Memorandum to Presidents

Date: May 13, 1974
From: Office of the Chancellor
Subject: Legislation Prohibiting the Sale of Term Papers

It has been brought to my attention that out-of-State organizations have recently sent advertisements to State University campuses and individual State University students offering assistance in the preparation of term papers or "research assistance."

The Attorney General has advised us that such advertisements are in violation of Chapter 963 of the Laws of 1972 which, as you know, prohibits the sale or offer for sale of ghost written term papers. A copy of the law is attached.

Would you please bring this matter to the attention of students at your campus as soon as possible. Also, we'd be grateful if you'd share this information with student government leaders, and the editors and news directors of campus newspapers and radio stations.

I'd appreciate it if you'd give this matter priority attention.

Thanks very much.

Ernest L. Boyer

Attachment
Memorandum to Presidents
May 13, 1974

This memorandum addressed to:

Presidents, State-operated campuses
Presidents, Community Colleges
Deans, Statutory Colleges

Copies for information only sent to:

Chancellor Kibbee
Dean McGrath
President Miles
Vice Provost Risley
Dissertations, Theses, Term Papers—Unlawful Sale

CHAPTER 963

An Act to amend the education law in relation to the sale of dissertations, theses and term papers.
Approved June 3, 1972, effective July 1, 1972.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is hereby amended by adding thereto a new section, to be section two hundred thirteen-b, to read as follows:

§ 213-b. Unlawful sale of dissertations, theses and term papers.
1. No person shall sell or offer for sale to any person enrolled in a university, college, academy, school or other educational institution within the state of New York any assistance in the preparation, research or writing of a dissertation, thesis, term paper, essay, report or other written assignment intended for submission to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study.

2. No person shall sell or offer for sale any dissertation, thesis, term paper, essay, report or other written assignment to any person who sells or offers for sale any such dissertation, thesis, term paper, essay, report or other written assignment to any person enrolled in a university, college, academy, school or other educational institution within the state of New York for submission to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study.

3. Nothing herein contained shall prevent such educational institution or any member of its faculty or staff from offering courses, instruction, counseling or tutoring for research or writing as part of a curriculum or other program conducted by such educational institution. Nor shall this section prevent any educational institution or any member of its faculty or staff from authorizing students to use statistical, computer, or any other services which may be required or permitted by such educational institution in the preparation, research or writing of a dissertation, thesis, term paper, essay, report or other written assignment.

4. Nothing contained within this section shall prevent any person from selling or offering for sale a publication or other written material which shall have been registered under the United States laws of copyright, provided, however, that the owner of such copyright shall have given his authorization or approval for such sale and provided further that such publication or other written material shall not be intended for submission as a dissertation, thesis, term paper, essay, report or other written assignment to such educational institution within the state of New York in fulfillment of the requirements for a degree, diploma, certificate or course of study.

5. No person shall sell, assign or otherwise transfer for business or for any other purpose to any person any information and material of a personal or private nature acquired from a purchaser of a dissertation, thesis, term paper, essay, report or other written assignment without the prior consent of such purchaser. The term “information and material of a personal or private nature” as used in this subdivision shall include, but not be limited to the name of such purchaser, his address and telephone number, the name of such educational institution, the name or number of the course, the name of the faculty member or members for whom such written assignment has been prepared and any description of the research involved or the nature of such written assignment.

6. A violation of the provisions of this section shall constitute a class B misdemeanor.

7. Whenever there shall be a violation of this section, an application also may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding the court may make allowances to the attorney general as provided in section eighty-three hundred three subdivision six of the civil practice law and rules. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect on the first day of July next succeeding the date on which it shall have become a law.

Changes or additions in text are indicated by underline

deletions by strikeouts