

**MEMORANDUM**

TO: The Board of Education

FROM: The Board Attorney

DATE: February 5, 2024

SUBJECT: Acceptable Uses of AI vs. Dishonest Uses and Consequences Thereof

---

**I. BACKGROUND**

This memorandum is in response to the issue prompted by the use of Artificial Intelligence technology on an essay assignment and the discrepancy between how two students were punished for plagiarism. The students in question, Student A and Student B used AI for portions of their writing process. When marks were handed back, the students received a notice to see their teacher. The teacher highlighted the plagiarism policy within their student handbook, which prohibits “presenting another person’s work as their own”.<sup>1</sup> Student A admitted to taking phrases verbatim from AI without citing the source. Student A asserts that the substantive work and ideas of the essay were theirs. This student was disciplined with a ten-point deduction of the essay grade. Student B admitted to the use of ChatGPT for research purposes and grammatical assistance. The teacher contended that Student B’s offense was worse than Student A’s and therefore Student B received a twenty-point deduction. Student B is appealing the discrepancies between the consequences, as both students are in competition for scholarships and collegiate admissions. The issue in question was brought to this Board by Student B’s parents and they specifically cited, with contrariety, the discrepancy between the grades, in which the student discovered by overhearing the teacher’s conversation with Student A. The inequity of the punishments and the discrepancy thereof, as well as the grounds for plagiarism, will be evaluated and determined by the school board’s legal counsel. From this evaluation recommendations will be advised.

---

<sup>1</sup> High School Student Handbook, 2023-2024. “Excerpt on Plagiarism.” Accessed February 7, 2024.

## II. ANALYSIS AND SUMMARY

Student A’s verbatim plagiarism of AI generated material, without citation, was within the bounds of plagiarism by both the school’s Student Handbook and the definition provided by the renowned and respected Harvard University. The Student Handbook clearly states that “presenting another person’s work as their own”, “Using direct quotes...without explicit citation” and “obtaining and submitting work from the Internet as their own” is academic dishonesty.<sup>2</sup> Federal Courts have ruled in *Thaler v. Perlmutter*(2023), that AI is not human and cannot be subjected to Copyright infringement.<sup>3</sup> This case is often cited in discourse concerning AI and plagiarism as students are not copying the work of other humans. By the Handbook, students must submit original work, and the utilization of any work that is not one's own is plagiarism, regardless of the source. The school policy is dated in the age of AI, but it's clear that the central idea of the guidelines was to ensure that work students submitted was their own. Furthermore, the verbatim phrases were obtained from the Internet, a violation of the Student Handbook.<sup>4</sup> Student A’s failure to cite these verbatim phrases from their source, that by prescribed school rules is plagiarism. Harvard’s definition of plagiarism also defines that “word for word” statements would require citation and that all work submitted should be “the students own”.<sup>5</sup> Part of the responsibility of schools is to prepare students to excel at university, if they choose to attend, as Student A indicates they will. Therefore, the school should take guidance from the top universities of the US on the elucidation of plagiarism. As Student A plagiarized, federal court precedent made in *Haugh v. Bullis*(1990) permits them to be punished within summary judgment of their guilt.<sup>6</sup> This case also upholds that they can be punished in manners that would disclose their actions, to post-secondary institutions they wish to attend.<sup>7</sup> From

---

<sup>2</sup> High School Student Handbook, 2023-2024. “Excerpt on Plagiarism.” Accessed February 7, 2024.

<sup>3</sup> “Court Finds AI-Generated Work Not Copyrightable for Failure to Meet "Human Authorship" Requirement—But Questions Remain | Insights.” 2023. Jones Day.  
<https://www.jonesday.com/en/insights/2023/08/court-finds-ai-generated-work-not-copyrightable-for-failure-to-meet-human-authorship-requirementbut-questions-remain>.

<sup>4</sup> High School Student Handbook, 2023-2024. “Excerpt on Plagiarism.” Accessed February 7, 2024.

<sup>5</sup> Ibid.

<sup>6</sup> “940 F2d 652 Haugh v. Bullis School Incorporated J Haugh J G.” n.d. OpenJurist. Accessed February 8, 2024.

<https://openjurist.org/940/f2d/652/haugh-v-bullis-school-incorporated-j-haugh-j-g>.

<sup>7</sup> Ibid.

this analysis, it's clear that Student A plagiarized, as their ideas were not their own and therefore were adequately deserving of a deduction as they did not acknowledge the source to which their verbatim derived.

Student B utilized both Grammarly and AI for research purposes. Grammarly is a software used on finished products to correct grammar and spelling errors.<sup>8</sup> Furthermore, Grammarly will indicate if a sentence needs to be reworded and may suggest the rearrangement of one or two words.<sup>9</sup> In order to utilize Grammarly, an entire piece must be entered into the software. This indicates that Student B formulated the essay with original ideas and sought out editing assistance through this platform. This does not warrant punishment under the school's policy nor the Harvard definition of plagiarism. Student B also utilized ChatGPT, an AI software to generate research resources. Nowhere in the Student Handbook nor the Harvard Plagiarism Policy, impose restrictions on research methods.<sup>10</sup> In order to utilize this software as a search engine the students would have needed to input their own ideas for leads on research. This would have required thought and originality to generate the research cues similar to a schools database which uses student input to generate potential material. There are no grounds for deductions for the utilization of this research method. Overall the conduct of Student B in the completion of this assignment does not warrant punishment for academic dishonesty.

### III. OPTIONS AND RECOMMENDATIONS

In proportion to the offenses committed, the discrepancies between the consequences given by the teacher in question are unjustified. Student B did not violate any prescribed school policy, nor did they plagiarize and therefore their essay should be considered original work and evaluated as such. Student A did directly violate the school's policy and henceforth, her deduction should stand. The incongruity between the punishments must be rectified as this grade has implications on both students' college admissions and

---

<sup>8</sup> McLeod, Danielle. n.d. "Is Grammarly Cheating? Should Students Use It?" Grammarist. Accessed February 8, 2024. <https://grammarist.com/writing-tools/is-grammarly-cheating/>.

<sup>9</sup> Ibid.

<sup>10</sup> "Harvard University Plagiarism Policy | Harvard Guide to Using Sources." n.d. Harvard Guide to Using Sources. Accessed February 7, 2024. <https://usingsources.fas.harvard.edu/harvard-plagiarism-policy>.

scholarship opportunities and creates a standard of expectations for both students and teachers on the use of AI for literary assistance or when used to plagiarize.

Furthermore, it is recommended by this counsel that the Board creates a committee to amend the plagiarism policy to explicitly state the unacceptable and acceptable applications of AI on assignments and adopt such adjustments for the 2024-2025 Student Handbook. This is inline with recommendations stated in the U.S. Department of Education’s report *Artificial Intelligence and the Future of Teaching and Learning: Insight and Recommendations*, and is being adjusted by public schools and universities across the nation.<sup>11</sup> In addition, it is advised that the Board creates a committee of high school educators to reflect and standardize the grading of plagiarized and AI assisted assignments across districts. Both of the changes listed above should be made known to students in school-wide assemblies, in which they are clearly defined and understood, to avoid future conflicts of this nature.

---

<sup>11</sup> U.S. Department of Education. 2023. “U.S. Department of Education Shares Insights and Recommendations for Artificial Intelligence.” *Office of Educational Technology*, (5), 71. <https://www2.ed.gov/documents/ai-report/ai-report.pdf>.

## References

“940 F2d 652 Haugh v. Bullis School Incorporated J Haugh J G.” n.d. OpenJurist. Accessed February 8, 2024.

<https://openjurist.org/940/f2d/652/haugh-v-bullis-school-incorporated-j-haugh-j-g>.

“Court Finds AI-Generated Work Not Copyrightable for Failure to Meet "Human Authorship"

Requirement—But Questions Remain | Insights.” 2023. Jones Day.

<https://www.jonesday.com/en/insights/2023/08/court-finds-aigenerated-work-not-copyrightable-for-failure-to-meet-human-authorship-requirementbut-questions-remain>.

“Harvard University Plagiarism Policy | Harvard Guide to Using Sources.” n.d. Harvard Guide to Using

Sources. Accessed February 7, 2024. <https://usingsources.fas.harvard.edu/harvard-plagiarism-policy>.

High School Student Handbook, 2023-2024. “Excerpt on Plagiarism.” Accessed February 7, 2024.

McLeod, Danielle. n.d. “Is Grammarly Cheating? Should Students Use It?” Grammarist. Accessed February 8,

2024. <https://grammarist.com/writing-tools/is-grammarly-cheating/>.

U.S. Department of Education. 2023. “U.S. Department of Education Shares Insights and Recommendations for

Artificial Intelligence.” *Office of Educational Technology*, (5), 71.

<https://www2.ed.gov/documents/ai-report/ai-report.pdf>.