



### POLICY: STUDENT PLAGIARISM

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<b>Research Ethics;</b> <ul style="list-style-type: none"> <li>• <b>UJ Grievance Procedures;</b></li> <li>• <b>UJ Student Regulations;</b></li> <li>• <b>UJ Student Regulations for Student Discipline;</b></li> <li>• <b>UJ Student Representative Council Constitution;</b></li> <li>• <b>UJ Whistleblowers' Policy;</b></li> <li>• <b>DALRO Principles.</b></li> </ul>	
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## Table of contents

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1	PREAMBLE.....	500
2	PURPOSE.....	500
3	SCOPE .....	500
4	DEFINITIONS .....	500
5	PRINCIPLES.....	501
6	PROCEDURES .....	502
7	RESPONSES TO REPORTABLE PLAGIARISM .....	502
8	RESPONSES TO NON-REPORTABLE PLAGIARISM .....	503
9	DUTIES OF ACADEMIC STAFF .....	504
10	APPEALS .....	505
11	COMMENCEMENT, REPEAL AND TRANSITIONAL MATTERS.....	505

## 1 PREAMBLE

- In pursuit of its vision of being an international university of choice, anchored in Africa, dynamically shaping the future;
- mindful of its commitment to the sustained excellence and relevance of its comprehensive programmes and of its research, and
- recognising its obligation to cultivate students with integrity, who are knowledgeable, well-balanced, ethical leaders and confident global citizens,

the University of Johannesburg (***“the University”***) provides a uniform framework for dealing with student plagiarism.

## 2 PURPOSE

The purposes of this Policy are to record the principles that underpin the University's approach to student plagiarism, the processes it applies when student plagiarism is detected and the responses of the University to student plagiarism. Plagiarism is understood as one of several related forms of academic dishonesty, all of which are addressed in the Student Disciplinary Code. The Policy also deals with a related form of academic dishonesty that does not necessarily fall under the classical definition of plagiarism, namely the passing off of a student's own ideas as original whilst those ideas had previously been submitted for assessment by the student.

## 3 SCOPE

This Policy covers plagiarism by students pursuing studies for any programme of the University (subsidised and non-subsidised, undergraduate and postgraduate) across all campuses of the University by any faculty, department or other structure.

## 4 DEFINITIONS

For the purpose of this Policy, unless otherwise stated or the context otherwise indicates, the following definitions apply:

4.1	<i>Plagiarism</i>	Passing off ideas however expressed, including in the form of phrases, words, images, artefacts, sounds, or other intellectual or artistic outputs, as one's own when they are not one's own; <i>or</i> such passing off, as an original contribution, of ideas that are one's own but have been expressed on a previous occasion for assessment by any academic institution or in any published form, without acknowledgement of the previous expression.
4.2	<i>Reportable plagiarism</i>	<i>Plagiarism</i> that: (a) vitiates the attempt fairly and meaningfully to assess and, where relevant, assign a mark, grade, or other outcome to the work in question; <i>and</i> (b) is such that an educational response (which may include capping or prescribing a mark) is inappropriate and that a formal academic response or a disciplinary response is appropriate, given the plagiarism history of the student, the nature and extent of the plagiarism, the level of the

		<p>student, and all the other relevant circumstances of the case;</p> <p><i>or</i></p> <p>(c) in the case of work that is not submitted for assessment (for example work submitted by a graduate student to a supervisor for comment), is deemed by the individual academic staff member in question to be reportable, having regard to the nature of the offence, the plagiarism history of the student, the possibility or probability of repeat offence, and all the other circumstances of the case.</p>
4.3	<i>Plagiarism Register</i>	<p>A central record of all cases of reported plagiarism that:</p> <p>(a) includes the name and student number of the student, date of offence, details of offence and outcome of the relevant formal academic response or disciplinary procedure, and the name of the Head of Department reporting the offence;</p> <p>(b) is held centrally to enable inter-Faculty detection of repeat offences; <i>and</i></p> <p>(c) is accessible by all academic members of staff in respect of the students they teach.</p>
4.4	<i>The Policy</i>	The Policy: Student Plagiarism
4.5	<i>Faculty Plagiarism Committee</i>	The structure of the Faculty that deals with reportable student plagiarism in a particular case

## 5 PRINCIPLES

- 5.1 The acceptable level of plagiarism at the University of Johannesburg is zero.
- 5.2 No case of reportable plagiarism shall go without a formal response.
- 5.3 Responsibility for understanding and avoiding plagiarism lies with the student, and therefore ignorance is not necessarily a defence against plagiarism. The ability to recognise and avoid plagiarism is an academic skill which, like other academic skills and knowledge, students are expected to master. As for other academic skills and knowledge, students are expected to evince clearer understanding of plagiarism as they progress through the years of education, and failure to progress in this regard will affect their academic record.
- 5.3 The University and its students have a reciprocal responsibility on the one hand to educate and on the other to learn about plagiarism. The University has a responsibility to take steps to ensure that students understand what plagiarism is and how to avoid it, and students have a responsibility actively to apply themselves in this regard.
- 5.4 By the definition thereof in Paragraph 4.1, plagiarism does not require intent, but intent is one factor that may be considered when deciding on the reportability of a case of plagiarism or on the appropriate response to a case of reportable plagiarism.
- 5.5 By the definition thereof in paragraph 4.2, the judgement as to whether reportable plagiarism has occurred is an academic judgement, since it depends on whether the work can be fairly and meaningfully assessed, and on whether an educational response would be inappropriate. As such it may have discipline-specific aspects,

and the responsibility for making the judgement lies in the first instance with the academic(s) assessing the work in question.

- 5.6 The response to reportable plagiarism is not a matter of academic judgement and is prescribed by the relevant academic or disciplinary body, which will be either the Faculty Plagiarism Committee or the Student Disciplinary Committee respectively, depending on the case.
- 5.7 Plagiarism can most effectively be eliminated at the outset of a student's academic career, and the consequences of early leniency can be severe later. Although the level of the student may be taken into account in considering the appropriate response, it is only one among other factors. Thus the level of a student is not necessarily a defence against any given response, and all responses are in principle available at all levels.
- 5.8 The relevant Department, Faculty Plagiarism Committee (if involved) and Student Disciplinary Committee (if involved) must deal with cases of reportable plagiarism timeously, efficiently, fairly, and without consequences or threat of consequences for the staff member(s) reporting the plagiarism.

## **6 PROCEDURES**

- 6.1 Where an academic, in consultation with Departmental colleagues (including the Head of Department), decides that a case of plagiarism is reportable, s/he refers it to the Plagiarism Committee (or the appropriate structure) of the relevant Faculty.
- 6.2 Upon considering the documentary evidence, the Faculty Plagiarism Committee must:
  - 6.2.1 upon confirming the Department's finding that a case of reportable plagiarism has occurred, pursuant to the principle set out in Paragraph 5.2, respond in accordance with Paragraph 7 of the Policy; or
  - 6.2.2 upon disconfirming the Department's finding that a case of reportable plagiarism has occurred, refer the case back to the Department, for a response in accordance with Paragraph 8 of the Policy.
- 6.3 Where the Faculty Plagiarism Committee deems appropriate a response that includes a penalty that it does not have the authority to enforce, it shall enforce whatever part of the response lies within its authority, and refer the case to the Student Disciplinary Committee. The Faculty Plagiarism Committee may recommend a penalty to the Student Disciplinary Committee.
- 6.4 Upon receiving a recommendation from a Faculty Plagiarism Committee, the Student Disciplinary Committee shall administer the case as a disciplinary matter in accordance with its procedures, including where appropriate a hearing with a right to legal representation. Nothing in this Policy detracts from the discretion of the Student Disciplinary Committee to impose any penalty within its jurisdiction that it considers appropriate, including penalties in accordance with Paragraph 7 of the Policy.

## **7 RESPONSES TO REPORTABLE PLAGIARISM**

- 7.1 In deciding upon a response for a given case the following factors must be considered:

- 7.1.1 the plagiarism history of the student, the response identified for a case with this history in paragraphs 7.2.1, 7.7.2, 7.2.3 or 7.2.4 of this Policy, and any previous educational responses, formal academic responses or disciplinary penalties imposed upon the student for plagiarism or other academic misconduct;
- 7.1.2 the level of the student, to the extent that it bears on whether the student can be expected to have understood and avoided the plagiarism that has occurred;
- 7.1.3 the extent of the plagiarism;
- 7.1.4 the nature of the plagiarism, to the extent that it bears on whether the student can be expected to have understood or avoided plagiarism of this nature;
- 7.1.5 the degree of intent or of recklessness, neither of which is necessary for plagiarism in accordance with Paragraph 5.4 of the Policy but which may compound or mitigate the offence, or necessitate further action beyond the scope of this Policy, especially where criminal activities are suspected;
- 7.1.6 consistency with existing practice and previous decisions within the Faculty and University;
- 7.1.7 the recommendation of other committees or academic staff involved in the case;
- 7.1.8 any other relevant circumstances of the case.
- 7.2 Reportable plagiarism may result in:
  - 7.2.1 in the first instance by that student, a mark of zero for the assignment or work in question (which is a response that can arise from assessment and thus falls within the Faculty Plagiarism Committee's powers), that may or may not lead to further natural consequences, such as the student not obtaining the minimum module mark to gain entrance to the examination, or the student obtaining a failing mark for the module or degree in question; *or*
  - 7.2.2 in the second instance by that student –
    - (a) deregistration from a module, *or*
    - (b) cancellation of a mark or result, *or*
    - (c) any combination of these; *or*
  - 7.2.3 in the third instance by that student, suspension for one full academic year; *or*
  - 7.2.4 in the fourth instance by that student, expulsion; *or*
  - 7.2.5 where, considering all the circumstances of the case, the Committee deems the responses indicated in Paragraphs 7.2.1 to 7.2.4 to be inappropriate or inadequate, any other response the Committee deems appropriate considering the factors set out in Paragraph 7.1.
- 7.3 Recognising that the nature and correct treatment of plagiarism may vary between academic disciplines, in interpreting the Policy each Faculty shall establish its own guidelines and practices so as to ensure fairness and consistency in responding to plagiarism, consistent with the principles set out in Paragraph 5 of the Policy.

## **8 RESPONSES TO NON-REPORTABLE PLAGIARISM**

- 8.1 Where a case of plagiarism is not reportable, responsibility lies with the Department to determine the appropriate educational response, which may or may not include capping or prescribing a mark. All such cases of plagiarism shall be brought to the attention of the Head of Department.
- 8.2 An educational response would normally be appropriate where:
- 8.2.1 it is not clear whether plagiarism has occurred but a response is nevertheless appropriate; *or*
  - 8.2.2 the plagiarism is not such as to vitiate the attempt to meaningfully assess the piece; *or*
  - 8.2.3 the plagiarism arises from poor referencing; *or*
  - 8.2.4 the student has been inadequately prepared to avoid plagiarism; *or*
  - 8.2.5 any combination of the foregoing situations listed in this subparagraph arise; *or*
  - 8.2.6 any other situation arises in which the Department deems that an educational response is appropriate.
- 8.3 Educational responses include:
- 8.3.1 explaining the nature of the apparent plagiarism; *or*
  - 8.3.2 allowing the student to eliminate the apparent plagiarism and resubmit the piece; *or*
  - 8.3.3 capping the mark for that assignment at a certain level, e.g. 50% or zero; *or*
  - 8.3.4 any combination of the foregoing responses listed in this subparagraph; *or*
  - 8.3.5 any other response that the Department deems educationally appropriate.
- 8.4 Each Department shall establish its own guidelines and practices so as to ensure fairness, consistency and adherence to the principles set out in Paragraph 5 of the Policy in the implementation of educational responses.

## **9 DUTIES OF ACADEMIC STAFF**

- 9.1 While the responsibility for avoiding plagiarism remains entirely with the student, the Policy imposes a duty on academic staff to be vigilant for plagiarism whenever considering students' work and especially on any occasion where work is assessed.
- 9.2 The Policy recognises that academic members of staff exercise academic judgement as to whether a detected case of plagiarism is reportable, and have a duty to report all cases of plagiarism that they deem to be reportable.
- 9.3 No method for detecting plagiarism is prescribed by the Policy. However, the use of electronic resources is strongly encouraged. In particular, all Masters and doctoral students shall submit their dissertation / thesis to an electronic plagiarism detection system prior to submission for assessment, and present the report so generated together with their thesis or dissertation.



- 9.4 The Policy imposes a duty on academic staff, Departments, and Faculties to ensure that adequate measures to enable students to understand and avoid plagiarism are in place, such that:
- 9.4.1 an adequate measure is one that is reasonable to expect will enable a student of that level to recognise and avoid plagiarism; *and*
  - 9.4.2 adequacy is not assessed by whether any given student in fact does recognise and avoid plagiarism; *and*
  - 9.4.3 adequate measures may take into account the level of the student, so that at more senior levels, students can be reasonably expected to understand plagiarism to a greater degree already, and adequate measures may be correspondingly less thorough.
- 9.5 The duties imposed in this paragraph:
- 9.5.1 are duties imposed by the University on its academic staff; *and*
  - 9.5.2 are duties owed to the University, not to any student(s); *and*
  - 9.5.3 where they are not discharged, constitute a matter between the University and the staff member(s) involved, and do not constitute any defence to students accused of plagiarism; *and*
  - 9.5.4 do not supplement or replace the factors listed in Paragraph 7 and 8 to be considered in assessing the appropriate response to a case of plagiarism.

## **10 APPEALS**

- 10.1 An appeal against a finding or penalty imposed by the Student Disciplinary Committee is through the usual channels for appeals against decisions of the Student Disciplinary Committee.
- 10.2 An appeal against a finding of reportable plagiarism or associated response by a Faculty Plagiarism Committee is in writing to the Executive Dean of the Faculty, who shall treat it as an appeal against an academic decision.
- 10.3 An appeal against a finding of non-reportable plagiarism or associated response by a Department is in writing to the Executive Dean of the relevant Faculty, who may take advice from the Faculty Plagiarism Committee, as s/he sees fit.

## **11 COMMENCEMENT, REPEAL AND TRANSITIONAL MATTERS**

- 11.1 The Policy will come into operation when it is approved by all the relevant structures of the University.
- 11.2 The Policy replaces the Plagiarism Policy approved by Senate on 17 July 2008, which will continue to govern plagiarism in respect of work submitted prior to the commencement of the Policy.

## **Policy: Student Plagiarism**

### **Narrative and Notes**

#### **Preamble**

The document presented here is a complete revision of the current Plagiarism Policy, which was approved by Senate in 2008. The need for revision arose from experience with cases of plagiarism during the past few years, where it became apparent that the Policy was not explicit enough to allow cases of plagiarism to be adequately prosecuted in student disciplinary processes. The process of revision, under the auspices of the Senate Higher Degrees Committee, has been lengthy. An initial approach with repeated iterations sought to make more explicit levels of infringement and possible penalties, but it became apparent that further legal loopholes would continue to emerge. As a result the decision was taken to follow a different approach, one based on principles and relying on the academic judgement of academic staff. To allow for the necessary focus and precision, within the spectrum of forms of academic dishonesty, the draft Policy addresses only plagiarism by students. The draft Policy developed along these lines was presented at the Senate Higher Degrees Committee and referred to Faculties for detailed consideration. Senate Higher Degrees then referred it to Senex; and with a number of additional amendments, it is now presented to Senate.

Given that this is a completely new Policy, rather than a revision of the current Policy, it was not found possible to present it using Track Changes; the draft Policy is therefore followed by the current Plagiarism Policy, for reference purposes.

The following explanatory Notes are to be read together with the draft Policy.

### **Notes**

#### **General Approach**

The Policy provides a framework for making decisions about plagiarism, for achieving broad consistency in these decisions, and for defending them against possible legal challenge. It takes a principle-based approach that balances the need that Faculties, Departments and individual academics have for guidance when handling plagiarism against the proper and unfettered exercise of academic judgement in responding to the specifics of a particular case within a particular discipline. The aim is to set down broad principles that will be broadly accepted, and to indicate how these principles might translate into decisions in classes of cases, while stopping short of prescribing a response in any case. The focus is on serious cases of plagiarism.

## **Section 4: Definition of Plagiarism and Reportable Plagiarism**

The definition of plagiarism is intended to be broad enough to be used in all Faculties, including those that deal with images, music, or other non-textual material.

The notion of reportable plagiarism is central to this Policy and marks the line between those cases that are handled within a Department and those that are referred up to more formal Faculty-level procedures. The distinction invokes two academic judgements: whether the plagiarism makes the work un-markable; and whether an educational response is inappropriate. Both judgements must be affirmative for a case to count as reportable.

The notion of intent is excluded from the definition of reportability because it is hard to prove, because its relevance is not clear, and because the Policy focuses on the practical rather than the moral problem posed by plagiarism. Hence also the terminology “innocent plagiarism” is eschewed. The question is not whether or not there is moral culpability, but rather, whether this is a case about which something must be done, and if so whether the appropriate action is disciplinary or educational. Intent is however one relevant factor in determining a response; it is not excluded from the handling of reportable plagiarism cases, only from the definition of reportable plagiarism.

Note that educational responses may include capping or prescribing marks. They are educational because they are primarily intended to educate the student, and because they do not affect the formal academic records relating to the student (no entry on the Plagiarism Register). A reportable plagiarism case is one where merely educating the student is not a sufficient response, and where a formal academic response or disciplinary penalty is appropriate.

A Plagiarism Register is also defined in this section. If repeat plagiarism is to be detected across Faculties then this must be managed centrally. The Policy leaves the implementation of this function entirely open, but clearly, thought will need to be given to the practicalities. The Policy stipulates that academics can check the plagiarism record of their students as part of the academic record of the student.

## **Section 5: Principles**

Section 2 sets out a number of principles. Some are explicitly appealed to elsewhere in the Policy but most are not. Their function is to set out the University’s principled position on plagiarism and in so doing to assist in the interpretation of the rest of the policy and in handling particular cases that the Policy does not foresee.

## **Section 6: Procedures**

This Policy directs Departments to handle non-reportable plagiarism in line with Section 8. It does not require Departments to create any new committee structures, and leaves the decision as to how to handle particular cases to the academics concerned and to the Head of Department. This seems the only realistic approach given practicalities – e.g. the fact that plagiarism cases sometimes occur close to mark deadlines; that some cases are blindingly obvious, while others are not; and so on.

Reportable plagiarism is directed to the Faculty Plagiarism Committee (FPC). Where the FPC wishes to impose a penalty that it does not have authority to impose, such as suspension or expulsion, it refers the matter along with a recommendation to the Student Disciplinary Committee (SDC).

## **Section 7: Responses for Reportable Plagiarism**

Subsection 7.1 sets out factors that must be considered by the FPC or SDC in arriving at a response. None of the factors mentions the seriousness of an offence. Rather, these together are supposed to provide a framework for judging the seriousness of an offence, which is too vague a concept to invoke without such a framework.

Subsection 7.2. sets out four responses to reportable plagiarism based solely on the number of times the student has committed reportable plagiarism. However it does not prescribe these or any other response. The FPC and SDC are free under 7.2.5 to prescribe any other response, provided that they have considered the factors set out in 7.1 (which includes considering the response identified in 7.2.1, 7.2.2, 7.2.3, or 7.2.4 respectively).

This approach is intended to provide a framework for making decisions without prescribing responses in any case. While the Policy must provide contentful guidance and parameters for decision-making, ultimately the persons charged with assessing a case of plagiarism must be free to consider the particularities of the case and exercise their professional consciences. Any other approach is likely to result in non-compliance or reverse-engineering verdicts from desired responses. A more prescriptive approach is also likely to lead to legal challenge, since if a verdict is manifestly unfair and yet prescribed by Policy, a challenge to the Policy itself might follow.

This part of the Policy is especially intended to be useful for arriving at legally defensible decisions. A written decision to impose a response would be legally defensible if it made reference to the factors set out in 7.1 and then either imposed the response identified in 7.2 or reasonably recommended a different response. It is

thus reasonably straightforward to construct legally defensible response decisions in terms of this section of the Policy.

## **Section 8: Educational Responses**

This section lists situations that might merit an educational response, and identifies possible educational responses. It does not attempt to link particular situations with particular responses, nor to list either exhaustively. The correct response to low-level plagiarism is a complex matter with case- and discipline-specific elements, and thus not a matter for regulation by University Policy. It is a matter for Departments, possibly aided by supplementary guidance notes. The focus of this Policy is on the more serious cases of plagiarism which must be regulated by University Policy. By its nature, an educational response is the responsibility of the Department charged with educating the student in the subject in question.

Section 8.4 recognises that the educational response might differ between Departments. This protects Departments from accusations of unfairness when students registered for different courses perceive inconsistency between Departments. Such inconsistency will sometimes be undesirable but it will not always be so, since plagiarism and the associated academic judgements vary between disciplines. It is therefore not feasible to seek to eliminate all inconsistency. Fairness is achieved by clear internal guidelines and processes within each Department, and is not threatened by inter-Departmental differences between these guidelines, provided they further the principles guiding University Policy on plagiarism.

## **Section 9: Duties on staff**

This section sets out the duties on academic staff to be vigilant for plagiarism and to handle it professionally, while reinforcing the fundamental point that responsibility for avoiding plagiarism lies with the student.

No method for detecting plagiarism is prescribed, but it is envisaged that guidance on methods should be provided in a separate, more frequently updated set of guidance notes.

The duties in this section are owed to the University and are not intended as defences to allegations of plagiarism. It remains open to a committee to be lenient on a student where instruction has been clearly inadequate (since 7.1.8 includes any relevant circumstances) but the mere failure of a staff member to show that they have discharged their duties under section 9 is not enough to constitute a defence against plagiarism on its own. It would be wrong and counterproductive for students to automatically benefit from any inability of staff to supply convincing evidence that they have fulfilled these duties.

## **Section 10: Appeals**

This section directs appeals against decisions taken under the Policy.

### **Accompanying Documents**

It is envisaged that this Policy should be accompanied by a set of guidelines on the handling of plagiarism, including educational responses. This set of guidelines would not have the force of policy and ought to be relatively easy to update. It could be much longer and more detailed, including many more examples, possible scenarios and responses, advice on how to educate students to avoid plagiarism, and so forth.

Including this material in a separate document makes a much clearer policy possible and reduces the likelihood of undetected loopholes and the scope for legal challenge.