

Student Loses Challenge to Plagiarism Finding

A New York court recently addressed the question of whether a student could be disciplined for plagiarism despite the fact that the source materials plagiarized could not be identified. Katz, a student at Binghamton University, submitted a polished draft of a paper which did not cite any secondary sources. After his professor met with Katz and discussed how the paper had been composed, she concluded that Katz was guilty of plagiarism.

Katz was ultimately called before a College Academic Honesty Committee. The Committee notified Katz of the charges in writing and informed him a hearing would be held at which he had the right to have someone present to advise and assist him. After hearing from Katz and his professor, the Committee unanimously concluded that Katz was guilty of plagiarism. He exhausted his appeals within the College, and then sought judicial relief, which was denied. He appealed.

The appellate court first noted that a university's disciplinary determination will be upheld and not deemed arbitrary and capricious if it is based on a rational interpretation of relevant evidence and if the university substantially complies with its published rules and guidance in reaching a decision. It then considered Katz's claim that the College did not comply with its rules and regulations and denied him due process because he was never confronted with the alleged plagiarized source. In dismissing the appeal, the Court found that the College's rules and regulations did not require that the source of plagiarism be identified. Instead, those rules and regulations defined plagiarism as misappropriation of academic or intellectual credit to oneself by presenting the work of another as one's own. The Court went on to conclude that proof of such misappropriation can be based entirely on the content of the work and the circumstances under which the work has been prepared. *Matter of Katz v Board of Regents of The Univ. of The State of New York*, 511342 , 924 N.Y.S.2d 210 (June 2, 2011)

This is another in a long line of cases decided across the country in which courts defer to the judgment of university officials in making decisions regarding academic matters. As long as those decisions are rational and are reached in conformity with applicable regulations that meet due process standards, the rule of "judicial abstention" (also called "academic abstention") will be applied in any student lawsuit challenging the decision.