

Appendix B

Legal liability in academic integrity cases

| Name of theory | Explanation | Example |
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| Defamation | Communicating an untrue statement of fact about a plaintiff to a third party, causing damage to the reputation. | After throwing a student out of class, a professor made comments that the student was lazy, stupid, obnoxious, and “no good as a person or student.” <i>Stansbury v. Lin</i> , 848 P.2d 509, 512 (Mont. 1993) (dissenting opinion). |
| Invasion of privacy | This can be committed several ways, including disclosing information the ordinary person would find objectionable or embarrassing. | A professor correctly determines a student cheated but then improperly discloses that information to others in the class. |
| Infliction of emotional distress | An extreme, outrageous act that provokes a severe emotional reaction. In some states the act can be the result of negligence, but other states limit use of this theory to intentional acts. | In <i>Bass</i> a student was unsuccessful in alleging this theory, in part because the school followed its handbook in dismissing her, meaning its actions were not extreme or outrageous. <i>Bass v. Miss Porter's School</i> , 738 F. Supp. 2d 307 (D. Conn. 2010). |
| Breach of implied contract | Courts have held that college or university guidelines, handbooks, etc., may constitute an implied contract between the student and the school. | A breach of contract claim was appropriate where a school placed various conditions on a student's return from a leave of absence, without providing access to handbook procedures. <i>Liu v. Northwestern University</i> , 78 F. Supp. 3d 839 (N.D. Ill. 2015). |
| 42 U.S.C. Section 1983 | A “1983 action” is used where a person acting under color of state law violates a student's Constitutional or federal statutory rights. | A Ph.D. student dismissed for plagiarism lost a 1983 claim, the court holding that since the professor followed school guidelines, he did not violate the student's Constitutional right to notice and a hearing. <i>Gamage v. Nevada ex rel. Board of Regents of Higher Educ.</i> , 2:12-cv-00290-GMN-VCF (D. Nev. 1/21/14), aff'd 647 Fed. Appx. 787 (9th Cir. 2016) |