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Critiques on the Open Exam Policy: In Defense of and Arguments In Opposition to

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In Defense of the Open Exam Policy

by Charles McGuire

It is not often that one has the opportunity to participate in innovative ideas which may be of assistance to others similarly situated in the future. The open-examination policy is one such idea. Although it may be relatively new, it is certainly not revolutionary in nature.

For the benefit of the entering students, a brief explanatory note may be helpful. The open-exam policy is a system whereby students are afforded the opportunity to select those days within a two-week period in which all their exams must be taken. This system has been in effect, in various forms, for three semesters. Prior to the initiation of this program, the administration selected a certain day and time in which an exam would be taken. For illustrative purposes, under the open-exam policy, each first-year student has the discretion of deciding when he will take Torts I. Under the previously administered program, all first-year students would take Torts I on Wednesday at 10:00 A.M.

In defending our current system, I would neither obligate myself nor any other student to resort to the time-worn cliche that "no matter what system is devised, students will find a way to get around it"; although at first glance this would appear to be the most suitable response to those who express opposition views. Nor will I concede that it is inevitable that a few will lalways be found among a group of students to be guilty of transgressions of the Honor Code. I do indeed find it an unfortunate situation that one case of exam manipulation during the past semester is of record. As far as all of us are concerned, one is far too many.

However, before one condemns the policy, one should evaluate the rational behind it, without feeling oversympathetic with law students in general. In its most basic form, it operates as nothing more than a convenience to the student. It vests each individual with the discretion to initiate whatever program of study he desires, in order to most effectively prepare for each exam. It originates from the very simple premise that each student is different, both in study habits and in examination-taking. One student may feel adequately prepared for Torts I in two days, while it may take another student four days. Why can't we afford the student that opportunity for further preparation?

Yet, there are some critics (students and faculty alike) who attack this very "convenience". They cite the constant pressure which exists in the bar exam and in the courtroom. But they overlook the vast amount of time that is spent studying for the bar and preparing every case. An attorney, if adequately prepared, should find him or herself in very few pressure situations. All I ask is for the opportunity to have that time for preparation both now in taking an exam, and later in practice when preparing my case. The open-exam policy is one such method towards that preparation.

Another criticism of the policy is that it acts as a subtrefuge for conniving students to "beat the system." This general charge can only be answered on an individual basis by each student. All I can hope is that we have come to learn the roles which honesty and integrity play in our everyday lives. To deny all students the benefits of this policy, based on one incident of cheating, would work a grave in justice.

I think the administration was correct in adopting the program and I thank them for having the perseverance to remain with it. Other than the inherent weaknesses which accompany all novel ideas, the workability of this system lies in its strength: the students.

Arguments In Oposition to the New Open Exam Policy

by Robert Lankin

The main argument against the open exam policy is that it is now possible for dishonorable persons to learn the questions of the examinations in advance and that it is in fact a distinct possibility that there are persons who are organized for this very purpose. Proponents of the open exam policy say that arguments that cheating is taking place is all a "fairy tale" and that law students have the integrity to observe these rules. Of course, no one can say that there is in fact no cheating taking place. I should think that a system that gives anyone an unfair advantage is wrong even if only one person benefits from this advantage.

Proponents of the open exam system point out that the main reason that the main reason that they feel that the open exam system is good is because it makes it convenient to have study time spread out. Clearly, there is no more time available for studying with the new system, just that it makes studying easier. Those who disagree with the open system point out the significant possibility that numerous persons are taking advantage of the situation and that this wrong clearly outweighs the convenience of taking the tests any time one pleases.

The new exam policy places the heavy burden of enforcement of the honor code on the student body, a burden some say that the student body is not meeting. The faculty have completely avoided any responsibility in the enforcement system. When the new policy was instituted, Dean Budekke stated that there would be proctors present in all examination

rooms. This promise has in fact been ignored, with proctors rarely being present. With such a large strain on the honor code, the faculty should be taking an active role in enforcement. Opponents of the honor code often point out that this absence of faculty participation has in fact been detrimental to the open exam policy.

While no one can say that there is, or is not widespread cheating, it is clear that there is widespread negligence and petty assistance. It is not clear that the mere dicussion of the subject matter is a violation, whether or not specific exam points are covered. It is obvious that minor points and small amounts of assistance is filtering through on a large scale basis. Not everyone refrains from discussing exams in places where other law students can hear. While these minor violations may not be organized cheating, they are violations nonetheless, because they give certain information to some persons and not to others.

A serious deficiency of the open exam policy is that its major premise, that it is the will of the student body, faculty and administration that dishonorable conduct be punished, is not entirely based on fact. If it is in fact the will of the student body that bona fide violations of the honor code be punished, why was a three day statute of limitations (weekends, holidays, etc. excluded) included in the honor code? A statute of limitations so incredibly short and notoriously unpublicized can only serve to benefit the guilty. Should a student see a violation on Monday morning and report it Thursday at noon, this violation cannot be prosecuted as the Statute of Limitations has run out. I feel that it is important that it be the common opinion that the guilty be punished; if this was the common feeling, why is stealing from the school bookstore excluded as a violation and why was the short statute of limitations included?

While there are strong arguments opposed to the open exam policy, it remains the opinion of this writer that the argument in favor of the open exam system is stronger.

Letters to the Editor

Dear Editor:

There are many rumors floating around the school about the possible abolition or modification of the existing open exam schedule. The most frequently heard justification for such action is that under this system students have engaged in "massive cheating". Unfortunately, the person to whom you are speaking, whether a student or a professor, never has personal knowledge of specific instances of cheating but he or she "knows" that it goes on. Unless there is a conspiracy of silence involving 1100 persons, it is incredible to me that no one has had enough evidence to bring a charge of cheating on an exam before the honor court if such cheating exists on the scale which many students claim.

If we are to continue our innovative and progressive open exam schedule, the persons who "know" that cheating exists should either come foward and make the proper charges before the honor court on stop spreading unfounded rumors.

Janet Stilwell

[editor's note: see Charles McGuire's article p. 17 for one case of "examination manipulation" on record. See also "University of Baltimore School of Law Honor Court Decision 75-2", p. 14]

Dear Editor:

The *S.B.A. — E.S.B.A. Newsletter* of September 16, 1975 announced the Student Bar Association elections, "ELECTIONS: There will be elections for representatives to the Day SBA on Monday (Wednesday?), September 17." At no time were hours posted for these elections which affect all day division law students. Further, after personally confronting the SBA elections coordinator, I found an inadequate, if non-existent, system of absentee voting available.

This writer was first informed of a general policy of voting "any time during the day" on the day of elections when I inquired about obtaining an absentee ballot (as I had been served a court summons for the 17th). This policy was further explained to me by second-year law students who had voted last year. Still, I insisted upon the right to vote in absentee. After several discussions with several members of the Student Bar, I was finally informed that "some kind of arrangement" would be made, but that it ought to be done quietly so as not to upset those persons running for office. The lack of a routine system to obtain an absentee ballot and the mere assurance by a particular member of the S.B.A. indicating that I should "have faith", is less than conducive to fair play and voter response.

But, my situation was, admittedly, out of the ordinary. However, the unannounced early-hour voting deprived many of the right to be heard. One second-year student whom I spoke with was quite taken aback to find the elections already closed — as he went to cast his ballot. He was not informed of such as election policy-change. Another student, a fellow first-year student, was totally deprived of his right to vote as he takes only a part-time class-load and was not in school until his first class which was the elections results had been posted.

This writer believes in the outstanding integrity that should be displayed by the University of Baltimore School of Law; the upholding of this integrity is a duty, a necessary duty, in the fulfillment of a fine Honor Code. I think

that the obstacles imposed between the student and his right to Vote for SBA representation violate the integrity of this Law School.

Jamie-Beth Baer

Dear Editor:

I would like to take issue with the terms of the administration decision permitting the law students to have an eating facility in the library basement. This decision is coupled with a warning that the facility will be eliminated if the law students do not keep it clean, keep the noise level to a "minimum" (which presumably means eating quietly), prevent all law and undergraduate students from bringing their food to other library areas and otherwise behave themselves.

I believe that past history documents the fact that the University of Baltimore has continuously dealt with the students in bad faith in this and related areas. The sanitation and maintainance of the microscopic student eating facility in Charles Hall stands as evidence to what will happen to the new law school eating facility. The tables and chairs are broken and inadequate. Overflowing trashcans are the rule rather than the exception. The tables are wiped rarely, if ever.

During the entire past year, no employees were assigned to keep the law school lounge clean. The rest room facilities in the Law Library were not cleaned often enough for even minimal sanitary conditions. Even the trash cans on the lawn in the expressway cloverleaf continually overflowed. It does not take a prophet to see what will happen to the new eating facility.

The entire attitude taken by the administration is completely reversed as to what it should be. The library and University exist for the benefit of the students, not for the convenience of the administration. If there is to be a University, eating space must be provided. It is the responsibility of the University to provide eating facilities for the benefit of the students and to keep these eating facilities clean, just as it is the responsibility of the University to provide restroom facilities and keep them clean.

This is not to say that reasonable rules should not be imposed. Eating on the reading floors of the library can and should be prohibited. Reasonable punishment should enforce these restrictions. Signs should be posted in the eating facility urging users to deposit trash in wastebaskets, etc. However, unreasonable rules such as noise level restrictions are wrong and should not be imposed. The administration's decision to attempt to shift the ultimate responsibility for keeping the lounge clean and the statement that the use of the facility is a revocable privilege is wrong and unreasonable. Students have the right to eat their lunch somewhere on the University premises. The administration has the privilege of serving the students and the taxpayers.

I believe that the student body's victory in obtaining the new facility will prove to be a hollow one if the terms and conditions as presented stand. These conditions stand as a monumental insult to the professional student body.

Robert Lankin