

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET
SACRAMENTO, CA 95814-6511
(916) 445-8752
[HTTP://WWW.CCCCO.EDU](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,

Ralph Black
Assistant General Counsel

cc: Tom Nussbaum

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