can see and copy. This should take no longer than 10 minutes.

**Mirriam Webster's On-line Dictionary defines Plagiarize as:**

...To steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source

...To commit literary theft: present as new and original an idea or product derived from an existing source

**Wikipedia free on-line Encyclopedia defines Plagiarise as:**

Plagiarism is the passing off of another person's work as if it were one's own, by claiming credit for something that was actually done by someone else. Deliberate plagiarism is an attempt to claim another person's work as one's own, usually by removing tell-tale evidence or changing words so the plagiarism is made harder to spot.

An unacknowledged use of words, information, research, or findings not one's own, taken from any source is plagiarism only if a person is claiming personal credit for originality. It is not plagiarism to use well-known 'common sense' facts (e.g.: "gravity causes things to fall downwards" or "World War II ended in 1945") without acknowledging a source, because readers understand the author is not claiming originality of commonly known facts.

Be sure to explain that plagiarism may take one of three possible forms:

- Using another person's writing in one's own work without appropriate acknowledgement or attribution
- paraphrasing another person's work without appropriate acknowledgement or attribution
- presenting another person's original theories, views, perceptions or ideas as your own.

2. Once you feel the students understand the term, break the class into small discussion groups and ask that each group to create a list of “harms” that plagiarism, as defined by the class, can cause. Give the groups 10 to 15 minutes for this activity.

- a. if you plagiarize, you’re not really learning
- b. it’s stealing
- c. it’s cheating
- d. it’s lying
- e. it’s a breach of trust
- f. it gives an unfair advantage over other students
- g. hurts the reputation of the teacher
- h. hurts the reputation of the class
- i. hurts the reputation of the school
- j. others

3. After the students re-group, list all the “harms” on the chalk board or on an overhead projector. Ask students to copy the entire list and keep for their individual use. Discuss again why schools are so concerned about plagiarism.

If the class session has taken longer than expected, the exercise can be continued the following day.

4. Ask students to re-form into their work groups and ask them to re-write one of the following paragraphs, using their own words.

“Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. \*\*\* Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.” (Lincoln’s Gettysburg Address, paragraphs 1 and 2)

“... Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans--born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage--and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.” (J.F. Kennedy’s Inaugural Address, excerpt from paragraph 3)

As an alternative, have students “update” or “modernize” the language of one of the Articles in the Bill of Rights (attached) without plagiarizing.

Let the students know that they must significantly change the language; however they may utilize exact language, but must use appropriate footnotes, quotes, etc.

When the task is accomplished, call attention to some of the best “translations” and discuss the strengths and weaknesses. Ask students if they found it difficult to “translate” and avoid plagiarizing?

As homework:

5. Ask students to undertake independent research on the Internet to find articles on plagiarism. Synthesize the action and outline the punishment received. (For instance, if a student is caught plagiarizing, were they expelled? If an historian is found to have plagiarized, is their reputation damaged? Are they sued by the original writer?)

6. After the homework assignment is completed, ask each student report on what they found.

Discussion:

How common is plagiarism in schools?

How common is plagiarism in professional circles (literary, historical)

What are some of the standard “punishments” for plagiarism?

- Students can fail a class?
- Students may be expelled from class or university?
- Professionals may face law suits?
- Personal reputations are harmed?
- Reputations of schools may be harmed?
- others

Were the “harms” the students originally discussed accurate? Do more need to be added to the list?

7. As a concluding activity, ask students to draft a class policy on plagiarism that includes a clear definition and penalties. When completed, ask students to sign this policy/contract and post it in the classroom.

**THE BILL OF RIGHTS**  
*Amendments 1-10 of the Constitution*

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The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II - A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III - No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;

to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII - In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X - The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The Bill of Rights in Everyday Language  
As published in the May 1991 Issue  
of the *ISBA Law-Related Education Newsletter*

The language below is a “synopsis” or “modernization” of the language of the Bill of Rights. This “plain language” obviously does not reflect the document’s full content and has been abridged for this lesson plan.

1. Congress may not make rules to change freedom of religion, freedom of the press, freedom of speech, or the right of the people to come together in a peaceful way or to send petitions to their government.
  2. The people have the right to keep and bear arms.
  3. During peacetime, the government cannot make citizens house soldiers in their homes.
  4. People or their homes may not be searched unreasonably.
  5. Persons accused of a crime may not be forced to give evidence against themselves. Their lives, freedom, and property may not be taken from them unfairly. If the government takes a person’s property for public use, it must pay the owner for it. A person may not be put on trial twice for the same crime.
  6. People accused of serious crimes have the right to a speedy and public trial by a jury. They must be told what they are accused of. They have the right to have a lawyer help them. They have the right to see and question those who accuse them.
  7. In most non-criminal cases, there must be a right to a jury trial.
  8. Punishment may not be cruel and unusual.
- 9 and 10. If the Constitution does not have a certain right to the U.S. Government, and also does not forbid a state government to have that right, then the states and the people have it.



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**Discussion topics**  
**Utilizing the 2007 Illinois State Bar Association's**  
**High School Mock Trial Case Materials**

- Did the two students, Casey McDermott and Kendall Anderson, deserve to be expelled? If not, what punishment would have been appropriate?
  - Written warning to be placed in the student's permanent record
  - Failure of the course
  - Suspension for a specified period of time
  - Full expulsion
- Did the students who took advantage of the "amnesty" offered and admitted to plagiarizing deserve some punishment? If so, what punishment would have been appropriate?
- If Casey McDermott and Kendall Anderson hadn't sold the papers, and had simply given them away, would that make a difference?
- Did the school do enough to inform students that plagiarism is unacceptable behavior?
- Will publicity of this event harm the reputation of the school?
- Do you think Casey McDermott and Kendall Anderson should be allowed to attend law school and become lawyers or did their actions reveal some character and fitness flaw?
- Do you think Kendall Anderson's juvenile record had anything to do with the expulsion?
- Do you think that the fact that Casey McDermott and Kendall Anderson only sold papers to students with a "need" should make a difference in their punishment?
- During the hearings held at the school, Casey McDermott and Kendall Anderson declined to make any statements in their own defense. Did this hurt them? What questions would you have asked, or what additional statements would you have made, if you were in their place?
- Casey McDermott and Kendall Anderson were not able to face the students who had come forward and admitted to purchasing papers. If they had been able to question those students, what questions should they have asked?
- Exhibit G lists other students who had been expelled from the school. Does this indicate that the school has a fair expulsion policy?



- Madison Burford finds the notebook that implicates Casey McDermott and Kendall Anderson in the plagiarism scheme. Was Burford right in turning the notebook over to school officials?
- If you found the book, would you have given the book back to Casey McDermott and Kendall Anderson with a warning that the activity must stop, or turn the notebook over to school officials?
- Was there anything Provost Pat Michaels could have done to ensure that this type of activity didn't happen on campus?
- If the school's review board routinely has only one student representative, serving a one year term, should the review board have more student board member input or allow the student members to serve longer terms?
- When college students are in trouble, as Casey McDermott and Kendall Anderson were, should parents be notified? Should the college have notified the parents of the students who came forward and admitted they had purchased papers?
- Is this the kind of issue that could be mediated successfully? What types of "settlements" could Casey McDermott and Kendall Anderson have proposed that the college might have accepted?
- Is ignorance of the law an excuse? If not, should it be in certain situations that don't cause bodily harm or financial hardship?
- Discuss the differences between what might be illegal, what might be unfair, and what might be unethical. Was the conduct of Casey McDermott and Kendall Anderson fair or unfair? Was their conduct ethical or unethical?
- Who does plagiarism harm? Casey McDermott and Kendall Anderson, obviously, were expelled. Were others harmed by the sale of the papers? Consider the ramifications of this action:  
Was the school harmed?  
Were the students who purchased the papers harmed?  
Were other students who did their own research and writing harmed?  
Were teachers at the school harmed?  
Were parents harmed?

## Update Memo

### 2007 Illinois State Bar Association High School Mock Trial

1. Should we assume that the witnesses know what dates events occurred based on the timeline since the affidavits are not very date specific? **Yes.**
2. Pertaining to Exhibit E – is the RA Madison Burford, the person who filed the grievance? **No, you may assume that the grievance against Casey and Kendall was brought by the school.**
3. Can you clarify the standards of due process as there were no jury instructions to help guide the students?  
**Due Process is defined in Black’s Law Dictionary as “The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case.”**
4. Do the students at the college sign the rule book/handbook each year or just once when they start college? **The materials state that the book was distributed at student orientation (page 9) and again states “upon admission” (on pages 24 and 30). This would mean that any indication that the students signed more than once would be a creation of fact.**