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Student Conduct

Overview

Matters of alleged violations to College of the Canyons' Student Conduct Code involve three participants. The first party is the institution, most often represented by a faculty or staff member who is alleging the misconduct. The second participant is the student or students who are accused of having violated the Student Conduct Code. An administrative staff member serves as a neutral third party, investigates the matter by speaking with both sides and looking at all tangible evidence, and tries to bring some resolution to the matter through a formal process.

Students have the right to due process, thus allegations of violations of the Student Conduct Code must be addressed by allowing both sides to be heard. This may occur formally through emails and phone discussions between instructors and administrative staff and through one-on-one hearings between students and the same administrative staff.

Neither instructors nor staff nor administrators meeting with students may serve as judge and jury in these matters. Students must be given the opportunity for due process and to provide reasonable explanations to the allegations, or to admit to wrongdoing. More than 95 percent of cases at College of the Canyons end with students admitting they are culpable, or responsible, for the alleged violation of the Student Conduct Code. When this occurs, a consistent sanction that fits the violation is imposed.

A small percentage of cases are dismissed for lack of evidence, or because the student has a reasonable explanation for why the allegation is incorrect. The smallest percentages of cases result in a hearing before the Student Conduct Committee. This occurs when a student does not admit to being culpable and the administrator assigned the case believes enough evidence exists that the Student Conduct Committee could find that a violation has occurred.

The Student Conduct Committee is composed of two faculty members, two students and one classified staff member. This Committee oversees a formal hearing with assistance from administrative staff. Both the instructor or staff, and the student(s) alleged to have engaged in some type of misconduct, are required to attend and present their testimony as to what they believe occurred in the case. The Committee will ask relevant questions, deliberate and render a binding decision. They will seek the counsel of administrative staff involved in the case for guidance on the appropriate sanction to impose if the student is found culpable.

Most Common Violations

The following are the most common Student Conduct Code violations found in the classroom at College of the Canyons. They are listed in descending order of occurrence:

- I. Plagiarism
- II. Cheating
- III. Disruptive classroom behavior

I. Plagiarism

- a. Hard copy: essays, term papers, homework, class assignments/projects, etc.
 - 1. When plagiarism is discovered, the instructor should turn in the student's original paper as evidence to the Office of the Dean of Students. To initiate the referral process, please contact Janine Martinez via email or by phone at extension 3292 and follow-up with a written statement.
 - 2. Any and all physical evidence that the instructor can provide, especially source material (such as Internet web sites) from which the student plagiarized will make for a stronger case.
 - 3. Often forwarding to the Office of the Dean of Students a photocopy of that portion of your course syllabus that highlights a no plagiarism policy can be helpful. In addition, any separate hand outs you may have distributed to students in your course about how to address an assignment or how to properly cite sources for a paper can also help build a stronger case to prove your allegation.
- a. Online: In addition to papers and assignments, discussion boards can also be an area in which a student posts words and ideas that are not his or her own.
 - 1. All the same pertinent information as described above should be forwarded to the Office of the Dean of Students.

II. Cheating

In a case involving any of the following types of cheating, please forward to the Office of the Dean of Students any physical evidence that applies and a written statement indicating the allegation. The following are offered as suggestions when cheating is found/observed:

- a. Exams/quizzes/homework/assignments/projects
 - 1. When cheating is discovered during grading, write correct answers next to the student's answers on the exam/assignment and set aside as evidence the student's paper and any other tangible material items such as work from another student who has similar wrong answers and who, in the case of an exam or quiz, was seated next to the first student in question.
- b. Cheat sheets/pre-filled blue books
 - 1. Confiscate the cheat sheet or pre-filled blue book and hold for evidence. It is up to you whether you allow the student to continue to finish the rest of the exam or choose to confiscate the student's exam on the spot. Please try to do so as discretely as possible.
- c. Instructor eyewitness during the exam
 - 1. Before acting upon, you should be absolutely sure that you saw the student cheat (i.e. look at another student's exam or knowingly let another student cheat off his or her exam) before taking any action.
 - 2. Approach the student immediately upon your discovery of cheating and ask to speak to the student privately in the most secluded part of the room.
 - 3. Draw a line across the page and initial it at the point on the test at which the student had completed it when you believe you observed him or her cheating.
 - 4. You may choose to confiscate the exam at that time or hand the test back to the student and allow the student to finish the test. The line you drew on the exam will serve as a reference point for you when you later grade the test. You can then check the student's work against other students sitting in the same area to check for tangible proof of cheating such as similar wrong answers or answers provided with no work to support the answers.
- d. Final exam/paper/project
 - 1. When cheating is discovered during the grading of a final exam, paper or project, submit all physical evidence to the Office of the Dean of Students and submit a grade of RD (report delayed) for the student or student's who you allege to have cheated until the case can be resolved. Once the case is resolved, a final standard letter grade (A, B, C, D or F, or CR, NC) can be recorded, depending on the outcome of the investigation.

I. Disruptive behavior in the classroom

Removal from class: Any instructor may order a student removed from his or

her class for the remainder of the class session in which the alleged violation of disruptive behavior occurred and the next class meeting. The instructor shall immediately contact the Office of the Dean of Students when this sanction is utilized so that accurate records can be maintained and repeat offenders will be identified (Ca. Ed. Code Sec. 76032 see **Appendix A**). Depending on the severity of the incident and the instructor's recommendation, the student may receive a summons requesting the student to schedule a meeting with administrative staff. The student may return to the class in the interim, after sitting out the two class sessions, while waiting to meet with administrative staff. The following actions by students may be deemed as appropriate for removing the student from the classroom. All suspensions of this type are at the discretion of the instructor and cannot be appealed. Denial of the right to attend a particular class for a specific period of time may not exceed two (2) class meetings per incident (regardless of the length of a class meeting).

a. Excessive talking

1. An instructor's classroom policy regarding talking that is excessive and disruptive to the instructional process should be addressed in the course syllabus. A violation of this type should be addressed immediately when it occurs the first time. It is difficult to enforce a rule that was ignored previously.

b. Excessive cell phone use

1. Talking on the cell phone – make known your classroom policy on both making and receiving cell phone calls. It is best to place it in writing in your course syllabus. Please do not dismiss a student from the classroom nor refer for discipline for one-time offenses.
2. Text messaging – Please use the same guidelines listed above for talking on cell phones.

c. Outbursts; being argumentative

1. Students have a right to disagree with an instructor's point of view or the material being presented in class if done through a reasonable manner which supports the educational process of give and take, study, investigation, persuasive argument, etc.
2. When a student oversteps the line between participating in the educational process and becoming argumentative in a rude manner in which language or tone is inappropriate or threats are made or implied, you should take appropriate action in addressing the matter. If the student will not listen to reason and your directions to cease and desist, you may choose to refer the matter to the Office of the Dean of Students or ask that the student leave

the classroom for the remainder of that class session (and the very next class meeting if deemed necessary).

If you choose to dismiss the student from your class, you may do so for the class session in which the alleged violation took place only, or dismiss the student from both the class session in which the student was disruptive and the very next session of the class as well. In either case, you must immediately notify the Office of the Dean of Students so that a determination can be made whether to send the student a summons to meet with administrative staff.

3. If you ask that the student leaves and he or she refuses, and/or becomes threatening, you may consider having Campus Safety (x3229) contacted to assist with the matter. In an emergency situation, use the classroom phone to dial 7. The switchboard operator will respond and radio for assistance.

Cheating: How Students Cheat and Prevention

Various ways students cheat or facilitate cheating:

- I. Looking at another student's exam or allowing another student to copy their work
- II. Copying homework or class assignments and passing it off as their own work
- III. Recycling papers that the student has previously submitted for academic credit in part or in whole for a previous or current course.
- IV. During exams, the use of cheat sheets placed or written:
 - a. In hands
 - b. On desk top
 - c. In shirt sleeves
 - d. On chair between legs
 - e. On the student's pants
 - f. On the student's hand(s)
 - g. On the inside of a water bottle label
 - h. On the underside brim of a hat
 - i. On sunglasses
 - j. Stored on cell phones
 - k. In or on calculator sleeve or holder
 - l. On a note left in the nearest restroom
- V. Receiving text messages from friends outside of class or in class

- VI. Using some kind of code or signal
 - a. Some type of vocalization such as a grunt or cough representing yes or no, or true or false, etc. Foot or pencil tapping may also be utilized
 - b. Candies such as m&m's or skittles representing various answers for multiple choice, yes/no or true/false questions

Ways to PREVENT Cheating during exams:

- I. Have students sit every other seat both in rows across and in columns front to back leaving an empty chair to either side of each student and front and back of each student (practical only to the extent of the size of the room and the availability of empty chairs).
- II. Take all the same test questions and rearrange them to make two different versions of the exam with the questions ordered differently.
- III. Move about the room periodically during exam; make eye contact with students.
- IV. Ensure that desktops are completely clear of all backpacks, notebooks, calculators, ipods, miscellaneous papers and cell phones, water bottles, candy, food etc.
- II. Do not allow students to wear hats or sunglasses during exams as some students have been known to tape cheat sheets on these accessories.
- III. Tell students to use the restroom, if needed, before the exam begins.

Proactive Steps to Prevent Violations

- I. Course Syllabus
 - a. Sample Language to Address Student's Responsibilities

Classroom Behavior and Student Code of Conduct:

Students are responsible for defining and making progress toward their educational goals. Students are expected to respect and obey standards of student conduct while in class and on campus. The Student Conduct Code, disciplinary procedures, and student due process can be found in the college catalog, on the college web site and at the Office of the Dean of Students. Charges of misconduct and disciplinary sanctions may be imposed upon students who violate these standards of conduct or provisions of college regulations. The following are expectations of your behavior in the class:

- 1. Promote mutual respect and consideration of others.
- 2. Respect the work of others.
- 3. Demonstrate respect for tools, equipment and supplies.
- 4. Practice consideration in maintaining a clean and safe learning environment.
- 5. Recognize everyone's opportunity to contribute information.

6. Cell phones, in the off position, must remain in your backpack, purse, toolbox, etc.
7. Student behavior resulting in the obstruction of the teaching-learning process will not be tolerated.

Academic Integrity:

This class will be conducted in accordance with the college Student Conduct Code and basic standards of academic honesty. Cheating and other forms of dishonesty are not acceptable and will not be tolerated. Violations will be reported to the school's administrative staff for appropriate action.

b. Addressing Plagiarism

1. Original Work – Include information on your syllabus about your expectation that every student does his/her own work. If you allow students to work together on some assignments, but not others, make sure it is clearly written in your course syllabus. Also, note whether you expect only “new and fresh” writings for your course, i.e. no recycled papers.

2. Citing Sources – Not all students understand how to cite sources correctly! As a way to prevent plagiarism, state your expectations in your syllabus that students correctly cite sources in the body of their essays or papers. Provide examples in your syllabus or on a separate handout if possible. Also, suggest resources students can utilize to help ensure they attribute others' work correctly. In addition, provide students with an example of the style, e.g. MLA or APA, you expect them to use (See **Appendix B**).

WORTH NOTING: It has been found over the years that many students attending College of the Canyons were not properly taught how to cite source material during their high school education. In addition, the majority of students entering College of the Canyons place into English courses below college level and many do not begin their sequence of English courses during their initial college semester. Furthermore, many students are not taught how to cite sources properly until the last pre-college level English course (091). Therefore, students at College of the Canyons may take several semesters worth of courses in which term papers are required while never having been taught the methods for proper attribution.

c. Addressing Cheating

1. Original Work – Include information about your expectation that every student does his/her own work. If you allow students to work together on some assignments, but not others, make sure it is clearly written in your syllabus.

d. Addressing Disruptive Behavior

1. Another subject to include in your course syllabus is the expected behavior of students in the classroom that you have as an instructor.

Make sure to include in your syllabus your classroom policy on the following: use of cell phones; talking during class; students wearing hats or sunglasses during exams, etc.

II. Discussion With Class

During the first few class sessions, discuss with the students in each of your courses the expectations you have for academic integrity. Review the syllabus with your students and emphasize that portion of your syllabus that discusses academic integrity and consequences (referral to the Office of the Dean of Students) for violations of student conduct such as cheating, plagiarizing and disruptive behavior.

Frequently Asked Questions

Q. If I believe that a student in one of my classes has violated the Student Conduct Code, can I handle the matter myself?

A. The staff in the Office of the Dean of Students highly encourages instructors to refer cases to its office to handle. Doing so provides for consistency of process and a centralized record of violations by students. It also helps to ensure that students are afforded their proper rights of due process. Reporting these incidents to the Office of the Dean of Students gives us the opportunity to work with students to change their behavior for the future, and to protect the integrity of your class and the College. Sometimes faculty are reluctant to submit the incident to the Office of the Dean of Students based on their belief, or the students belief, that the report of this incident will result in lifelong consequences for the student. This is an exaggeration and, in fact, there is no notation made to a student's transcript at College of the Canyons.

Q. Who are the administrative staff members that handle student conduct cases?

A. Michael Wilding, Vice President, Student Services (ext. 3498) and Michael Joslin, Dean, Student Services (ext. 3260) share the cases referred by instructors and staff. Janine Martinez (ext. 3292) provides administrative assistance and is usually the first point of contact for instructors, staff and students regarding matters of alleged misconduct.

Q. What are some questions I should ask myself if I believe a violation has occurred?

A. It is important to be able to succinctly describe the factors that have led you to believe there is a problem. Good questions to ask yourself at this stage are:

- What do I believe happened here?
- What evidence do I have that supports that belief?
- Is there another plausible explanation?
- Is there anyone else who has information that would be helpful about this incident?
- Was this type of situation covered in my expectations as I articulated them during the opening class?
- Is it covered in my course syllabus?
- Do I have copies of everything I need in order to forward the matter to the Office

of the Dean of Students?

- If this is a case of academic misconduct, how serious a violation do I believe it is?

Q. What should I send forward to the Office of the Dean of Students to represent my viewpoint of the alleged matter?

A. As the College's representative in the matter, it is imperative that you build and present the strongest case possible. Remember, this matter may not be resolved at the lowest level possible; it may wind up being adjudicated by the Student Conduct Committee (defined below) in a hearing at which you the instructor will be expected to represent the College.

Therefore, please send any and all relevant material including:

- a memo stating your viewpoint
- a copy of your course syllabus
- any additional handouts pertaining to the assignment in question
- the student's original work in question
- for plagiarism, any Internet web pages or other sources the student may have used
- a turnitin.com report if available
- the names of any witnesses if it is a case of alleged cheating
- cheat sheets or pre-filled blue book

Q. What might be the result of a meeting between the student and the administrator who hears the alleged matter?

A. Administrative staff who meet with students who are accused of misconduct act as a neutral third party. The matter at hand is really between the College, represented by the instructor or staff member alleging the misconduct, and the student. The administrator seeks to hear both sides point of view and help guide the process to an appropriate resolution. The administrator cannot act as judge and jury.

Administrative staff try and resolve cases of alleged misconduct by meeting one-on-one with the student(s). Once all manners of investigation have been concluded, including the possible need to meet with the student more than once, there are three possible outcomes for an alleged case of misconduct:

- 1) A student may admit to being culpable (at fault) for a violation(s) of the Student Conduct Code, at which point a sanction is imposed. This occurs 95% plus of the time at College of the Canyons;
- 2) A student may offer a plausible explanation that indicates the allegation was not correct and leads to dismissal of the case. Occasionally, the College dismisses a case because of lack of sufficient evidence or because it turns out to be more a case of poor scholarship on the part of the student rather than actual plagiarism or cheating; or
- 3) A student does not admit to being culpable, the student's explanation does not lead to the case being dismissed and the administrator determines a hearing of the Student Conduct Committee is needed in order to resolve the case

Q. Who composes the Student Conduct Committee?

A. The Student Conduct Committee is composed of two faculty members, two students and one staff member of the College. Faculty representatives are appointed by the academic senate, students by the student senate and the staff representative by CSEA.

Q. What is the role of the Student Conduct Committee?

A. The Student Conduct Committee acts much like a judge and jury: the Committee hears opening statements from both parties in the matter, allows for rebuttal of opening remarks and asks questions of both parties to assist in its deliberation which will determine whether or not the student is culpable. The Committee, if it finds the student culpable, will impose a sanction after consultation with administrative staff regarding the standard sanction imposed for the violation at hand.

Q. If I discover that a student in one of my classes cheats on an exam or commits plagiarism writing a paper, can I assign zero points for the exam or paper when I discover the alleged violation?

A. Faculty may not impose a grade penalty on a student as a result of their belief that the student has committed academic misconduct until the student is provided an opportunity through their due process rights to meet with administrative staff and provide their side of the matter. If when the student meets with administrative staff the student admits to being culpable (at fault or responsible) for the violation, then a faculty member may impose the grade appropriate for the assignment in question.

Q. Once a student admits to being culpable for cheating or committing plagiarism on a particular assignment in my course, can I fail the student for the entire course?

A. Faculty may not impose a grade penalty on a student for the entire course as a result of the student admitting to violating the Student Conduct Code in relation to a specific assignment (see Appendix B and C for legal opinion).

Q. What is my role in the matter once I refer the alleged misconduct to administration?

A. You may be contacted and requested to provide further information or materials as evidence to help bolster the case. As stated above, you may be requested to represent the College in a hearing on the matter before the Student Conduct Committee if the case is not resolved when the student meets with administrative staff.

Q. How much time will it take to resolve a case of academic misconduct?

A. Each case is unique and there are many factors that may determine how quickly a case may be resolved. Matters that arise near or at the end of a term or semester tend to take longer because students do not respond as quickly to summons. Other factors may include the type of alleged misconduct, how well the faculty member gathers and provides useful evidence for the case, and how cooperative the student is in the matter. Generally, it takes no more than a few weeks once the case is referred to administrative staff. For the very rare cases that are referred to a formal hearing, it may take several more weeks to

coordinate calendars for everyone involved in such an endeavor.

Q. What rights does a student have in matters of alleged violations of the Student Conduct Code?

A. Students have the right to a fair and timely hearing, full knowledge of accusations including who brought them forth, the opportunity to respond to allegations, and confidentiality under the Family Educational Rights and Privacy Act (FERPA). Students may also appeal suspensions or expulsions.

Appendix A

Dealing With Disruptive Classroom Behavior

Disruptive classroom behavior by students has become an issue of concern to faculty throughout higher education. Unfortunately, more students believe it is appropriate to engage in behavior which is disruptive and/or threatening, or come to the College without necessary coping skills which allow them to deal with conflict in more constructive ways.

The Dean of Students Office offers several options for dealing with these issues, including disciplinary referrals, mediation, and informal discussions. In order to assist faculty, the following guidelines have been developed to help faculty respond to these situations.

1. In order to foster a campus culture that promotes respect and civility, it is important that faculty recognize their responsibility for management of the classroom environment. Faculty members encounter fewer problems with student behavior when they clearly state their expectations about the importance of demonstrating respect in the classroom.
2. The College of the Canyons Student Conduct Code supports faculty in this endeavor by acknowledging that the nature of the educational process must be protected through the implementation and enforcement of appropriate policy. Faculty members are encouraged to refer to the Code in their course syllabus. Examples of disruptive behavior which could be interpreted as violations of the Code include, but are not limited to: repeatedly leaving and entering the classroom without faculty authorization, making loud or distracting noises, persisting in speaking without being recognized, or resorting to insults or threats of violence.
3. Both students and faculty members have some measure of academic freedom. As you know College policies on classroom disruption cannot be utilized to punish appropriate classroom dissent. A simple expression of disagreement with a faculty member is not in itself considered disruptive behavior.
4. Rudeness, incivility, and disruption are often difficult to distinguish from one another. Faculty members are encouraged to deal with instances of rudeness by classroom example and through private discussion rather than open confrontation in the classroom. Rudeness can

become disruption when it is repetitive, especially after a warning has been given.

5. Strategies to prevent and respond to disruptive behavior include the following:

a. Clarify standards for the conduct of your class. For example, if you want students to raise their hands for permission to speak, say so, using reminders as needed.

b. Serve as a role model for the conduct you expect from your students.

c. If you believe that inappropriate behavior is occurring, consider a general word of caution rather than warning a particular student (e.g. "We have too many conversations in the room right now. Can we please all concentrate on the same subject?")

d. If a student's behavior is irritating, but not disruptive, try speaking with the student after class. It is possible that the student is unaware of distracting habits or mannerisms, and does not have the intent to be offensive or disruptive.

e. There may be rare circumstances when it is necessary to speak to the student during class about his or her behavior. Try to do so in a friendly but firm manner, indicating that further discussion can occur after class. Public arguments and harsh language must be avoided at all times. Try to separate the person from the behavior, using appropriate "I" statements rather than accusatory "you" statements (e.g. "I am finding it difficult to continue presenting the subject material when you continually engage in side conversations. Could you please discontinue those conversations until after class?")

f. A student who persists in disrupting a class may be directed by the faculty to leave the classroom. College of the Canyons policy (531.1A(5)) allows for the removal of disruptive students for the remainder of the class period and the following class period. Whenever possible, prior consultation should be undertaken with both the division dean and the Dean of Students (X3498).

g. If a disruption is serious, and other reasonable measures have failed, the class may be adjourned and a College security officer summoned. Faculty must not use force or threats of force except in immediate self-defense. Once concluded, it is important that the faculty member write a detailed account of the incident. Identify witnesses for the police, as needed.

6. The Dean of Students can assist by reviewing College policy with you, and meeting with students formally or informally. It's better to report disruptive incidents promptly, even if they seem minor. A preferred strategy of the Dean's Office is to meet with a student in a non-disciplinary situation to develop a behavioral agreement, so that the student has clear guidelines about what behavior is expected of her or him. In most serious cases, the Dean will consider suspending students immediately, pending disciplinary proceedings.

Summary of Guidelines: Dealing With Disruptive Behavior

1. State clear behavioral expectations in the beginning of the semester, and establish control over the classroom environment.
2. Cite the Student Conduct Code as a means of interpretation and enforcement.
3. Recognize the difference between disruption and academic freedom.
4. Deal with rudeness privately and calmly.
5. Serve as a role model for your students.

6. Attempt informal, non-public resolutions whenever possible.
7. When you must confront behavior publicly, separate the person from the behavior and confront the situation firmly but calmly.
8. When removing a student from the class for inappropriate behavior, do so only for the remainder of that class period and the following class period. Report the matter to the Dean of Students. The Dean **will** engage the student in the campus discipline process. If the behavior warrants an immediate suspension, the Dean will impose an Interim Suspension pending the outcome of due process.
9. Consult with your department chairperson/division chair and the Dean of Students whenever disruptions occur, even if they seem minor. No action need be taken immediately, but it is helpful to have all incidents recorded.
10. In the event of serious disruptions, contact Campus Security and provide a full written account of the incident.
11. Remember that the Dean's Office has several different methods of dealing with disruptive behavior, depending on the seriousness of the situation and your own preferences. You may contact the Dean at any time at X3498.
12. The Dean is willing to provide informational sessions on this and other subject areas to departments/units by request.

Adapted for College of the Canyons from Illinois State University

EDUCATION CODE

SECTION 76032

76032. The adopted rules of student conduct may authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the chief administrative officer for appropriate action.

If the student removed by an instructor is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

Appendix B

Helping Students Avoid Plagiarism

The following are links to a service for students called WriteCheck that is provided by the folks at Turnitin.

The links contain valuable resources that students may download for free.

Students may also choose to sign up for the WriteCheck service which

Student Resources for Preventing Plagiarism

http://writecheck.turnitin.com/static/citation_help/student_resources.html

What is a Citation?

http://writecheck.turnitin.com/static/citation_help/what_is_citation.html

How to Cite Sources

http://writecheck.turnitin.com/static/citation_help/how_to_cite.html

Styles for Citing Sources

http://writecheck.turnitin.com/static/citation_help/styles_for_citing.html

WriteCheck Packages++

Purchasing one paper credit is good for a single paper submission of 5000 words or fewer. Additional paper credits are needed for documents greater than 5000 words in length e.g. a paper with 8700 words will need 2 paper credits (10,000) words.

Single Paper

Basic Package


Thesis Package

\$4.95	\$19.95	\$49.95
1 Paper Credit	5 Paper Credits	1 document up to 200,000 words
1 Resubmission	5 Resubmissions*	(or 40 Paper Credits)
		1 Resubmission per document

* 1 per document

++ for informational purpose only...this is not an endorsement of this service

Appendix C

STATE OF CALIFORNIA	
California Community Colleges Chancellor's Office 1102 Q street Sacramento, Ca 95814-6511 (916) 445-8752 http://www.cccco.edu	

November 16, 1995

Lauraine Cook
 Assistant Chancellor, Educational Services
 Kern Community College District
 Office of Instructional Services
 2100 Chester Avenue
 Bakersfield, CA 93301-4099

Dear Ms. Cook:

I am writing in response to your letter of September 28, 1995, in which you requested our opinion as to whether an instructor may fail a student who is found guilty of plagiarism or cheating on one specific class assignment.

Normally, plagiarism or cheating would be considered a violation of the student code of conduct and would be handled through the procedures for student discipline. However, it also seems apparent that a student found guilty of plagiarism or cheating has not demonstrated possession of the knowledge or skills which completion of an assignment is expected to represent. Therefore, we begin from the premise that an instructor would be justified in giving a student a failing grade on a particular assignment or examination if the student were found to have plagiarized in preparing that assignment or cheated on the particular examination.

The question presented here is whether an instructor can go further and give a student an "F" grade for the entire course if the student plagiarized or cheated on one particular assignment or examination. Of course, if the course grade is based entirely on performance on one assignment or final examination, then a student who plagiarizes or cheats on that assignment or examination should be given an "F" on that assignment or examination and will consequently fail the course. However, it is our view that an instructor cannot automatically give a student an "F" grade for the entire course where the student is only known to have cheated or plagiarized with respect to one of several assignments that count toward the final grade. We reach this conclusion for two reasons.

First, Title 5, Section 55002(a)(2)(A), states that grading policies must provide for "measurement of student performance in terms of the stated course objectives" and that the grade in a course is


to be "based on demonstrated proficiency in subject matter." If a student legitimately gets "A's on assignments which account for 90% of the grade in a course, then he or she has certainly demonstrated a high degree of proficiency in the subject matter even if plagiarism or cheating is discovered in connection with one assignment worth 10% of the grade.

Second, we believe plagiarism and cheating are best handled as disciplinary problems because of due process considerations. Plagiarism and cheating are serious allegations and, especially where a student is to be penalized for such conduct, he or she is probably entitled to some level of due process. At a minimum this should include the right to know the evidence on which the charges are based and the opportunity to present countervailing evidence or testimony. The student disciplinary process provides a mechanism for ensuring that these procedural requirements have been met. If faculty members were allowed to give a student a failing grade in a course for cheating or plagiarism on a particular assignment there would be considerable risk that these due process safeguards might not be uniformly provided.

I hope this information is helpful. If you have any questions you may call me at (916) 327-5692.

Sincerely,

Appendix D

STATE OF CALIFORNIA	
California Community Colleges Chancellor's Office 1102 Q Street Sacramento, Ca 95811-6549 (916) 445-8752 http://www.cccco.edu	

December 19, 2007

Ardon Alger, Faculty Senate President
Jon Ausubel, English Professor
Marie Boyd, Librarian
Diana Cosand, Biology Professor
Chaffey College Faculty Senate
Chaffey Community College District
5885 Haven Avenue
Rancho Cucamonga, CA 91737-3002

Re: May Instructors Assign Incomplete or Failing Grades
for the Purpose of Discouraging Cheating by Students?
Legal Opinion 07-12

Dear Professors Alger, Ausubel, Boyd and Cosand:

On October 17, 2007, you wrote to Chancellor Woodruff requesting a legal opinion on two issues regarding the ability of a faculty member to penalize a student for suspected cheating or academic dishonesty. Specifically, you asked:

1. May an instructor discourage cheating by giving a student a grade of "Incomplete" in response to an egregious cheating incident? The instructor would not change the Incomplete to a passing grade until the student completed a module designed to discourage cheating.
2. May a faculty member issue an F grade to a student at any time during the semester, after census, when a cheating incident occurs?

For the reasons which follow, we conclude that neither of these practices is permissible.

Before turning to your specific questions, we will first briefly review the principles we discussed in Legal Opinion L 95-31 concerning using grading practices to punish students for suspected cheating or academic dishonesty. In that opinion we observed that "an instructor would be justified in giving a student a failing grade on a particular assignment or examination if the student were found to have plagiarized in preparing that assignment or cheated on the particular examination." However, we went on to conclude that "an instructor cannot automatically give a student an 'F' grade for the entire course where the student is only known to have cheated or plagiarized with respect to one of several

assignments that count toward the final grade."

We reached that conclusion for two reasons.

First, we noted that under title 5, section 55002(a)(2)(A) the grading of courses is to be based on "measurement of student performance in terms of the stated course objectives" and "demonstrated proficiency in subject matter." We then illustrated the consequences of these requirements by saying "If a student legitimately gets 'A's' on assignments which account for 90% of the grade in a course, then he or she has certainly demonstrated a high degree of proficiency in the subject matter even if plagiarism or cheating is discovered in connection with one assignment worth 10% of the grade."

Second, we indicated that allegations of cheating should be handled through the student discipline process because,

"Plagiarism and cheating are serious allegations and, especially where a student is to be penalized for such conduct, he or she is probably entitled to some level of due process. At a minimum this should include the right to know the evidence on which the charges are based and the opportunity to present countervailing evidence or testimony. The student disciplinary process provides a mechanism for ensuring that these procedural requirements have been met." ¹

If an instructor mistakenly believes that a student has cheated on one of several assignments and gives the student an F on that assignment, the student may still be able to pass the course if he or she completes other assignments with sufficiently high scores, so long as the disputed assignment is not weighted so heavily that it effectively determines the grade in the entire course. However, assigning a student a failing grade in the entire course has more serious consequences because the grade will be recorded on the student's transcript and be factored into his or her GPA. If passing the course is a prerequisite to enrollment in another course or program, the stakes are even higher. In these circumstances we think students should be accorded the due process protections afforded by the student disciplinary process.

These principles remain as true today as they did 12 years ago when Legal Opinion 95-31 was written. We now proceed to apply them to the questions you have posed.

You first ask if it might be possible for an instructor to give a student thought to have cheated an Incomplete and require that the student complete a "module" designed to discourage cheating before the incomplete is removed.

Title 5, section 55023(e) describes the "I" symbol as follows:

¹ How due process requirements apply in the context of higher education and what type of procedural safeguards are required are complex issues. "The very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation." (*Cafeteria Workers v. McElroy* (1961) 367 U.S. 886, 895) It may even be that student disciplinary procedures in use at some community colleges go beyond whatever minimal requirements may be imposed by due process considerations.

However, we need not address these issues in this opinion. Since we conclude that the regulations of the Board of Governors do not permit the proposed practices, determining whether the practices would be constitutionally permissible is unnecessary.

"Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons at the end of the term may result in an 'I' symbol being entered in the student's record. The condition for the removal of the 'I' shall be stated by the instructor in a written record. This record shall contain the conditions for the removal of the 'I' and the grade assigned in lieu of its removal. . . . A final grade shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed."

It is not at all clear that the "I" symbol can be used to address cheating as you suggest. The language quoted above from section 55023 stipulates that this symbol is used to denote "Incomplete academic work," but in the scenario you describe, there is no indication that the student has failed to complete the academic work for the course. We assume the theory is that if a student cheated on an assignment, he or she has not "completed" that assignment because the submitted material does not demonstrate that the student has actually achieved the learning objective related to that assignment. However, this cannot be what the regulation means because, if an Incomplete could be assigned whenever a student has not demonstrated mastery of a particular part of the curriculum, it could be applied anytime a student gets an F on a particular assignment.

Moreover, section 55023 also says that the incomplete academic work must be the result of "unforeseeable, emergency and justifiable reasons." A case could be made that cheating is a "justifiable reason" for giving a student an Incomplete, but the wording of the regulation suggests that all three conditions must be met and it is difficult to see how cheating could be characterized as an "emergency."

Finally, even if section 55023 could be construed to permit use of the Incomplete in the way you suggest, we think the proposal would nevertheless suffer from the defects we discussed in Legal Opinion L 95-31. It still involves penalizing a student for alleged misconduct without affording him or her any opportunity to rebut the allegations. Further, asking the student to complete a module designed to discourage cheating means that this part of his or her grade will not be based on an evaluation of the extent to which he or she has achieved the learning objectives of the course. It would, therefore, be inconsistent with the grading standards required by section 55002.

Your second question essentially asks if the instructor can immediately assign an F grade to a student while the course is still in progress if the student is suspected of cheating. This approach, though creative, is also impermissible for several reasons.

First, section 55002(a)(2)(A) also says that the grading for a course "culminates in a formal, permanently recorded grade based upon uniform standards." This reflects the universal understanding that grades are to be awarded at the end of a course and that grading should be uniform. Grading one student after six weeks of the course and others at the end of the course can hardly be said to involve uniform application of grading practices.

Second, you again propose to simply award an F grade, albeit prematurely, to a student who has cheated on a particular assignment, regardless of the quality of the work done by the student on other assignments up to that point in time. This is unacceptable for the same reasons discussed in Opinion 95-31.

Finally, giving a student an F grade for the entire course before it has concluded amounts to involuntarily dropping the student from the course. However, this is only permissible in limited circumstances. Subdivision (l) of section 55003 permits a student to be enrolled in a course

pending confirmation that he or she meets a prerequisite and dropped if it is later determined that the prerequisite was not met. It then goes on to provide that “[o]therwise a student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or to the student code of conduct.”

We recognize that student cheating is a problem and that faculty are justifiably interested in seeking ways to discourage it. However, we remain convinced that unless and until the Board of Governors changes its policies on grading, it is not permissible to give a student either a failing grade or an incomplete because a student has cheated on a particular assignment. Moreover, whether a student has actually cheated is a factual question which is best resolved through an adjudicatory process according students a reasonable measure of due process. Absent such safeguards, faculty would simply be imposing punishment on student conduct they believe is improper without any reliable process for confirming that this belief is accurate. A faculty member who was disciplined for alleged plagiarism in preparation of an academic paper without any opportunity to have such allegations objectively reviewed would no doubt strenuously object to such a procedure.

If you have any further questions, you may call Assistant General Counsel Ralph Black at (916) 327-5692.

Sincerely,

Steven Bruckman,
Executive Vice Chancellor and General Counsel

Ralph Black
Assistant General Counsel

RB/rs/fr

cc: Diane Woodruff, Chancellor
Carole Bogue-Feinour, Vice Chancellor for Academic Affairs

L 07-12

Appendix E

Sample Memo of Referral Case of Cheating

MEMORANDUM

To: [], Dean of Students

From: []

Re: Student Plagiarism

Date: []

It has come to my attention that a student cheated on a [course title] exam administered on [date].

The student involved is [name] [student ID #].

On [date], I administered the [course title] exam. I noticed one student, [name of student], looking at another student's paper, [name of other student]. I did not interrupt the exam, but noted the seating pattern (see enclosed), and compared the two exams afterwards. Twenty-five of the 27 answers are identical, including short answers that are incorrect; there are several similar spelling errors. I have enclosed copies of both exams. I then compared the two exams to the rest of the exams and found that no one else in the course had made some of the errors which appeared on both of these papers.

I called [name] in to see me once I suspected the violation, and he/she denied copying anything. I informed him/her that I would assign a temporary grade of RD (report delayed) and was referring the matter to your office for resolution.

Should you need to contact me, I can be reached at

Appendix F

Sample Memo of Referral Case of Plagiarism

MEMORANDUM

To: [], Dean of Students

From: []

Re: Student Plagiarism

Date: []

Enclosed you will find a term paper which was turned in as a class assignment for [course title],[semester], by [student's name]. The work struck me as being unlike the student's earlier papers, and portions of the research sounded familiar. I did some checking and discovered that the majority of the paper is lifted directly from [source] without attribution. I have included the source, and have marked sample passages on the term paper with their corresponding pages in the source. I have also included a copy of the syllabus with my instructions on plagiarism, and a copy of the assignment.

I did meet with the student on [date], and he/she stated that she did copy the paper, but that s/he had been ill and was unable to complete the assignment on his/her own. He/she appeared genuinely contrite, but it seemed clear that he/she knew he/she should have given credit to the original author.

According to your instructions, I have assigned the student a grade of RD (report delayed) and am referring the incident to your office.

Please feel free to contact me if you have any questions.

