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ENHANCING ACADEMIC INTEGRITY IN UKRAINIAN HIGHER EDUCATION

COMMENTS ON PROPOSED PROCEDURE FOR THE ANNULMENT
OF DECISIONS OF SPECIALIZED ACADEMIC COUNCILS TO
CONFER A RESEARCH DEGREE

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INTRODUCTION

In February 2019, the USAID New Justice Program circulated a request for comment from Dr. Serhii Kvit, who had been elected recently as Head of the National Agency for Higher Education Quality Assurance in Ukraine. Dr. Kvit asked for input on an approach to possible past plagiarism in dissertations submitted toward academic degrees in Ukraine. The author of this report, Leah Wortham, had consulted for the USAID Fair Justice Project and the USAID New Justice Program on past projects in clinical legal education, proposed rules of conduct for the Ukrainian bar, and comments on a model professional responsibility course prepared by a task group of Ukrainian professors. (For the remainder of the report, I will use first person.)

I replied to Dr. Kvit's request because I have worked with academic integrity and student honor systems in various capacities since I became a law professor in 1981, and they are a strong interest of mine. Because I work in legal education whose graduates have so much responsibility for a country's justice system, I feel particularly strongly about academic integrity. In my observation, the values reflected in how an educational institution conducts itself speak more loudly than what students read in books or hear in lectures. Across all academic fields, the academic enterprise should be directed toward fostering genuine learning and research such that people who work with university graduates and the fruits of their research can rely that the universities' "products," are what they purport to be. By that I mean that someone with a PhD (or other degree or certificate) can be assumed to have gained the knowledge and capabilities necessary to earn that degree. Also, that a research work is "fit" to be used for reference and building on future research, e.g., no "fake data," citations that show how the work links to that of past scholars and do not falsely appropriate the work of others. The integrity of a country's universities, as well as the education students receive prior to university, are central to the strength of a country's institutions overall.

I began teaching at the law faculty of The Catholic University of America (CUA), Washington, DC in 1981 and was as an Associate Dean at the law school for five years. I took Emerita Professor Status seven years ago to have more time to devote to the international work in legal ethics, legal professions, and legal education, which had become my strongest interest. I have worked in 34 countries over 22 years in projects involving clinical legal education, introducing and improving legal ethics courses, legal education reform, and legal profession reform. I continue to work as the CUA Director of an American Law certificate program at Jagiellonian University (JU) in Kraków, Poland, on which CUA has cooperated with JU for 20 years. I also direct an LL.M. program for international students in which students take the ALP, a summer program offered in Kraków, and a summer session at CUA's home campus in DC. Both the ALP and the LL.M. have student honor codes modeled on the code used by our law school on the home campus, and I am the person responsible for education about student responsibility under these codes as well as their administration and enforcement. This task, and similar responsibilities when on the full-time CUA faculty in Washington, involve working with students, faculty, and staff on their roles and duties in seeing that, not only the rules within the honor code are observed but, the overall values it represents as well.

While on the full-time faculty, I served on nine American Bar Association/American Association of Law Schools accreditation/membership review visits, and I have consulted on approaches to monitoring, evaluation, accreditation, and standard setting in my educational work. Through my work at CUA and in other countries, I am familiar with the interface of law faculty matters with central university bodies and how accreditation and regulation bodies work in various national systems.

In 1981, my first year at CUA, I served on a student-faculty committee reviewing a draft honor code proposed by the students. In my 32 years on the CUA full-time faculty, I chaired or otherwise served on all the committees that addressed several revisions of CUA's honor code and the system for implementing it. Particularly in the last round of revisions, I worked closely with a student research assistant who looked extensively at practices at other law schools and literature on the subject. Over the years, I served in the various roles in the law school's honor system: advisor to a student honor board; "designated dean" to decide if there was sufficient evidence for a case to proceed; once out of the administration as the "public defender" who advised students if a question was raised.

For seven years, I was a non-resident International Scholar with the Academic Fellows Program (AFP) funded by the Open Society Institute Higher-Education Support Program. AFP's mission was to strengthen higher education through investments in young professors in 14 disciplines (including law) between the Caucasus and Mongolia with a focus on improved scholarship and teaching. AFP held two training and exchange conference per year for participants. A number of the AFP participants were pioneering teachers in research and writing courses and in developing new academic programs in their home universities. Plagiarism education and prevention, as well as more generally developing a culture of academic integrity, was one foci of the program.

My comments in this report also benefitted from discussions with Prof. dr hab. Fryderyk Zoll whom I have known for 22 years. He is both a Professor of Law at Jagiellonian University in Poland and the University of Osnabrück in Germany. For almost 15 years, Professor Zoll has served Jagiellonian University in investigation and prosecution of disciplinary matters, first with regard to students and later concerning faculty matters, many of which involved plagiarism allegations. Jagiellonian has a number of cooperative relationships with Ukrainian universities, and Professor Zoll personally has worked considerably in Ukraine so he is quite familiar with the educational system there including ways it has evolved in the past two decades.

As mentioned above, I commented on Dr. Kvit's February questions. On May 27, 2019, as the National Agency for Higher Education Quality Assurance was working on its policy, Dr. Kvit asked for comment on some points, which I provided. I also talked with Dr. Kvit and Artem Shaipov from New Justice for some additional background in the early fall. On September 16, 2019, I received the English translation of the Agency's draft "Procedure for the Annulment of Decisions of Specialized Academic Councils to Confer a Research Degree." On September 24, I provided draft comments. I then agreed with New Justice and Dr. Kvit on the format in this report: overall comments on the draft, which might become a public review of the document (which are included as Part One of this report); technical drafting suggestions on the document (which are included as Part Two of this report).

PART ONE: COMMENTS ON PROPOSED PROCEDURE FOR THE ANNULMENT OF DECISIONS OF SPECIALIZED ACADEMIC COUNCILS TO CONFER A RESEARCH DEGREE PREPARED BY THE NATIONAL AGENCY FOR HIGHER EDUCATION QUALITY ASSURANCE OF UKRAINE

These comments provide an overall assessment of the Procedure for the Annulment of Decisions of Specialized Academic Councils to Confer a Research Degree prepared by the Ukrainian National Agency for Higher Education Quality Assurance provided to me by Dr. Serhii Kvit, Agency Head. At the conclusion of this document, I discuss my experience in academic integrity and anti-plagiarism efforts.

First, the document is an **excellent one, which does a good job of the tough task of balancing considerations involved.**

The **most fundamental of these is confidence in the integrity of the degrees conferred and research done within Ukrainian higher education institutions. The integrity of a country's universities,** as well as the education students receive prior to university, are central to the strength of a country's institutions overall. The academic enterprise must be directed toward fostering genuine learning and research such that people who work with university graduates and the fruits of their research can rely that the universities' "products," are what they purport to be. By that I mean that someone with a PhD (or other degree or certificate) can be assumed to have gained the knowledge and capabilities necessary to earn that degree. Also, that a research work is "fit" to be used for reference and building on future research, e.g., no "fake data," citations that show how the work links to that of past scholars and do not falsely appropriate the work of others. The values reflected in how higher educational institutions conduct themselves speak more loudly than what students read in books or hear in lectures.

In preparing this document, the agency had to grapple with a historical context in which plagiarism was seen as a copyright matter rather than a question of fundamental integrity of the university. The procedures had to take into account the differing authority provided in the law at varying periods in Ukraine. While I do not know the legal framework, Section 2.3 appears **to carefully define the parameters of the Ukrainian law within which this new procedure** must work to assure that this process will have legal effect and be workable within law.

The procedure needed to demonstrate that allegations of plagiarism in past degrees would be taken seriously and investigated. The media, interested civil society organizations, and the public likely will watch closely how past problems are investigated and handled.

At the same time, the procedure must be fair as to those accused. The document **balances carefully the public “need to know,” the concern to bring greater faith to the integrity of Ukrainian university degrees and for the reputation of those institution against fairness to someone whose dissertation and graduate degree might be in jeopardy.**

I understand there are complex issues of authority to act given the state of previous and current law. While I do not know the legal framework, Section 2.3 appears **to carefully define the parameters of the Ukrainian law within which this new procedure** must work to assure that this process will have legal effect and be workable within law.

The process of **assigning a rapporteur** to make preliminary investigation and recommend action seems a good and workable one.

If a plagiarized dissertation is found to have received a favorable decision, I applaud that there are **potential consequences, not only to the person who submitted it** but also, to the dissertation supervisor, those who provided positive assessments of the paper, the head of the Specialized Academic Council for the paper, members of a one-time academic council, and the higher education institution within which this took place. (Sections 2.26 and 3.11)

The document usefully **articulates the roles to be played by the various institutions** involved: The Ethics Committee; the Rapporteur; the National Agency.

The **provisions for retaining expert** to help determine if there was plagiarism seems an important one in making the process work.

Potential penalties for filing complaints that prove to be frivolous and false should provide some check on the process being used as a naked political weapon.

Section 3.3’s provision that the **National Agency can initiate an action based on reports in the mass media** is a sensible one because presumably the investigative press may play an important role in bringing abuses to light.

The **option for an “accused” to withdraw** the dissertation but limitation to doing so before the procedure starts (Section 5.2) seems a valuable option.

The document overall has a **good structure, which is easy to follow and cite** with five articles and numbered subparagraphs within it. I have provided the agency some technical suggestions on drafting and form. The draft Procedures provide an excellent start from which to work.

I understand that what to do about past plagiarized dissertations and other research works within the scope of the proposed Procedure is an immediate priority for the Agency. Initial cases decided with the Procedure likely would have a deterrent effect. It seems though **also important for the Agency to have sufficient resources to also focus on “carrots” encouraging that values of academic integrity be integrated in all higher education programs including effective plagiarism education programs. This also might be accompanied by accreditation standards that even might go beyond encouragement to enforcement “sticks” on required minimum types of programs.** In my experience, effective academic integrity programs need to “win the hearts and minds” of students, faculty, and staff as to why they are important. The grey areas in plagiarism and data collection and report, though, also require education of where lines are drawn.

On the broader question of academic integrity, I did not see anywhere in the enumerated “offenses” a reference to **“ghostwriting” or “contract cheating,”** meaning paying someone else to write the submission for you. I understand this to be a relative common practice worldwide. Farah Stockman and Carlos Mureithi, *Cheating, Inc.: How Writing Papers for American College Students Has Become a Lucrative Profession Overseas*, N.Y. TIMES (Sept. 7, 2019), https://www.nytimes.com/2019/09/07/us/college-cheating-papers.html?&te=1&nl=morning-briefing&emc=edit_nn_20190908?campaign_id=9&instance_id=12230&segment_id=16842&user_id=0002bdfdf1ace6ed4145ba164fffd6®i_id=26421157. Hiring a competent ghostwriter presumably would avoid plagiarism, but one assumes should be an even more serious offense that someone who at least found relevant sources to copy. I do not know if any legal changes are needed for the Higher Education Quality Agency to go beyond plagiarism to encompass such offenses in their scope of their direct review of research works or in the practices and policies then encourage or require of higher education institutions. **It seems Ukraine’s efforts to deepen a culture of academic integrity and confidence in research work of its scholars should also encompass problems with ghostwriting and contract cheating.**

PART TWO: TECHNICAL SUGGESTIONS ON FORM AND DRAFTING TO THE UKRAINIAN NATIONAL AGENCY FOR HIGHER EDUCATION QUALITY ASSURANCE REGARDING THE PROPOSED PROCEDURE FOR THE ANNULMENT OF DECISIONS OF SPECIALIZED ACADEMIC COUNCILS TO CONFER A RESEARCH DEGREE

The following are provided in outline form with references to pertinent sections of the draft.

- A. The document could benefit from a **definitions section**.
 1. I assume that **Specialized Academic Councils** is a well-known term in the Ukrainian higher education system. It still might be useful though to define, which perhaps only requires referencing an existing provision of law or regulation.
 2. I assume that the **Ethics Committee** may be a new entity created within this Procedure. It may be useful to give more specifics on the entity, e.g., how it would be constituted, any parameters on size and so on.
 3. The term **dissertation** is used 37 times in the document. Often the language is “dissertation (research report, monograph) submitted for defense and/or in research publications that contain basic research results of a dissertation, and which were submitted for conferral of a research degree.” It could be useful to define the word dissertation to include these other supplementary items (or coin another term) and then use that defined word or phrase for the concept rather than multiple repetitions of all those words. The repetition makes the document longer and harder to read and risks suggesting something different is meant if the

wording varies among sections. (The word dissertation is used in at least Sections 1.1, 1.5, 2.1, 2.3, 2.6, 2.8, 2.25, 2.26, 3.11, 3.13, 3.15, and 5.4.)

4. The most important definition is likely that of **plagiarism** itself. From my personal experience, consultations with my Polish colleague Professor Frydeyrk Zoll about his 15-year+ experience at Jagiellonian University in Kraków,¹ and reading on plagiarism, there are types of plagiarism that are often misunderstood. Probably everyone recognizes that copying an entire dissertation or article written by someone else, or even pages of it, and representing it as one's own work without quotation marks is plagiarism. It is less clear that people always recognize taking some sentences or phrases, paraphrasing an idea but not giving credit where the idea came from, or translating something from another language without attribution to the original is plagiarism. The draft Procedure also refers to "self-plagiarism," which I understand to mean using passages from one's own past work without acknowledging it has been submitted before in another work. I think the document needs to **define the acts** that constitute plagiarism that is actionable within this procedure.

The law normally defines not only the act that constitutes an offense but also the **state of mind (*mens rea*)** with which the act is done. (See the discussion of state of mind below.) When one is looking at a student honor code where there are a range of penalties with the most severe being expulsion or revocation of a degree, the "degree" of the plagiarism and the state of mind with which it was done normally are relevant to the severity of the penalty. Here when the consequence seems binary—withdrawal of the degree or other benefits of the research work or not—it seems particularly important to define the sufficient act and state of mind requirements for this consequence.

5. I did not see anywhere in the enumerated "offenses" a reference to **"ghostwriting" or "contract cheating,"** meaning paying someone else to write the submission for you. I did not see anything though that would reach the ghostwriting and contract cheating situations. I realize the proof of that would be somewhat different than that of plagiarism. It seems though that this is a common enough practice that it should be in the ambit of what is covered.

I see "fabrication" and "falsification." Perhaps those meant making up an academic article as a citation that didn't exist? I've never heard of that being a

¹ Prof. dr hab. Frydeyrk Zoll is a Professor of Law at both Jagiellonian University in Poland and the University of Osnabrück in Germany. For almost 15 years, Professor Zoll has served Jagiellonian University in investigation and prosecution of disciplinary matters, first with regard to students and later concerning faculty matters, many of which involved plagiarism allegations. Jagiellonian has a number of cooperative relationships with Ukrainian universities, and Professor Zoll personally has worked considerably in Ukraine so he is quite familiar with the educational system there including ways it has evolved in the past two decades.

common practice. I suppose also though you could mean fabrication or falsification of experiment results or survey data, which does happen.

- B. On the one hand, it is good to set some procedural basics. On the other, it seems one might want to review for when **options to review time limits or “cure” procedural defects would be appropriate.** Section 2.6 sets out reasonable things that should be included in a complaint both for the Ethics Committee’s work and fairness to a defendant. On the other hand, when combined with Section 2.8 on reasons not to pursue a complaint, it seems there should be some flexibility in the Ethics Committee to allow a complainant to “cure” if some information was left out. It seems useful to step back and think about a “rule of reason” that allows the Ethics Committee to make an overall assessment of the initial complaint to see if it seems to be “legitimate” and then seek some additional details if there are things that are missing. Likewise Section 2.8 refers to submission of originals or properly notarized copies. This seems to me another instance of where the Ethics Committee might have the scope to ask the person submitting information to provide additional information in the proper form.

Also Section 2.4 specifies **time limits related to making decisions.** The sentence “If an additional expert examination is carried out, the time for its execution is not included in the term for consideration . . .” may take care of the situation in which a third party causes the delay for the Ethics Committee to make their decision.

The previous points referred to **options for the Ethics Committee to “cure.”** Section 2.15 discusses the defendant having five days’ notice of any relevant meeting. There is no discussion though of an option for the defendant to request another date if there is a serious problem with appearing at that time. On the one hand, I know you do not want to open to abuse of the process. On the other, there really can be reasons a date does not work. Is five days enough time to prepare? And does the defendant have any right to knowledge in advance of “the charges” and what will be presented?

Overall, I am suggesting **a run through of the whole document to consider if all the time limits and procedural requirements strike the desired balance between flexibility to overcome “technicalities” versus basics to provide that procedures do not drag on and are abused.**

- C. **Burden of proof and quantum of evidence.** I am used to documents related to factual adjudications giving some standard of how definitive the proof must be, e.g., in our system clear and convincing evidence versus preponderance of the evidence. I also was not sure what Section 2.25 about “no single document” being decisive meant. If someone copied several pages of someone else’s writing verbatim into their dissertation and there is a properly qualified copy of that earlier document, I am not sure why additional evidence should be needed. In this paragraph, I am

referring to how clear the evidence is of plagiarism. See also the discussion below about what *mens rea* (state of mind) is required.

I was not sure about the meaning and effect of subparagraph five of Section 2.6. This refers to submitting a comparative table of the text in the dissertation with places from which it might be plagiarized. It was ambiguous to me that whether the document was suggesting that the Ethics Committee and Rapporteur should be limited to what the complainant submits in a text versus what might turn up in further investigation. I assume you do not intend that the complainant in essence becomes the investigator and prosecutor and is expected to present comprehensive evidence of plagiarism. I would think the standard should be the complainant presents “enough” evidence of plagiarism that the Ethics Committee decides an investigation should be undertaken. I would think the Ethics Committee and Rapporteur should be free to launch an investigation that may go into more than the passages that the initial complaint flagged. This seems to be the case with the reference to retaining experts. I found it then a little confusing that Section 2.8 subparagraph three makes one possibility for declining to act on the complaint to be insufficiency of the tables submitted.

- D. ***Mens rea/ culpable state of mind:*** In my experience, sometimes a plagiarism decision takes into account the difference in negligence versus recklessness versus intentional acts. For example, someone took notes that they say they recalled were paraphrases, but they were actually verbatim passages from another source without quotation marks. There they claim “negligence” rather than intention, which can be more persuasive if these are a relatively small number of words in the context of the length of the total document.

I also can see state of mind also becoming an issue if one were working in a research team doing experiments where various researchers were doing the actual fieldwork and another person was reporting on them. Are there situations where one “should have known” that a research/lab assistant might have been falsifying data?

Levels of culpability in both criminal and civil law often turn on the *mens rea* (state of mind) with which the defendant was found to do the act. My law school’s Rules of Professional Conduct for law students generally require that students act intentionally or at least “recklessly.” <https://www.law.edu/academics/catalog-announcements/2019/rules-of-professional-conduct.html#Violations>

If a violation is found, the consequences can be as severe as expulsion and, for someone who has already graduated, consideration of the standards also can result in revocation of a previously-granted degree. Intentional conduct requires knowledge that what is doing violates a rule, e.g., is plagiarism. It often also is sufficient under the rules that the fact finder concludes the person accused acted with awareness of the risk, here that what the person submitting the work did was plagiarism. Intentional and reckless conduct are distinguished from negligent conduct in which the fact finder does not believe there is sufficient evidence that the person “knew” or was “aware of the risk” that what she did constituted the offense,

i.e., met the definition of plagiarism. On the other hand, if negligence is the standard, it is enough that the deciding body finds a reasonable person in this circumstance, e.g., a doctoral student submitting a dissertation, “should have known” the submission included plagiarism.

As above, presumably some cases of plagiarism are so extreme, e.g., submitting substantial amounts of material verbatim with no quotation marks, and even more extremely without any citation, finding intentional action is not difficult. When the plagiarism is less extreme, the accused often claims she did not realize this was plagiarism. In my own law school’s system, negligent conduct may have academic consequences, e.g., a grade reflecting the students “should have known.” An honor violation, though, requires conduct showing dishonesty or lack of trustworthiness or fitness to be a legal professional, which leads to the requirement of intentional or reckless action. When the consequence is cancellation of a dissertation of someone who received a research degree, one could argue that the level of education involved is sufficiently high that the accused could be held to a “should have known” standard. That, though, would encompass a consideration of what kind of plagiarism knowledge a person submitting a dissertation at that time in Ukraine would have had.

Generally, at least US law, sparingly applies “strict liability,” meaning it doesn’t matter if the person even “should have known,” i.e., if it turns out to meet the definition of plagiarism, there is no inquiry into state of mind.

- E. To me the procedure is **clearer on how the Ethics Committee goes about its investigation than how a “defendant” puts on a defense.** Perhaps Section 2.17’s reference to putting on “oral or written explanations” is sufficient. That also says this can be done personally or through a representative so I assume this means that the person can be represented by a lawyer? Is there a right to cross-examination in some form regarding raising questions about assessment by experts and evidence in the record? I suggest a review thinking solely of the question about what it says about the defendant’s rights and process to put on a defense to a plagiarism charge.
- F. Above I applauded that the document includes the possibility of sanctioning people whose complicity or negligence may have allowed a plagiarized dissertation to “get through,” e.g., supervisor, members of the committee. I agree this is a very valuable part in a national campaign regarding academic integrity.

I thought though **the document was not as clear about how one of those “third parties” puts on a defense** as it was with regard to the person who submitted the dissertation. It seems well to work through the process considering if the people who needed to defend themselves were not the dissertation writer but rather one of the other actors in the process. It seems even more likely to me that the question of sanctioning them would come to what they “should have known.” Is it the responsibility of a supervisor recognize passages that seem suspect, e.g., too

well written or sound familiar from having read elsewhere, and follow-up with an investigation? Sometimes perhaps the plagiarism could be so clear, e.g., a part of the document written in a different style and so much “better” than the rest that it should raise warning flags. Or the plagiarism could come from such a well-known work that any respectable supervisor in that field should have recognized it. I can imagine, though, if a dissertation writer found a source in another language, translated it, and represented it as his own work that this would not be something it would be fair to say the dissertation supervisor “should have recognized” and hence should be sanctioned.

G. I also raise some questions about **jurisdiction and scope**.

1. As discussed above, this document seems to **limit its scope to writings submitted as a dissertation or other publications based on dissertation research that were also submitted for conferral of a research degree**. I did not know if the scope was limited by the agency’s view of the scope of their authority, what would be a manageable domain of writings to invoke the procedure, or some other reason.

I assume you have determined that the scope of this process should relate only to submission of written materials justifying conferral of a graduate degree. Presumably, there could be other situations in which plagiarism is of concern to the integrity of higher education institutions, e.g., if a plagiarized work is the basis for academic promotion, salary bonus, or part of a dossier justifying appointment to a position. I was not sure if the scope of the process covered by these procedures was limited because of the Agency’s jurisdictional limits or rather taking things “one step at a time.”

As discussed in the overall recommendations, I also hope in the future the agency will consider ways to implement overall academic integrity education and standards in conduct of higher education institutions to insist upon it. That, of course, would encompass concern for plagiarism in any submission in a course in a higher education institution (or in application for admission or perhaps other contexts).

2. This document seems to focus only on the attribution and originality of research data and writing. Hence, I assume you are **not, in this process, trying to assess other possible forms of abuse in the dissertation process, e.g., bribes, “gifts” to those giving opinions and so on**. I understand that being a matter of somewhat different kinds of proof that it is reasonable to leave the parameters of this document as it is.

H. Section 3.2 says the National Agency **can vote during closed or open meetings**. While it may be difficult to anticipate all the considerations that would come up in administering this policy, it seems to me the initial procedure should at least state

some considerations in whether a vote would be taken in a closed or open meeting. It seems to me, even if there is a determination that discussion is permissible in a closed meeting that the accused should have a right to know the numbers of people voting on each side, and that should be a public record. It seems also consideration should be given to whether there also should be a record of how decision makers voted if the meeting is closed. There might be good arguments for not doing so, but it seems to me transparency and engendering faith that the process is fair would suggest making a record of how individuals voted at least to the accused and perhaps generally.

I. **Additional drafting form matters:**

1. I mentioned above adding a **definitions section**. This is particularly important with regard to defining plagiarism itself and what state of mind is involved.
2. I suggest giving **numbers or letters to the subsections** of sections that are set up that way, e.g., 2.6, 2.8, 2.26, 3.11. This makes it easier to identify the part to which one is referring.
3. **Length of sentences and order within sections:** Generally the sections and sentences with sections flowed in a logical order. Section 1.3 though seemed it might read more easily if the last sentence on the time limit for putting up the decisions of specialized academic councils was the first sentence and then the material in the previous sentence on how this is to be done followed. Also that first sentence is a very long one so a bit difficult to follow. The whole document probably could usefully be reviewed to see if there are sentences that become confusing because of their length and hence might be broken up.
4. Some paragraphs have a series of clauses with phrases separated by commas, e.g., 2.1. **If parallel clauses have commas within them, they are easier to follow if they are separated by semi-colons.**

J. **Small language things.** The important issue, of course, is that the document makes sense in Ukrainian and the terms used are understandable and sensible choices in that language. Below I mention a few things that may just be a question of English translation and not be problematic in the original.

1. In English, it is a bit confusing to **refer to the submission to the Ethics Committee as an “appeal”** of the decision of the decision to confer or refuse to confer a degree. The process seems to be more a “complaint” about that process. I say it’s confusing because later on the document will refer to an “appeal” of the initial decision regarding the complaint.

2. Section 2.8 refers to a decision to “**leave the appeal.**” In an English legal document, we might say “decide there was insufficient evidence to act on the complaint or the complaint did not fall within the jurisdiction of the procedure.”
3. Section 2.14 refers to a “**motivated conclusion.**” Perhaps the phrase should be “conclusions referring to supporting evidence and reasoning”?

With a multi-faceted document like this, which balances many considerations, it often is useful to do **sequential reviews looking at only one aspect at a time**. For example, I mention below considering what the document provides about the defense perspective of someone whose dissertation is in question and the defense perspective of a third party, e.g., dissertation supervisor, if that person might suffer consequences as a result of a plagiarism decision about the dissertation supervised. There also is a balance between what is spelled out in the document about procedure and what is left to be developed case-by-case as the procedure is implemented. I do not know enough about your legal system to know whether there are processes and powers that “must” be in an enabling document and what implied powers to develop the procedure an agency like yours would have. I did not know if you had some general Administrative Procedures Act” that might fill in gaps about how the process would work.

ANNEX A: PROCEDURE FOR THE ANNULMENT OF DECISIONS OF SPECIALIZED ACADEMIC COUNCILS TO CONFER A RESEARCH DEGREE

DRAFT

PROCEDURE

for the Annulment of Decisions of Specialized Academic Councils to Confer a Research Degree

I. General Provisions

1.1. This Procedure regulates the process of appeal and annulment of decisions of specialized academic councils to confer (refuse to confer) research degrees in cases where academic plagiarism, self-plagiarism, fabrication, falsification, other violations of academic integrity, defined by educational legislation (herewith referred to as violations of academic integrity) are detected in a dissertation (research report, monograph) submitted for defense and/or in research publications that contain the basic research results of a dissertation, and which were submitted for conferral of a research degree.

1.2. The appeal and annulment of a decision of a specialized academic council to confer (refuse to confer) a research degree are performed in accordance with the provisions of the Laws of Ukraine “On Education”, “On Higher Education”, this Procedure, the Statute of the National Agency for Higher Education Quality Assurance (herewith referred to as the National Agency), and other legislative acts. The Law of Ukraine “On Citizen’s Appeals” is applied to proceedings in parts not regulated by the Laws of Ukraine “On Education”, “On Higher Education” and by this Procedure.

1.3. Higher education institutions (research institutions) ensure enforcement of the right to appeal against the decision of a specialized academic council to confer (refuse to confer) a degree, in particular by means of official publication of data on their official websites in an open data format and in a section that contains information about the work of specialized academic councils, their decisions to confer (refuse to confer) degrees, and they submit such decisions in electronic form to the National Agency within three working days of date of adoption. The National Agency publishes decisions of specialized academic councils to confer (refuse to confer) degrees on its official website within the following day of the date such decisions are received.

1.4. Information and documents that are published on the official website of the National Agency that detail the process and results of consideration of questions on the annulment of decisions of specialized academic councils to confer a research degree are circulated in an open, free, direct and unauthorized access format that allows downloads.

1.5. To facilitate identification of the presence or absence of violations of academic integrity in dissertations (research reports, monographs submitted for defense) and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree, the National Agency has the right to form a registry of experts, to engage experts from the registry, to form expert groups (including those that involve foreign experts), to request necessary information from the central body of executive power in the field of education and science, UkrI STEI, other governmental and non-governmental bodies, institutions, organizations.

II. Consideration of an Appeal against the Decision of a Specialized Academic Council to Confer a Research Degree by the Ethics Committee of the National Agency

2.1. Any person has the right to apply to the Ethics Committee of the National Agency (hereinafter referred to as the Ethics Committee) to appeal against the decision of a specialized academic council to confer (refuse to confer) a degree in cases where violations of academic integrity in a dissertation (research report, monograph) submitted for defense and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree are detected. Natural persons exercise the specified right personally or through a representative, legal persons exercise it through authorized representatives, public authorities, local self-governing authorities, and non-governmental associations – through their managers or representatives. The submitted appeal cannot be withdrawn.

In cases where violations are identified in mass media or other sources, a member of the National Agency has the right to initiate appropriate proceedings.

2.2. From the day this Procedure comes into force, in case of an appeal to the Ethics Committee against the decision of a specialized academic council to confer (refuse to confer) a degree taken after September 6, 2014, on questions defined by paragraph 2.1 of the Procedure, consideration and settlement of the appeal are accomplished according to the regulations of this Procedure.

2.3. If an appeal against the decision of a specialized academic council to confer (refuse to confer) a degree taken between August 24, 1991 and September 5, 2014, on questions defined by paragraph 2.1 of this Procedure, comes before the Ethics Committee, its consideration and settlement are accomplished according to the regulations of this Procedure. However, in such cases, although the Ethics Committee can make a submission, and the National Agency may make a determination related to a violation of academic integrity in a particular dissertation (research paper, monograph) and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree, the establishment of such a fact

does not lead to negative consequences enumerated by paragraphs 4.12, 4.15-4.17 of this Procedure, but may be taken into account by the National Agency during accreditation of educational programs, institutional accreditation or realization of other legal powers, and such determination of violation of academic integrity is reported to the head of the establishment, enterprise, institution, organization where the relevant person works, or if the relevant person is a top-manager, the relevant determination is reported to the manager of the supreme body.

In such cases, revocation of a degree takes place in accordance with the legislation of Ukraine and is submitted by the National Agency to the authoritative central body of executive power in the field of education and science.

2.4. The Ethics Committee considers appeals of decisions of specialized academic councils not more than two months from the day of their receipt. The Ethics Committee may prolong this term for 30 days if there is a need for additional examination of circumstances and/or material of a case, carrying out an expert examination. If an additional expert examination is carried out, the time for its execution is not included in the term of consideration of the appeal by the Ethics Committee.

2.5. An appeal related to questions within the area of competence of the Ethics Committee is submitted in written form; it includes the name and address of the National Agency and is forwarded to the Secretariat. The Secretariat of the National Agency conveys the appeal to the Committee on Ethics within three days.

After the National Agency takes the decision to launch operation of the appropriate service, an appeal can be also submitted using a qualified electronic signature (hereinafter referred to as the QES).

2.6. The appeal must include:

- the name of the body to which the complaint is being submitted;
- the family name, name and patronymic (if appropriate) of the person who submits the complaint, their place of residence (temporary residence), contact details (electronic address, phone numbers, etc.);
- the date of the decision which is being appealed and its number (if known to the complainant);
- the family name, name and patronymic (if appropriate) of the author and the title of the dissertation (research report, monograph submitted for conferral of a degree) and/or research publication(s) that was (were) submitted for conferral of a degree and which contain(s) the basic research results of the dissertation, the year of defense, the name of the specialized academic council;
- the reasons why the complainant disagrees with the decision of the specialized academic council as well as materials and/or documents that support these reasons (in case of academic plagiarism, the complainant submits a comparative table indicating the text of the defended

dissertation (research publication) and the corresponding texts of sources of the research (artistic) results published by other persons as the results of their own research (creative activity) and/or reproduction of published texts (published pieces of art) of other authors without indicating authorship;

- petition as to the requested decision sought as a result of the consideration of the complaint;

- signature of the person submitting the complaint and date of such signature (except for the cases when the appeal is submitted using the QES).

If a representative of the complainant submits the appeal, a document confirming his/her authority must be attached (if the appeal is submitted using the QES, a scanned copy of such document is to be attached).

If necessary, other documents referring to the substance of the appeal are attached.

2.7. Preliminary consideration of the appeal is undertaken by a rapporteur appointed by the Head of the Ethics Committee within ten days of the date of receipt of the appeal by the National Agency.

According to the results of such preliminary consideration, the rapporteur presents for consideration to the Ethics Committee a recommendation to leave the appeal without consideration or to undertake proceedings.

2.8. The Ethics Committee may decide to leave the appeal without consideration if:

- the appeal is not endorsed by a signature or does not include a family name, a name, a patronymic (if relevant) of the complainant;

- the appeal does not include information about the place of residence (a place of temporary residence, location) of the complainant;

- the appeal does not include materials and/or documents that justify the reasons of the appeal (in case of academic plagiarism – does not include tables indicating the text of the defended dissertation (research publication) and the corresponding text of sources of the research (artistic) results achieved by other persons as results of their own research (creative activity) and/or reproduction of published texts (published pieces of art) of other authors without indicating authorship);

- the dissertation (research report, monograph) with the name indicated in the appeal was not submitted for defense in Ukraine;

- there is a court judgment, which has come into legal force, canceling (invalidating) the decision of the specialized academic council that duplicates the appeal submitted to the Ethics Committee by the person or other entity;

- the appeal contains statements expressed in obscene form or statements demeaning to the honor and dignity of any person.

2.9. If a court opens proceedings related to the claim of a person to nullify (invalidate) the decision of a specialized academic council concerning the conferral (refusal to confer) of a degree, any relevant proceedings related to an appeal submitted to the Ethics Committee due to a violation of academic integrity are suspended.

A court judgment that has come into legal force that nullifies (invalidates) a decision of a specialized academic council to confer (refuse to confer) a degree is a reason for the Ethics Committee to leave the relevant appeal related to violations of academic integrity without consideration.

2.10. If there are no reasons for leaving the appeal without consideration, the Ethics Committee takes the decision to open proceedings and demand a copy of the attestation case of the applicant from the central body of executive power in the field of education and science or the relevant specialized academic council.

2.11. If necessary, the Ethics Committee entrusts the Secretariat of the National Agency to carry out additional expert examination of the appeal and related materials either simultaneously with the opening of proceedings or after taking such a decision.

2.12. Any additional expert examination of the appeal materials may be entrusted to experts selected from the registry of the National Agency who have been certified according to the procedure approved by the National Agency. The National Agency provides experts with all necessary materials for their work, remunerates them, and if necessary, covers costs incurred due their travel.

2.13. Within five working days of the date proceedings are opened, the Secretariat of the National Agency ensures publication of information concerning the appeal regarding which the proceedings were opened, on the official web-site of the National Agency and sends a message about the opening of such proceedings, a copy of the appeal and attached materials to the higher education institution, in the specialized academic council of which the decision to confer (refuse to confer) the relevant degree was taken. The person against whom the claim concerning a violation of academic integrity has been brought forth, and other participants of the case identified in subparagraph 3 of paragraph 2.27 of this Procedure, have the right to be acquainted with the materials of the appeal in the National Agency or in a higher education institution at any time. Such persons have the right to submit to the National Agency written explanations related to the submitted appeal no later than 10 working days before consideration of the appeal at a meeting of the National Agency.

2.14. The rapporteur, having deemed collection of materials related to the examination of the appeal sufficient for its material consideration, drafts a motivated conclusion and submits the question for consideration at a meeting of the Ethics Committee of the National Agency.

2.15. The person against whom a matter related to his/her violation of academic integrity, and any other participants of the case, are informed at least 5 working days in advance of any

relevant meeting of the Ethics Committee, but nonappearance of such participants, if properly informed of the meeting of the Ethics Committee, does not preclude consideration of the appeal.

2.16. Information about the date, time and place of the meeting of the Ethics Committee and the order of business of the meeting are published on the website of the National Agency at least 5 working days in advance. Within the same timeframe, the Secretariat ensures that all information about appeals to be presented for consideration, is published on the official website of the National Agency, and sends information concerning the meeting to the higher education institution, the specialized academic council of which the decision to confer (refuse to confer) a degree was taken. Participants of the case are considered to have been properly informed about the date, time and place of the meeting on the day of publication of the relevant announcement on the official website of the National Agency.

2.17. The person, concerning whom a case related to violation of academic integrity has been raised, and other participants of such a case, have the right to provide personally or through a representative oral and written explanations, or to refuse to provide explanations, concerning any possible violation of academic honesty.

2.18. The legitimacy of any representatives must be acknowledged according to the demands of the legislation. Originals of documents or their properly notarized copies must be attached to the case.

2.19. The submitted appeal, materials relating to its examination and the conclusion of the rapporteur are considered at the meeting of the Ethics Committee according to the order established by the Statute on Committees of the National Agency, taking into account peculiarities established by this Procedure.

2.20. If a member of the Ethics Committee has a real or potential conflict of interest or if there are other grounds that might indicate his/her prejudice during consideration of the appeal, he/she is withdrawn from consideration of the relevant question by a decision of the Ethics Committee.

The decision about withdrawal of a member of the Ethics Committee is taken on the basis of an application of a participant of the proceedings submitted no later than 2 working days before start of the relevant meeting. A decision may also be taken based on an applicant for self-withdrawal.

A member of the Ethics Committee may not participate in deliberations related to the question of his/her withdrawal or self-withdrawal.

2.21. Consideration of an appeal by the Ethics Committee begins with the report of the rapporteur who expounds the grounds for accepting the materials of the case for consideration, presents the established and investigated circumstances, conclusions concerning the substance of the question.

2.22. Participants invited to the meeting and participants of the case under consideration provide explanations, answer questions only after the chairman of the meeting of the Ethics Committee gives them the floor.

2.23. If a person violates norms of order during a meeting, the chairman may issue a warning as to the necessity to abide by order. If attendees of the meeting prevent its due conduct, the chairman can take a motivated decision to deprive them of the right to attend.

2.24. When a question is being considered during a meeting of the Ethics Committee in the absence of an invited person, the rapporteur announces his/her written explanations (if any).

2.25. During consideration of a case, no single document related to the presence or absence of violations of academic integrity in a dissertation (research report, monograph, research articles), irrespective of its source, is considered decisive and cannot be taken into account without consideration of other documents related to a decision taken according to this Procedure.

2.26. Consideration of an appeal against the decision of a specialized academic council to confer (refuse to confer) a degree, the Ethics Committee may result in one of the following decisions or combination of decisions:

- submission to the National Agency of a request to nullify the decision of a specialized academic council to confer a degree due to revelations of violations of academic integrity in a dissertation or research publications submitted in fulfillment of the requirements to confer a degree;

- submission to the National Agency of a request to reprimand the research supervisor (advisor), official opponents who provided positive conclusions concerning the research paper, the head of the specialized academic council, members of the one-time specialized academic council, the higher education institution (research institution) in accordance with the provisions of the Law of Ukraine "On Higher Education" that concern violations of academic integrity in a defended dissertation (research report, monograph) and/or research publications that present the basic research results of a dissertation and were submitted for conferral of a degree;

- submission to the National Agency of a determination as to the absence of grounds for nullifying the decision of the specialized academic council to confer the degree (nullifying the decision of a specialized academic council to refuse to confer a degree) due to the absence of established violations of academic integrity in a dissertation, research report, monograph or research publications submitted for conferral of a degree;

- submission to the National Agency of a request to establish the presence of academic dishonesty in a specific dissertation (research report, monograph) and/or research publications that present the basic research results of a dissertation that were submitted for conferral of a degree.

III. Procedure for Taking Decisions by the National Agency on Submissions of the Ethics Committee

3.1. Submissions of the Ethics Committee are considered at meetings of the National Agency.

3.2. Voting during meetings can be closed or open, according to the decision of the members of the National Agency present at the meeting.

3.3. Apart from members of the National Agency, employees of the Secretariat of the National Agency, participants of a case which is being considered, representatives of the Ministry of Education and Science of Ukraine, heads and representatives of higher education institutions (research institutions), specialized academic councils, non-governmental associations, mass media have the right to be present at the meeting of the National Agency, on the condition of pre-registration and/or invitation.

3.4. The person, concerning whom a question is under consideration by the National Agency, and the complainant are informed of the date, time and place of such consideration at least five working days in advance of its start by the appropriate department of the Secretariat of the National Agency.

3.5. The information about the date, time and place of the meeting of the National Agency and the order of business of the meeting are published on the website of the National Agency at least five working days in advance of its start. Within the same timeframe, the National Agency informs the higher education institution, in a specialized academic council of which the decision to confer (to refuse to confer) a degree was taken, of the meeting. Participants of the case are considered to have been properly informed about the date, time and place of the meeting on the day the relevant announcement is published on the official website of the National Agency.

3.6. Persons invited by the National Agency can participate in the consideration of a question (case) independently and/or through their representatives.

3.7. The authority of representatives must be confirmed according to the demands of legislation. The originals of relevant documents or their properly certified copies are attached to the case.

3.8. Nonappearance of a person concerning whom a question of violation of academic integrity is being considered by the National Agency on the submission of the Ethics Committee, or his/her representative provided that they are properly informed about the date, time and place of the meeting (by mail, e-mail or facsimile, telephone or telegram), does not prevent consideration of a question on its substance.

3.9. Participants of the meeting of the National Agency are registered as a matter of course.

3.10. Participants of the meeting of the National Agency and persons invited to the meeting are forbidden to interrupt rapporteurs and other speakers, comment on reports and

speeches, make remarks and prevent the meeting of the National Agency in other ways. They have the right to comment on reports and speeches after being given the floor by the chair.

3.11. Based on the results of consideration of a submission of the Ethics Committee, the National Agency comes to one of the following decisions or combination of decisions:

- to adopt (not adopt) the submission of the Ethics Committee and nullify the decision of a specialized academic council to confer a degree due to a revelation of a violation of academic integrity in a dissertation (research report, monograph) and/or research publications that contain the basic research results of a dissertation; to leave the decision of a specialized academic council unchanged;

- to adopt (not adopt) the submission of the Ethics Committee and nullify the decision of specialized academic council to refuse to confer a research degree due to a revelation of a violation of academic integrity in a dissertation (research report, monograph) and/or research publications that contain the basic research results of a dissertation; to leave the decision of a specialized academic council unchanged;

- to adopt (not adopt) the submission of the Ethics Committee and to deprive a research supervisor (consultant) and/or official opponents who submitted positive reviews of a body of research, and/or the head of the relevant specialized academic council, of the right to participate in the work of specialized academic councils for two years, and the higher education institution (research institution) of accreditation of its permanent specialized academic council and the right to create one-time specialized academic councils for one year in cases where violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include basic scientific results of a dissertation are detected, provided that the defense took place in a permanent specialized academic council;

- to adopt (not adopt) the submission of the Ethics Committee and deprive a research supervisor and/or official opponents that provided positive reviews of a body of research, and/or members of the relevant one-time specialized academic council to participate in the work of specialized academic councils for two years, and the higher education institution (research institution) of the right to create one-time specialized academic councils for one year, in cases where violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation are detected, provided that the defense took place in a one-time specialized academic council;

3.12. Any payments, allowances, encouragements or other payments, as well as non-material benefits to a person resulting from conferral of a research degree, are terminated on the day a decision of a specialized academic council to confer a degree to that person is nullified by the National Agency.

The National Agency makes a submission to the authorized central body of executive power in the field of education and science recommending the revocation of a degree. The central body of executive power in the field of education and science revokes such an order (in whole or in part) no later than on the tenth working day from the date of receipt of the submission from the National Agency.

3.13. Decisions of the National Agency, adopted as a result of consideration of the submission of the Ethics Committee, are published on the official website of the National Agency. Copies of decisions of the National Agency are given or sent to the complainant or his/her representative, the person who submitted the dissertation, the specialized academic council, the higher education institution (research institution) within seven days from the date of adoption.

3.14. Any person who applied with an appeal and any person regarding whom the conferral of a research degree was nullified by the National Agency, have the right to be acquainted with the generalized decision of the National Agency after its decision to annul the decision of a specialized academic council to confer (refuse to confer) a degree. Copy of any such decision is provided on demand within a period of one month.

3.15. If the decision of a specialized academic council to refuse to confer a degree is nullified by the National Agency due to non-detection of violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation, such a dissertation may be resubmitted for defense by a research degree candidate to another specialized academic council provided that different opponents for its consideration are appointed.

3.16. If the decision of a specialized academic council to refuse to confer a degree is nullified by the National Agency due to a detection of violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation, such a dissertation may not be resubmitted for defense.

3.17. Costs, incurred by the National Agency during the examination of an appeal that was found to be deliberately unreasonable and included deliberately false information, may be recovered from the complainant through judicial procedures on the basis of article 27 of the Law of Ukraine “On Citizens’ Appeals”.

IV. Appeals Against Decisions of the National Agency

4.1. Any decision of the National Agency resulting from the consideration of a submission of the Ethics Committee may be appealed according to the appeals procedure defined and promulgated by the National Agency. In the process of consideration of an appeal, the National Agency may issue a reasoned decision to allow an appeal in whole or in part, or to leave the submitted appeal unexamined.

4.2. The decision of the National Agency can be appealed according to established procedure in court.

V. Final Provisions

5.1. The Ethics Committee starts consideration of appeals against decisions of specialized academic council to confer (refuse to confer) degrees within two months of the date this Procedure comes into force.

5.2. A person with a degree may renounce his/her own degree at any time, but not later than the beginning of a consideration by the Ethics Committee of an appeal against him/her, by submitting a relevant notarized application in arbitrary form to the National Agency. Within five working days from the day the application is received, the Ethics Committee makes a submission to the National Agency regarding the annulment of the decision of the specialized academic council to confer a degree to the relevant person and to revoke the degree.

5.3. The National Agency nullifies the decision of a specialized academic council to confer a research degree to a person by its own decision at its nearest meeting, and makes a submission aimed at depriving such a person of a degree to the authoritative central body of executive power in the field of education and science.

The central body of executive power in the field of education and science nullifies such a decision (fully or its relevant part) not later than on the tenth working day from the day such a submission is received from the National Agency.

5.4. In cases where the decision of a specialized academic council to confer a research degree to a person is nullified due to his/her voluntary application, examination of the presence of violations of academic integrity in a dissertation (research report, monograph submitted for conferral of a degree) and research publications that were submitted for conferral of a degree and which include the basic research results of a dissertation is not conducted.

5.5. Revocation of a research degree on a person's own initiative is considered to be a manifestation of academic integrity.

ANNEX B: LEAH WORTHAM'S BIO

Leah Wortham joined the Catholic University faculty in 1981 and received Emerita Professor status in 2013. She served as Clinical Coordinator from 1981-1990, Associate Dean for External and Student Affairs from 1990-95, and taught Professional Responsibility, Criminal Law, and in the externship clinical program. In her first year at CUA, she served on a student-faculty committee reviewing a draft honor code proposed by the students, and academic integrity has been a strong interest of hers since. In her 32 years on the CUA full-time faculty, she chaired or otherwise served on all the committees regarding revisions of CUA's Law's honor code and the system for implementing it. Over the years, she served in various roles in the law school's honor and discipline system: advisor to a student honor board; "designated dean" to decide if there was sufficient evidence for a disciplinary case to proceed; and once out of the administration as the "public defender" who advised students if a question was raised.

Professor Wortham continues to direct the American Law Program (ALP) at Jagiellonian University (JU) in Kraków, Poland in which CUA full-time and adjunct professors provide JU magister students and graduates, as well as LL.M. students, with an introduction to American Law. The ALP and IBTSLP are components of the CUA-JU LL.M. program, she has directed since 2003. Both the ALP and the LL.M. have student honor codes modeled on the code used on CUA's home campus, and Professor Wortham is responsible for education about student responsibility under these codes as well as their administration and enforcement. This task, and similar responsibilities when on the full-time CUA faculty in Washington, involve working with students, faculty, and staff on their roles and duties in seeing that, not only the rules within the honor code are observed but, the overall values it represents as well.

From 2008-2014, Professor Wortham was a non-resident International Scholar with the Academic Fellows Program (AFP) funded by the Open Society Institute Higher-Education Support Program. AFP's mission was to strengthen higher education through investments in young professors in 14 disciplines (including law) between the Caucasus and Mongolia with a focus on improved scholarship and teaching. AFP held two training and exchange conference per year for participants. A number of the AFP participants were pioneering teachers in research and writing courses and in developing new academic programs in their home universities. Plagiarism education and prevention, as well as more generally developing a culture of academic integrity, was one foci of the program.

In 1996, she and CUA Professor Catherine Klein worked with Jagiellonian to establish the first successful clinical program in Central Europe. Since that time, she has taught, presented, or consulted in 34 countries.

She has worked extensively with the DC Bar on legal ethics issues including serving as Chair of the Rules of Conduct Review Committee, the Ethics Committee, and disciplinary hearing committees. She also taught the mandatory course for new admittees to the DC Bar as well as continuing legal education courses on legal ethics.

In June 2008, she received the *Zasłużony dla UJ*, a medal honoring individuals whose services have been of extreme merit to Jagiellonian University. In 2016 the Jagiellonian faculty voted to award her the university's plus ratio quam vis medal. In 2016 she was awarded the Officer's Cross of the Order of Merit by the Republic of Poland for her contributions to legal education.

Professor Wortham graduated summa cum laude and with membership in Phi Beta Kappa from Macalester College in St. Paul, Minnesota and received her J.D. degree from Harvard Law School. In 1995, she was awarded the Macalester College Distinguished Citizen Citation, and she served on the college's Board of Trustees from 1995-2001.