

Conduct regarding plagiarism at the North-West University

1. INTRODUCTION

A number of familiar scientific malpractices tend to reoccur from time to time. One of the best known of these malpractices is plagiarism, or the unlawful claiming and presenting of someone else's ideas or the expression of those ideas in words. If this happens, it not only threatens the reputation of the individual, but often also that of the institution to which the perpetrator is attached. In order to prevent and combat this, it is necessary to develop a good understanding of the phenomenon.

2. CONCEPTS

Plagiarism takes place in the framework of or may be brought into connection with **intellectual property**. The latter is a broad term used for the intellectual creative effort of an individual or a group, which may be protected by trademarks, patents, plant-breeder rights and so forth. In the field of published texts, to which the rest of this document will refer in particular, intellectual property is protected by **copyright**. This is the term which is used for the right which authors or composers (and often publishers as well), for example, have to the exclusive commercial use of literary works, which is not limited to works of art, but which may include any original work or design. This right includes the right to decide about the use of works, to be paid for it and to license certain uses of it.

However, copyright is not unlimited or applicable to any single piece of text or publication. In the first instance, many works are in the **public domain**. This term is used to indicate that such works belong to the public, in a manner of speaking. Usually this happens because copyright is valid only for a certain period after publication or after the death of the author, but it may also happen because a work was established or published by a public body. A second limitation to copyright is known as **fair dealing**. Copyright acts usually make provision for the use of published material for private study or research and for critique, review or news reporting without infringement of copyright. In all these cases, however, there are requirements for the correct handling of material, to which reference will be made later. It must also be noted that copyright only protects the manner in which information is expressed, and not the information itself.

There are different possible forms of **infringement** of copyright. Copyright infringement may occur even if recognition is given to the author and if the content of a work is not claimed or presented as one's own. Examples of this include the unauthorised republication or excessive photocopying of a work or certain forms of distribution of copies.

In contrast, **plagiarism** is not always related to copyright. Plagiarism is claiming someone else's work or ideas without recognition and the presenting of it as one's own or as new and original. Therefore it is indeed possible to plagiarise work which no longer qualifies for copyright protection. Neither does it matter whether the plagiarism takes place intentionally or unintentionally: plagiarism remains plagiarism and it is a transgression and even a crime. Similarly, plagiarism does not require that a specific number of words be presented precisely. In certain cases, even the use of a single phrase or an idea or a vaguely covered reference to the original may constitute plagiarism. Plagiarism is nothing but academic fraud.

3. FORMS OF PLAGIARISM

There are many forms of plagiarism. The following are some (even overlapping) examples of it, but the list is not exhaustive:

1.1 Copying texts, without correct recognition of their sources. Examples include:

1.1.1 Copying parts or the whole of another student's work.

- 1.1.2 Copying from published sources.
- 1.1.3 Copying lecture notes.
- 1.1.4 Copying material which was obtained from the internet.
- 1.2 Mere translation of such material.
- 1.3 Loosely paraphrasing or summarising someone else's work.
- 1.4 Theft of ideas. This form occurs more often in works of art, but is also possible in academic or general writing.

4. CORRECT SCIENTIFIC USE

It is not the intention of this part of the document to explain in detail the correct (scientific) use of other people's work in one's own writing. This will be discussed elsewhere and, moreover, it is always the result of correct scientific schooling. Reference has already been made to fair dealing, which does not constitute infringement of copyright; likewise, there are fair and correct uses of material which are not necessarily plagiarism.

The essence of such correct usage is that it must be of a limited extent and that it must be in the framework of one's own critical formulation and design. Together with this, there is the requirement of **recognition** by explicit and correct referencing of the sources of formulations or particulars both in the text of one's document and in the bibliography. Apart from proper recognition, good scientific style also involves that direct quotes (which must be clearly identifiable as such) must be limited to cases where the original words are truly essential. Paraphrasing and summarising, even where the source is clearly recognised, should also not be out of proportion with own critical formulation.

5. CODE OF CONDUCT

The overriding rules regarding academic conduct at the University are to be set out in the Codes of Conduct and Ethics ^{1,2} currently being developed by Senate, based on the values of the University as outlined in its Vision, Values and Mission Statement.

From the current draft documents regarding the development of these Codes the following passages are specifically relevant:

- “[As a student I will] Maintain the highest standard of honesty and integrity in obtaining relevant study materials, doing assignments, writing tests and examinations and in

¹ “**Code of ethics:** An institution's code of ethics sets out its standards for an ethical organisation as well as individual ethical conduct, and consists of two essential components, namely,

- **Values statement**, for example, a mission statement or any short document (for example, a credo) setting out a company's *core values*;
- **Code of conduct**, that is, a longer, *compliance-oriented* document setting out more specific principles and rules regarding best practices, addressing issues such as conflicts of interests, acceptance of gifts, and the like” Condensed Research Report, EthicSA Research Report No 3, Corporate Ethics Indicator, Willem A Landman (Ethics Institute of South Africa), Willem Punt (Ethics Institute of South Africa), Mollie Painter-Morland (Centre for Business and Professional Ethics, University of Pretoria), Business Ethics South Africa Survey 2002)(BESA).

² “**Ethics:**

- Ethics is the practice of aligning human life, individually or collectively, or institutional structures and practices, according to basic standards of conduct;
- Generally speaking, human conduct, practices and institutions are judged to be good or bad, right or wrong, in the light of such standards of conduct;

Standards of conduct take on the form of values/principles, obligations, rights, and consequences, and meeting those standards emanate from good character or virtues” (BESA)

presenting my academic and non-academic achievements to any other person(s) throughout my life” – Code of Conduct

- “[We commit ourselves] To uphold human dignity in all our activities, undertaken to develop the full potential of others and of ourselves, requiring that we practise and promote accuracy, honesty, truthfulness, trustworthiness and loyalty towards the University and all its people” - Code of Ethics

This is in line with general academic conduct at institutions for higher learning. The following quotation serves as an example: “In any examination, test or in respect of the completion and/or submission of any other form of academic assessment, a student shall refrain from dishonest conduct. Dishonest conduct includes plagiarism or submission of the work of a person other than the student who is being examined. Dishonesty, including plagiarism or the submission by a student of other people's work as his/her own, in an examination or any other form of assessment will be dealt with in terms of the disciplinary rules” (Source: <http://www.uct.ac.za/depts/records>).

As far as undergraduate work is concerned, the University's Examination Policy is a further source of reference.

All postgraduate students are required to sign a **declaration form** as part of the registration process. The declaration form will include the convention for citation and referencing used and that each contribution to, and quotation in, the dissertation or thesis from the work(s) of other people has been attributed, and has been cited and referenced. It will also include a statement that the dissertation or thesis is the students' own work and that the student did not allow anyone to copy his or her work with the intention of passing it off as his or her own work. (See also item 2.3 of this Manual.)

6. SIMILARITIES / DIFFERENCES BETWEEN COPYRIGHT AND PLAGIARISM

The main difference between copyright and plagiarism is that plagiarism is not a legal concept and as such not prohibited by law, whereby infringement of copyright is governed by law. Copyright and plagiarism will often overlap. However there are cases where plagiarism will not amount to copyright infringement and vice versa.

In his article “Plagiarism – How to Copy Right” in a 2004 newsletter of DM Kisch Inc, Lodewyk Cilliers explains the overlap between plagiarism and copyright as follows: “An example where copyright infringement does not constitute plagiarism may be where a part of a literary work is reproduced for commercial purposes, giving rightful credit to the author or copyright owner, but without obtaining his permission. In contrast, a situation could arise where a plagiarising author takes the idea of another author and uses it in his own form or for his own purposes. Should this action fall outside the scope of an adaptation as provided for in the Act, the plagiarism will not constitute copyright infringement.”

7. CONSEQUENCES

If a student is found guilty of plagiarism when submitting a thesis or report, he/she could be accused of contravening the University's Code of Conduct which in turn could lead to disciplinary actions being taken against the student. The University could also reject the thesis causing the student to fail.

In the case where a student/employee is found to be guilty of copyright infringement in terms of Act 98 of 1978, this could lead to legal action being taken against the student.