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How Defendant Characteristics Affect Sentencing and Conviction in the US

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HOW DEFENDANT CHARACTERISTICS AFFECT SENTENCING AND CONVICTION IN
THE US

by

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ABSTRACT

This research study analyzes whether or not there is any relationship between sentencing and conviction and certain defendant characteristics in the US legal system. In the midst of a time where the nation is strongly divided politically, the topic is often the center of research projects and discussions in academic journals. Specifically, this research explores the 3 characteristics- race, gender, and socioeconomic status. Within this article, multiple case studies from other journals are cited in which research and experiments have suggested that these factors do have influence on both whether or not a defendant gets convicted or for how long the defendant is sentenced. With these cases in mind, we try to test the theory for ourselves in a survey experiment amongst college students. The survey tests cases with instances of academic dishonesty in university with the defendant characteristics being manipulated for race, gender, and socioeconomic status. However, the results were inconclusive of any sort of link between those characteristics and the "sentencing" in the study.

DEDICATION

To my parents,
For always giving me everything I need to be successful,
And pushing me to be the best I can be

ACKNOWLEDGEMENTS

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INTRODUCTION

Racism. Sexism. Upper class privilege. Each of these topics have been heavily debated throughout our nation's history. Do they exist? Do they not exist? If so, where? And to what extent? In this study, we aim to answer the questions of this debate in one of its most heated areas- the US criminal justice system. More specifically, we are studying exactly how the characteristics of both defendants and jurors in regards to race, sexism, and class impact convictions and sentencing.

Over years the tensions between races, genders, and classes have been growing in the US, which is especially true of the legal system. Many people have been in an uproar making arguments about unfair treatment in the eyes of the law regarding many particular groups of people. They say that whites, women, and the upper class are treated with more privilege in the legal system than the people not within those groups. Proponents of these ideas often cite cases such as the shooting deaths of Michael Brown or Philando Castile by police as unfair treatment due to race or the lenient sentencing of Brock Turner in an infamous sexual assault case as an example of class privilege. However, for every person enraged about unfair treatment, there are opponents right around the corner quick to pounce claiming that no such privilege exists. They would say that cases like those of Michael Brown, Philando Castile, and Brock Turner turned out the way they did due to alternative factors that do not involve their personal characteristics. The debate between the two sides is ongoing and long from over.

This research study seeks to determine whether or not there is indeed a correlation between defendant characteristics and the way those defendants are treated in the US legal system. In order to do this, we will be looking at past literature reviews and case studies done on

these topics as well as conducting our own research survey experiment manipulating the characteristics of offenders in particular scenarios. The subject is important to study in society because it can determine whether or not the correlation does actually exist. Recognizing the root of a societal problem is the first step toward fixing it. If numerous studies show that certain people are being treated either unfairly or with privilege in the US legal system because of certain traits that they possess, society as a whole will become one step closer to actually finding solutions for these problems.

LITERATURE REVIEW

Biases based on defendant, jury, and even victim characteristics have long been studied in the US legal system. These studies cover a wide variety of characteristics such as race, gender, sexuality, socioeconomic status, religion, prior convictions, demeanor, and physical attractiveness (Devine 91). For the purposes of this particular study, three characteristics will be analyzed in depth: race, gender, and socioeconomic status.

Race

Race is one of the most studied characteristics in the US legal system in regards to how it affects convictions and sentencing- and with good reason. There is significant evidence that the race of defendants, juries, and victims influences convictions and sentencing in the US. According to "Racial Disparities in Sentencing", a research article and study compiled by the American Civil Liberties Union (ACLU), African Americans are heavily prejudiced against in nearly every part of the justice system- whether it be federal, state, or local level; adult or juvenile court; violent, non-violent, or drug offenses; sentencing; convictions; or even the death penalty.

Despite the fact that African American people make up only 13% of the US population, 65.4% of the people serving life sentences without parole for non-violent offenses are African American (ACLU 3). Black and Latino defendants are far more likely than white defendants to face incarceration for similar crimes even with similar criminal records. In addition, once faced with incarceration, black males on average will serve sentences 20% longer than white males- again for similar crimes (ACLU 1). In the federal court system, black people are astoundingly 20

times more likely to be sentenced to serving life without parole (LWOP) than white people for

non-violent crimes. In the juvenile system, before the Supreme Court ruled in the 2012 case

Miller v. Alabama that sentencing juveniles to LWOP was an unconstitutional violation of the 8th

Amendment's prohibition against cruel and unusual punishment (OYEZ), black youth were 10

times more likely to serve LWOP than white youth (ACLU 4).

Studies show that the racial makeup of the jury also has a heavy influence on convictions

and sentencing in the US justice system. Defendants are at a disadvantage if they are not the

same race as the jurors, meaning that being a different race than the jury can have detrimental

effects on the outcome of the case for the defendant. In "Jury Decision Making: The State of the

Science" by Dennis J. Devine, 36 case studies containing white mock juries with black

defendants and 10 case studies containing black mock juries with white defendants have been

cited. In both types of cases, the juries were much more likely to decide unfavorably towards the

defendant in both convictions and sentencing (Devine 116). Furthermore, researcher Samuel

Sommers conducted an experiment simulating a mock sexual assault trial with a black defendant

in which the racial makeup of mock juries was manipulated. In the study, half of the mock juries

were homogenous, all white juries and the other half were racially diverse. The white jurors in

the all-white mock jury were more likely to convict *before* deliberation even began as compared

to the white jurors in the diverse mock jury. In general, white jurors were twice as likely to

convict as black jurors (Devine 117).

The race of the defendant has also been found to have an effect on death penalty cases.

Forty-two percent of people sentenced to death are African American despite the fact that

African Americans only make up 13% of the US population (ACLU 7). When taking into

account the fact that 52% of homicides being committed by African Americans (US Department of Justice), that statistic may seem proportional given the percentage of offenders. However, when looking at the death penalty in terms of interracial homicide there is a discrepancy. There is correlation between the race of the defendant and the death penalty, which is most heavily impacted by the race of the victim in the case. In a Philadelphia study regarding race and correlation to the death penalty, it was found that the death penalty was most likely in cases in which the defendant was black and the victim was a nonblack. Black-on-black homicides were much less likely to result in the death penalty (Dieter, "The Death Penalty in Black and White"). In 2013, in only 409 out of the 3,005 murders with a white victim was the offender African American (US Department of Justice). In one DOJ study cited by the ACLU, US Attorneys sought the death penalty in only 20% of cases with black defendants and black victims, compared to in 36% of cases with black defendants and nonblack victims (ACLU, "Race and the Death Penalty"). In "Jury Decision Making", three researchers gathered data from 1,555 juror interviews in 340 real death penalty trials held across 14 states to examine the connection between race of the jury members and their verdicts. The researchers found two major components impacting these death penalty trials: 1) the "white male dominance effect" and 2) the "black male presence" effect, which were both independent of one another and limited to dealing with cases that involved a black defendant and a white victim. The white male dominance effect is defined as when there are 5 or more white males on the jury. The study found that in capital trials dealing with the white male dominance effect, the probability of the jury ruling in favor of the death penalty increased by 41% compared to when it is not present. With regard the black male presence effect, it was found that the probability of facing the death

penalty increased by 34% when no black male was present on the jury compared to trials in which there was at least one black male juror (Devine 119).

There is strong evidence to support that the race of both the defendant and the jury in relation to the defendant has an influence on sentencing and conviction in the US legal system. Blacks and Latinos in particular tend to be both convicted at a higher rate and sentenced to serve much longer and harsher terms of imprisonment than whites. These findings in the literature review are significant because they support our hypothesis with our own experimental research- that the African American offender will be treated harsher than the white offender.

Gender

Whether there is a relationship between gender, convictions, and sentencing in the US legal system has also been studied. It has been found that not only is there a link between whether or not someone is male or female effecting rulings, but a link between rulings within each gender being affected by how much the defendant matches his or her gender stereotype exists as well.

In the academic journal article "Gender and Sentencing: A Meta-Analysis of Contemporary Research", many different case studies on the issue are discussed. There are many mixed results on every end of the spectrum- some find more leniency on females, others find more leniency on males. Many results are also inconclusive one way or another (Barrick 351). Generally, there are two theories regarding the effect gender has on rulings in court- that women are either treated with more leniency or that women are treated harsher than men (Barrick 352). Those who believe that women are treated with more leniency believe that it is because women are generally seen as less culpable and less threatening than are men. As a result, judges give

lighter sentences to women because they are seen as weak and unable to handle harsh sentencing. However, this theory interestingly only applies to women who are stereotypically feminine. If a female defendant does not seem feminine, they will not be treated with the same leniency (Barrick 353). This means that how gender effects convictions and sentencing may not only be limited to male versus female, but stereotypes within defendants of each of those genders as well. On the opposite side of the spectrum, many hypothesize that women are treated more harshly than men in the US justice system. This theory, known as the "Evil Women Theory", is that women who break the law are punished more severely than men for breaking their gender norms, especially if it is for a crime such as armed bank robbery or auto theft that are seen as more "masculine" crimes (Barrick 355).

In their meta-analysis of the topic, the authors in "Gender and Sentencing: A MetaAnalysis of Contemporary Research" used 58 different studies which provided 143 estimates of gender and sentencing outcomes (Barrick 359). They found that 65% of the cases covered in the study did in fact show a connection between gender and rulings. Specifically, these findings supported the Chivalry hypothesis- that women are treated with more leniency than men when interacting with a multiple of traits such as prior criminal history, seriousness of offense, and crime types (Barrick 361). Therefore, the study by Daly and Tony suggests that the jump in female incarceration rates over the past few decades has actually made women more equal to men in the justice system rather than being a sign of unfair treatment (Barrick 362). In 2009, the
Bureau of Justice Statistics reported that 93% of the country's prison population was male, with 1,500,278 male prisoners versus 113,462 female prisoners (Simmon 3). One of the most notorious cases cited by those who believe females receive lighter sentencing is that of Debra

Lafave, who was sentenced to three years of house arrest for having sex with a 14-year-old male student with zero prison time. If Lafave had been male, the sentencing likely would have been much harsher. Indeed, 2009 studies found that 82% of male sex offenders were incarcerated, whereas only 69% of female offenders (Maddan 171).

It is also noteworthy to mention how the gender makeup of juries can influence the outcomes of a particular case in the US justice system. According to the "Jury Making Decisions", studies have found that the same gender leniency effect in which the juror is more likely to rule in favor of a same-gender defendant is actually rare. However, research found that the gender of the juror still played a factor in their preferred rulings for certain cases. Female jurors, for example, are much more likely to convict in sex crimes than are men. Alternatively, men are much more likely to decide in favor of the death penalty than are women (Devine 112). The gender of the jury can impact the outcome of the case for the defendant.

While what kind of influence gender has on sentencing and conviction is still up for debate, studies support the notion that there is indeed a correlation between gender and rulings in the US legal system. Both the gender of the defendant and the gender makeup of the jury can influence how a particular case turns out. Generally, evidence in these studies tend to point to a greater leniency on women (when they are stereotypically feminine), which is the predicted result of our experimental survey in this research study.

Socioeconomic Status

Several studies have also been conducted to determine whether or not a relationship exists between socioeconomic status, convictions, and sentencing in the US legal system. A person's socioeconomic status is defined by how successful he or she has been in society in

regard to areas such as occupation, education, accumulated wealth, and income (Devine 100).

Multiple studies found that a connection between SES, convictions, and sentencing in the US legal system does in fact exist.

In 1994, a meta-analysis done by researchers Mazzella and Feingold of 15 studies measuring the relationship between defendant SES and leniency found that criminal jurors do in fact tend to be more lenient on defendants with higher socioeconomic status. Jurors in criminal trials involving a defendant with a high SES were not only more likely to deliver a not guilty verdict for the defendant, but to give more lenient sentences as well (Devine 100). A study conducted by researchers Pfeifer and Bernstein found that regardless of race, defendants when portrayed as having low-SES were convicted more often than those with high-SES. Another study in particular involved putting on experimental trials of a vandalism case in which both the race and the SES of the defendant were manipulated. It was found that in both pre-deliberation and post-deliberation, defendants of both races with low SES were 3%-6% more likely to be convicted than defendants with high SES (Devine 101). Many people believe that the high profile, infamous O.J. Simpson murder case is an example of high SES influencing the outcome of the trial, stating that O.J. Simpson was found not guilty of the murders of Nicole Brown Simpson and Ronald Goldman because of his celebrity status as a football player (Clark, "I Prosecuted O.J. Simpson").

However, with that same study it was shown that race mixed with SES influences the outcomes of convictions and sentencing as well. For example, Mexican Americans with a low SES were much more likely to be found guilty when compared with white defendants of both low SES and high SES (Devine 101). Another study conducted by researcher Terence Thornberry found the same in regards to black defendants (Thornberry 97). Furthermore, the

study found that when the SES of the defendant was not given, jurors were more likely to assume that African American defendants were low SES compared white defendants (Devine 101).

One of the most infamous cases that tends to be cited as an example of white upper-class privilege is the sexual assault case of Brock Turner. Turner, who was convicted of three felony charges for sexually assaulting an unconscious woman at a fraternity party at the University of Sanford in California, was only sentenced to six months in jail and ended up being released after three months for good behavior. Immediately people began attributing his light sentence to the fact that his characteristics made him not "seem" like a rapist- white skin, blonde hair, and a star student athlete who had a chance of making it to the Olympics (Koren, "Why"). It is noted that Turner is only one of many student athletes that receive light sentencing, even when convicted, in sexual assault cases. "Athletic privilege", as it is so called, gives stellar student athletes enough status that when combined with their ages, clean records, and support from their communities often results in weak punishments for sex crimes at best. Little to no prison time is often given to athletes who are first time offenders. Only 31% of student athlete offenders are ever convicted for sexual assault crimes as opposed to 54% in the general population. Very few sexual assault cases against athletes are even investigated to begin with. According to CNN, the NCAA Division I only has reports and records of 52 sexual assault cases over the past 20 years being investigated by police. Of these cases, only 33 led to criminal charges and only 13 served any prison time after their convictions (Gagnon, "Mad").

Evidence points to the fact that socioeconomic status influences both convictions and sentencing in the US legal system. Studies show that people with a higher SES are less likely to be convicted of a crime and that their punishments when convicted are less severe than people

with lower SES. This becomes especially true when controlling for race as studies show that minorities of lower SES are at a significant disadvantage when compared to whites with higher SES. This supports our research hypothesis that our experimental survey will find that the offender with lower SES will be punished more severely than the offender with higher SES.

METHODOLOGY

The field experiment to test the hypothesis is a research survey which is targeted mainly at university students. To make the survey more relatable to the target group, each student respondent is given three different cases of academic dishonesty and are then asked to select from a list of 7 choices what they believe is just punishment for each case. However, while all the scenarios of academic dishonesty stay the same, the characteristics of the students in each scenario are manipulated to reflect race, gender, and socioeconomic status.

The survey begins by asking a few basic demographic questions about race, age, gender, socioeconomic status, political affiliation, and whether or not the respondent is a Florida resident. It then asks whether or not the respondent is a student. If the respondent says yes, the surveys asks additional questions regarding being a student such as GPA, college, and opinions on the SGA elections. Most importantly, the "yes" to the student question also triggers survey to give the questions regarding academic dishonesty within the survey. If the respondent says no, the academic dishonesty questions are skipped altogether. When the survey was first released, only UCF students were given the academic dishonesty questions. However, those questions were later released to students from other universities as well. The remaining questions are directed towards political views on a wide range of issues such as the economy, global warming, immigration, gun control, terrorism, and general opinion about the US government.

The academic dishonesty questions are based on the UCF Golden Rules. *Section 5.008 Rules of Conduct* states that academic honesty includes, but is not limited to:

"(a) Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course related material also constitutes cheating. (b) Communication to another through written, visual, electronic, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment or project. (c)

Commercial Use of Academic Material: Selling of course material to another person, student, and/or uploading course material to a third party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but not limited to class notes, Instructor's power points, course syllabi, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc. (d) Falsifying or misrepresenting the student's own academic work. (e) Plagiarism: Whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own. (f) Multiple Submissions: Submitting the same academic work for credit more than once without the express written permission of the instructor. (g) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards" (UCF Golden Rules 37).

Section 5.015 of the UCF Golden Rules discusses how accusations of student misconduct are handled and reviewed. According to the section, the allegations of misconduct- in this case, academic misconduct, are submitted in writing to the Director of OSC or another designated person. Upon reviewing the information of the allegation, each case is assigned to the appropriate staff member and the student is notified of the nature of the allegations against them. The OSC generally has 6 months to charge a student with a violation of the Rules of Conduct. The accused student is required to attend a preliminary conference discussing the charges where the student is notified of his or her rights, allowed to review information regarding the charges, given instructions on how to contact the impartial advisor assigned to the case, and given recommendations from OSC about resolution of the charges (UCF Golden Rules 84).

From there, the case can be resolved through case dismissal when there is not enough evidence to support the allegations of misconduct, an informal hearing in which the student meets with OSC staff and accepts responsibility for the violation and punishments and sanctions for the violation are given, or a formal hearing if the matter is not otherwise resolved (UCF Golden Rules 85). For formal hearings, the student can either have a panel hearing, which consists of at least one faculty member, at least one administrative staff, and two student members selected from OSC by the Student Conduct Board to hear the case, or an administrative hearing, meaning that a single administrative staff selected from OSC by the SCB to hear the case (UCF Golden Rules 86-87). The formal hearings then go as follows:

"1. Reading of charges. 2. Student response of "in violation" or "not in violation." 3. Presentation of information in support of the charges. 4. Opening statement by the charged student. 5. Questioning of the charged student. 6. Presentation and questioning of all other parties. 7. Final questions of the charged student by the hearing body. 8. Closing remarks by the charged student. 9. Hearing is brought to a close; student is invited to await

announcement of the proposed finding(s) and recommended sanction(s), if any" (UCF Golden Rules 51).

The student rights during an academic integrity hearing include: written notice of accusations, hearing information, and names of known potential witnesses and evidence in regards to the case; permitting an advisor to be present during the hearing to consult the student; presumption of "not in violation" until preponderance of the evidence shows otherwise; right to inspect and review any information supporting the charge up to 3 business days before the hearing; right against self-incrimination; the findings of the hearing being based solely upon the information presented within the hearing; prior misconduct review only being permitted in finding of "in violation" to determine sanctions; the results of the hearing must be disclosed within 14 business days to the student; and the enrollment status of the student remaining constant until results of the hearing and disciplinary action has been determined (UCF Golden Rules 52-53).

If the student is found to be "in violation", the punishments range from the following: 1) disciplinary warning, meaning that the student is notified that their conduct was a violation and further violations will warrant more severe punishment; 2) disciplinary probation, in which probationary status is given for a particular length of time and if there are further violations, more serious punishments such as suspension or expulsion will be given; 3) deferred suspension, where the student could be suspended but is allowed to attend classes and prove that they can abide by the Rules of Conduct by completing assigned tasks of sanction; 4) disciplinary suspension, where the student is suspended from attending classes or participating in any university activity for at least one semester; 5) disciplinary dismissal, in which the student is

removed from their academic program and separated from the university for a period of two to seven years; or 6) disciplinary expulsion, in which the student is dismissed from the university without the possibility of readmission. Students found in violation will also be subject to education sanctions such as reflective or research papers, classes or seminars, community service, interviews, etc. that must be completed in conjunction with their assigned disciplinary sanction (UCF Golden Rules 55-56). A "Z Designation" is also given on the transcript of the student found in violation, meaning that the letter "Z" to indicate academic misconduct is placed in front of the grade the student received in the course, which does not affect GPA, and will remain permanently on the student's transcript if the student was at least suspended for one or more semesters or if the student was found in violation of academic dishonesty at least twice (UCF Golden Rules 89).

Former Office of Student Conduct Board Member Jonathan Haas said that the punishments are usually decided on a "case by case basis depending on the offending instance", meaning whether the student was cheating on an exam, essay, homework assignment, project, etc., and will immediately be given a Z designation, with exceptions. He said that it is typical in the case of cheating on a major assignment such as exam or final project that a student found in violation would be suspended for one semester and receive a Z designation.

The UCF Golden Rules are important to the research because the students, rather than being asked questions regarding legal punishments in the US criminal justice system which they may be unfamiliar with, are asked about instances of academic dishonesty and punishment that would be similar to those in which university professors and student conduct boards at their own universities would respond and deal with.

The academic dishonesty questions in the survey are as follows:

1) "A UCF student named (Benjamin/Brittney Eubanks) has admitted to plagiarizing a substantial portion of an essay he submitted on a take-home final exam. During the final exam, (Benjamin/Brittney) went online, searched the website for information and copied-and-pasted several paragraphs (he/she) found without citing or quoting (his/her) source. A TurnItIn report red flagged the 90% similarity between his/her final exam essay and the source he/she copied."

In this question, the gender of the offender is manipulated.

2) "A UCF student named (Misty/Charlotte) Jones has admitted to submitting another student's writing as her own work in her (Social Work/Accounting Principles) class. She knew that another student (where she works/in her sorority) took the same class a year ago and received an A grade on the same research paper assignment. (Misty/Charlotte) asked her friend for a copy of her research paper for "an example" but turned it in with her own name on it. The professor recalled the original paper and reported (Misty's/Charlotte's) plagiarism to the Office of Student Conduct."

In this question, the socioeconomic status of the offender is manipulated.

3) "A UCF student named (Jake Mueller/DeAndre Washington) has admitted to cheating on tests in his (Classic British Literature/Black American History) class. A graduate teaching assistant noticed that he would repeatedly take bathroom breaks during in-class tests and take his phone with him. On one such break, the GTA followed him into the bathroom, heard him typing on his phone in a stall, and confronted him about using his phone to look up the answers to test questions. (Jake/DeAndre) admits to unauthorized assistance on multiple class assignments and says he has been overwhelmed by his classes this semester."

In this question, the race of the offender is manipulated.

Students are asked to choose which punishment they feel is just from a list of seven options: 1) none, 2) failing grade on assignment, 3) failing grade in class, 4) suspension for one semester, 5) suspension for more than one semester, 6) expulsion with possibility of readmission, 7) expulsion without possibility of readmission.

The setup of the questions- giving the exact same scenario of academic dishonesty while only manipulating the characteristics of the offender- makes it so that the number of outside factors that may influence the level of punishment are much more limited. When studying real life jury trials, however, there would be more room for other factors to potentially influence outcomes. While in real trials crimes may be similar, no two crimes can ever be exactly alike, making it more difficult to determine that a particular defendant characteristic was the primary influencer. Furthermore, a combination of the defendant's characteristics could be influencing

the outcomes, which makes it more difficult to determine how much influence a particular characteristic is having on the outcome. With this survey, the elements of the offense are identical and the particular characteristic being measured by the question is the only known characteristic of the offender.

With this survey, we will be measuring not only how the offender's characteristics influence the punishment, but how the respondent's characteristics influence what they feel is just punishment in each scenario with whatever characteristics are assigned. We are expecting that the results will overall show links between these altered characteristics and how severe the defendants' punishments are. Based on the foregoing, I make the following hypotheses:

1) *Race Hypothesis:* Subjects will punish the African American student accused of misconduct harsher than the similarly accused white student.

2) *Class Hypothesis:* Subjects will punish the lower-class accused student harsher than the similarly accused upper-class student

3) *Gender Hypothesis:* Subjects will punish the male accused student harsher than the similarly accused female student.

However, we predict that although these will be the outcomes of the overall survey, the characteristics of the respondents of the survey will have an impact on how they individually respond to the survey as well, noting the studies about how jury characteristics can affect their rulings as well. Based on the characteristics relevant to a particular question, I predict that

4) *Same-race vs. Different-race Hypothesis:* White subjects will punish the accused African American student more harshly than African Americans subjects

5) *Same-class vs. Different-class Hypothesis:* Upper-class subjects will punish the accused lower-class student more harshly than lower-class subjects

6) *Same-gender vs. Different-gender Hypothesis:* Female subjects will punish the accused male student more harshly than the male subjects.

RESULTS

The survey received 796 responses. Of those, 527 respondents were university students whose results were able to be used in analyzing the survey. The results of each question three characteristics being measured in the survey- race, gender, and socioeconomic status- will be divided into their own sections and reviewed. The results are being measured for how harshly one accused student was punished over the other with these three characteristics each being controlled variables. For purposes of the survey, punishments 1) no punishment, 2) failing grade on assignment, and 3) failing grade in class will be considered lighter punishments. Punishments 4) suspension for one semester, 5) suspension for more than one semester, 6) expulsion with the possibility of readmission, and 7) expulsion without the possibility of readmission will be considered harsher punishments. The Pearson Chi-squared test and the p-value approach are both used to test the significance of the data.

Gender

First, the data is controlled for the gender of the accused student, or defendant, alone (meaning the gender of the respondent, or juror, is not a factor in the first stage of analysis) and put in a chart below. This is to test the *gender hypothesis: respondents will punish the male accused student more harshly than the female accused student.* The chart is divided into 2 columns horizontally, one for Benjamin and one for Brittney, and 7 columns vertically for the 7 levels of punishment that could be given to the accused student. The chart is below:

*Table 1: **Gender Responses***

	Brittney	Benjamin	Total
No punishment (1)	(1.04%)	(1.88%)	(1.45%)
	3	5	8
Fail assignment (2)	(40.2%)	(39.24%)	(39.74%)
	115	104	219
Fail class (3)	(30.76%)	(36.98%)	(33.75%)
	88	98	186
Suspend 1 semester (4)	(15.38%)	(9.81%)	(12.7%)
	44	26	70
Suspend more than 1 semester (5)	(4.19%)	(4.90%)	(4.53%)
	12	13	25
Expulsion, possible readmission (6)	(3.84%)	(3.39%)	(3.62%)
	11	9	20
Expulsion, no possible readmission (7)	(4.54%)	(4.90%)	(4.17%)
	13	13	23
Mean	3.11	3.01	3.08
Total	286	265	551
	(100%)	(100%)	(100%)

The Chi-squared value is 6.0585 and the p-value is 0.417. Taking the amount of respondents who selected punishments 1, 2, and 3, there were 72% of respondents who chose a lighter punishment for Brittney and 78.1% of respondents who chose a lighter punishment for Benjamin. On the contrary, there were 28% of respondents who chose a harsher punishment (options 4, 5, 6, and 7) for Brittney and 21.09% that chose harsher punishments for Benjamin. In the second analysis of gender, the gender of the respondent is also controlled and taken into account. This is in order to test the *same gender vs. different gender hypothesis: respondents will punish the accused student of the opposite gender more harshly than the accused samegender student.* In this chart, responses are divided into 4 columns: male respondents with Benjamin, female respondents with Benjamin, male respondents with Brittney, and female respondents with Brittney. The chart is below:

Table 2: Gender Responses, controlled for respondent's gender

	Benjamin (Male)	Benjamin (Female)	Brittney (Male)	Brittney (Female)	Total
None (1)	(2.08%) 2	(1.78%) 3	(0%) 0	(1.79%) 3	(1.45%) 8
Fail assignment (2)	(38.54%) 37	(39.88%) 67	(40.33%) 48	(40.11%) 67	(39.82%) 219
Fail class (3)	(33.33%) 32	(38.69%) 65	(35.29%) 42	(27.54%) 46	(33.64%) 185
Suspend 1 semester (4)	(8.33%) 8	(10.71%) 18	(10.08%) 12	(19.16%) 32	(12.73%) 70
Suspend more than 1 semester (5)	(8.33%) 8	(2.97%) 5	(6.72%) 8	(2.39%) 4	(4.53%) 25
Expulsion, possible readmission (6)	(6.25%) 6	(1.78%) 3	(5.04%) 6	(2.99%) 5	(3.62%) 20
Expulsion, no possible readmission (7)	(3.12%) 3	(4.16%) 7	(2.52%) 3	(5.98%) 10	(4.17%) 23
Mean	3.14	2.95	3.08	3.13	3.07
Total	(100%) 96	(100%) 168	(100%) 119	(100%) 167	(100%) 551

The Chi-squared value is 27.045 and the p-value is 0.078. Analyzing the results, 73.95% of male respondents with Benjamin gave Benjamin a lighter punishment and 69.44% of female respondents with Brittney gave Brittney a lighter punishment. This means that 26.05% of male respondents with Benjamin and 30.56% of female respondents with Brittney chose harsher punishments for them. On the contrary, 91.09% of female respondents with Benjamin chose a lighter punishment for him and 75.62% of male respondents with Brittney chose a lighter punishment for her. In regards to harsher punishments, 8.91% of female respondents with Benjamin chose harsher punishments and 24.38% of male respondents with Brittney chose harsher punishments.

Socioeconomic Status

The survey questions with Misty the Social Work major and Charlotte the Accounting major were to measure potential biases with socioeconomic status. To analyze the *class hypothesis: respondents will punish the lower-class student harsher than the upper-class student*, we first begin by dividing the chart into 2 data columns- one for Misty and one for Charlotte- without controlling for the socioeconomic status of the respondent. The chart is below:

Table 3: Socioeconomic Status Responses

	Misty	**Charlotte**	**Total**
None (1)	(1.36%) 4	(1.91%) 5	(1.61%) 9
Fail assignment (2)	(33.90%) 100	(27.48%) 72	(30.87%) 172
Fail class (3)	(33.22%) 198	(35.50%) 93	(52.24%) 291
Suspend 1 semester (4)	(16.27%) 48	58 (22.14%) 58	(19.03%) 106
Suspend more than 1 semester (5)	(3.73%) 11	(3.05%) 8	(3.41%) 19
Expulsion, possible readmission (6)	(5.76%) 17	(5.73%) 15	(5.74%) 32
Expulsion, no possible readmission (7)	(5.76%) 17	(4.2%) 11	(5.02%) 28
Mean	3.09	3.27	3.29
Total	(100%) 295	(100%) 266	(100%) 557

The Pearson chi-squared value is 5.6928 and the p-value is 0.458 for this data. Overall, 68.48% of respondents decided to give Misty, the lower-class student, a light punishment compared to the 64.89% of respondents that gave Charlotte a light punishment. On the contrary, 31.52% of respondents gave the lower-class student a harsh punishment compared to 35.11% of

respondents that gave the upper-class student a harsher punishment. In this case, upper class student was actually punished more harshly than the lower-class student.

In analyzing the hypothesis *same class vs. different class: respondents will punish the accused student of the opposite class more harshly than the accused student of the same class*, 2 separate charts have been created. For this particular response, anyone who identified as "lower" or "working" class has for purposes of this survey been classified as "lower class" while anyone who identified as "upper middle" or "upper" class has been considered "upper class". The first chart, directly below, shows how respondents of the same class as Misty and Charlotte got from respondents that were the same class as them versus different class. The lower class is considered the same for Misty and the upper class is considered the same for Charlotte. The chart is below:

Table 4: Socioeconomic Status, controlled for same class

	Same Class	Different Class	Total
None (1)	(1.16%)	(2.88%)	(1.92%)
	4	2	6
Fail assignment (2)	(35.47%)	(29.50%)	(32.79%)
	41	61	102
Fail class (3)	(34.88%)	(29.50%)	(32.47%)
	41	60	101
Suspend 1 semester (4)	(16.28%)	(23.02%)	(19.29%)
	32	28	60
Suspend more than 1 semester (5)	(3.49%)	(2.88%)	(3.21%)
	4	6	10
Expulsion, possible readmission (6)	(5.81%)	(5.76%)	(5.78%)
	8	10	18
Expulsion, no possible readmission (7)	(2.91%)	(6.47%)	(4.50%)
	9	5	14
Mean	3.37	3.14	3.24
Total	(100%)	(100%)	(100%)
	139	172	311

The Chi-squared value is 6.7688 and the p-value is 0.343 for this data. Looking at the results, the respondents of the same class of the accused students gave a lighter punishment 71.51% of the time and gave harsher punishments 28.49% of the time. This compares to 61.88% of different class respondents whom chose lighter punishments compared to the 38.12% of upper class respondents for Charlotte choosing harsher punishment.

Race

The questions with Jake Mueller in the Classic British Literature class and DeAndre Washington in the Black American History class were to analyze race. To analyze the *race hypothesis: that DeAndre Washington the African American student would be punished more harshly than Jake Mueller the white student*, first the data is divided into 2 columns- one for Jake and one for DeAndre- without controlling for race. The chart is below:

Table 5: Race Responses

	Jake Mueller	DeAndre Washington	Total
None (1)	(1.21%) 3	(1.31%) 4	(1.26%) 7
Fail assignment (2)	(24.7%) 61	(25.25%) 77	(25%) 138
Fail class (3)	(52.63%) 130	(48.85%) 149	(50.54%) 279
Suspend 1 semester (4)	(11.74%) 29	(14.75%) 45	(13.40%) 74
Suspend more than 1 semester (5)	(4.86%) 12	(1.97%) 6	(3.26%) 18
Expulsion, possible readmission (6)	(3.64%) 9	(3.28%) 10	(3.44%) 19
Expulsion, no possible readmission (7)	(1.21%) 3	(4.59%) 14	(30.79%) 17
Mean	3.1	3.19	3.15
Total	(100%) 247	(100%) 305	(100%) 552

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The data above has a Chi-squared value of 9.9371 and a p-value of 0.127. From the results above, 78.54% of respondents chose a lighter punishment for Jake Mueller while 21.46% selected a harsher punishment for him. For DeAndre, 75.41% of respondents chose a lighter punishment while 24.59% chose a harsher punishment. The data analysis shows that respondents barely selected harsher punishments DeAndre than for Jake.

In regards to testing the *same race vs. different race hypothesis: that respondents would choose more lenient punishments for the accused student of their own race compared to the accused student of a different race*, it is unable to be fully analyzed due to the fact that the survey did not receive enough African American respondents to assure random sample and accurate data. Therefore, when looking at this data for same race versus different race that must be kept in mind. The chart for same race versus different race is below. White respondents for Jake Mueller and black respondents for DeAndre are considered to be same race responses; all other races for either accused student were classified as different race.

Table 6: Race Responses; controlled for respondent's race

	Same Race	**Different Race**	**Total**
None (1)	(1.9%)	(0%)	(1.27%)
	7	0	7
Fail assignment (2)	(25.82%)	(23.37%)	(25%)
	95	43	138
Fail class (3)	(49.18%)	(53.26%)	(50.54%)
	181	98	279
Suspend 1 semester (4)	(13.59%)	(13.04%)	(13.41%)
	50	24	74
Suspend more than 1 semester (5)	(2.17%)	(5.43%)	(3.26%)
	8	10	18
Expulsion, possible readmission (6)	(3.53%)	(3.26%)	(3.44%)
	13	6	19
Expulsion, no possible readmission (7)	(3.80%)	(1.63%)	(3.08%)
	14	3	17
Mean	3.14	3.17	3.15

Total	(100%)	(100%)	552
	368	184	

The Chi-squared value is 10.1324 and the p-value is 0.119. For same race, 76.9% of respondents chose a lighter punishment for the student of their same race compared to 23.1% who chose harsher punishments. For different race, respondents chose lighter punishments 76.63% of the time compared to 23.37% of respondents who chose harsher punishments.

LIMITATIONS

There are a few limitations of the study that need to be discussed: 1) the respondent's inability to physically see the accused student (defendant), 2) the survey is limited to mostly student respondents, 3) the sample size is not as large as anticipated, and 4) the lack of African American respondents for a more in-depth analysis of whether or not respondents choose to punish their own race versus a different race more harshly. Each limitation will be broken down and elaborated on individually.

First, the fact that the respondent was unable to physically see the altered characteristics of the defendant may have influenced the result of the survey. The survey does drop hints in each question of the characteristics: 1) "Benjamin" as a common male name versus "Brittney" as a common female name in the question that manipulated gender, 2) "Misty" as a common lower class name versus "Charlotte" as a common upper class name, "Social Work" class as a profession that makes less money versus "Accounting Principles" class as a profession that makes more money, and "where she works" to allude to lower class versus "in her sorority" for upper class in the question that manipulated socioeconomic status, and 3) "Jake Mueller" as a common white name versus "DeAndre Washington" as a common African American name and cheating in the classes "Classic British Literature" versus "Black American History" in the question that manipulated race. This could be attributed to the fact that simply reading a case which mentions the characteristics (especially when the targeted respondents are college students, many of whom would be doing the survey quickly with their spare minutes between classes, work, extracurriculars) may not have the same effect on participants as would being in a mock trial and seeing the altered characteristics of the defendant. Participants do not get the

visual effect of seeing a defendant that is a different race, class, or gender as themselves. That lack of imagery in the survey may have had an impact on its results.

Second, the fact that the survey only measures the opinions of college students may have yielded a different result than had the survey been able to measure the opinions of all respondents. The survey is catered towards college students because the questions that manipulate the characteristics of the accused are each regarding cases of academic dishonesty; academic dishonesty is much more relatable and understandable to most college students compared to the legal system. Most (although not all) college students are classified as young adults, meaning the opinions of other age groups as well as non-college students in the young adult age group are underrepresented. The results of the survey may have varied more had the opinions of other age groups and non-college young adults been taken more into account. Third, only 552 usable responses were received for the purpose of this survey. However, the goal had been to obtain around 1000 responses to a random sample size large enough to ensure accurate data. This could be attributed to the fact that there was no type of incentive for people to do the survey; while students in a handful of classes received extra credit to do the survey, the majority of respondents had to do it by their own free will without any type of additional credit or monetary award.

Lastly, there were a lack of African American respondents, which made it difficult to test the *same-race vs. different-race* hypothesis. While there were 292 respondents that received the academic dishonesty question with DeAndre Washington, the African American accused student, whom were a different race than DeAndre, there were only 16 African American who received the question about DeAndre. However, Jake Mueller, the white accused student, had 169 respondents of the same race as him and 85 respondents of a different race as him. This

makes the opinions of African American students who are the same race as DeAndre highly

underrepresented, especially compared to the responses for those who received the question with

Jake Mueller.

CONCLUSION

Overall, the research study for the most part did not produce any significant, recordable results for the hypotheses outlined in this article. The race test, without being controlled for the race of the respondent, does yield nearly significant results that respondents punished the African American student more harshly. Because of this, it is possible that with a larger sample population, the results would have become significant. However, that cannot be known for a fact.

If the study were to be conducted again, I would make three recommendations: 1) that there be options for non-college students to receive questions that could go towards analyzing defendant characteristics and 2) that there be some sort of visual component of the defendant in the survey questions for respondents, and 3) that the cases of academic dishonesty be more extreme, unusual, or in between the lines. I will break down each of these recommendations to expand on them and explain why I am making them.

In regards to the first recommendation, I would either make the survey so that the noncollege students receive the academic dishonesty questions despite not being enrolled in university or that there be some sort of other type of question, perhaps in a work setting or even in a trial scenario. By doing this, we would be able to obtain more responses and to measure the opinions of a wider range of people.

For the second recommendation, I would have some type of picture representation of the "defendant" that the respondents could see. The pictures would manipulate the characteristic being tested while trying to keep all other characteristics the same. The picture for the gendercontrolled question would include defendants of different genders but with the same race, similar types of wardrobe to represent socioeconomic status, similar levels of attractiveness, etc.

The picture for the socioeconomic question would include defendants with different wardrobe to represent socioeconomic status, but whom would be of the same race, same gender, same level of attractiveness, etc. For the race question, the defendants would be of different races but the same socioeconomic status, gender, attractiveness, etc.

For the last recommendation, I would make the cases of academic dishonesty more atypical or blurred. In every case of academic dishonesty in the survey, the accused students either copied someone else's work or looked up answers for a test. These are very typical cases of academic dishonesty and that may have been why they received mostly "failed assignment" and "failed class" answers; they are typical sanctions for those types of cases.

What we can take away from this research is that even though the survey produced inconclusive results, there is enough evidence from other studies and literature reviews to know that the hypothesis is worth testing. This research study serves as a base for further research in the future. Improvements can now be made on this particular method of research be tested again; we have seen the faults in this experiment and have ideas on how these faults could be fixed. This will make it more probable that experiments similar to this one in the future will be more conclusive and accurate.

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