

## **POLICY FOR COPYRIGHT INFRINGEMENT AND PLAGIARISM**

### **1. PREAMBLE**

Where a student or researcher's work is not authentically his/her own, such work does not qualify as an academic output, whether this is a student assignment or employee research, and will be viewed as plagiarism, which is defined as the appropriation of another's work, whether intentionally or unintentionally, without proper acknowledgement. Copyright is the specific intellectual property right, which an author acquires in accordance with the Copyright Act, No. 98 of 1978 ("the Act") in respect of a protected work. Copyright infringement includes the infringement of the economic rights of the right holder and the moral rights of the author.

Academic dishonesty is a denial of ethical values, it undermines the credibility of research results and is a negation of sound academic practice. No value is added if copyright is infringed or where unethical research practices are used. Material gained through dishonesty adds nothing to existing knowledge: there is no growth in the independence of the writer's intellectual involvement and the writer's academic integrity is compromised. Unethical research practices undermine the purpose of education by casting doubt on the institution's ability to promote sound and efficient scholarship.

### **2. AIM**

The aim of this policy is to empower Unisa employees and students to uphold ethical standards and to give the University of South Africa the power to act in cases where contraventions of ethical academic standards occur. A further aim of this policy is to inform employees and students of the rights of copyright holders and to provide staff and students with guidelines for ethical research and study practices.

All academic work, written or otherwise, submitted by an employee or student is expected to be the result of his/her own skill and labour. The economic rights of a copyright owner are infringed when a person knowingly or unknowingly makes an unauthorized reproduction or adaptation of a substantial part of another person's work. Moral rights are infringed when the author of a work is not given due acknowledgement by means of clear quotations and clear acknowledgements giving details of the publication concerned.

### **3. COPYRIGHT INFRINGEMENT**

3.1 Copyright is infringed where any of the copyright owner's exclusive rights are performed without authorization.

3.2 Statutory exceptions limit the copyright owner's rights in permitting that a copyright work to be reproduced or adapted by any fair dealing with a work for the purpose of research or private study, criticism or review of that work or for the purpose of reporting on current events in a periodical. The source of the work as well as the name of the author must be mentioned.

- 3.3 The following will be an infringement of a work and will not be exempted as fair dealing:
- 3.3.1 failure to indicate clearly (e.g. with quotation marks or indent and different font) phrases or passages taken *verbatim* (word-for-word) from a published or unpublished text without crediting the original text and author;
  - 3.3.2 paraphrasing of an article, a book or an electronic text without acknowledging the source(s) and the author of the work. This amounts to reproducing a text in different words as the author, by changing the word order of the text, the sentence types and the style of the author;
  - 3.3.3 using more than a substantial part of the work will not be fair dealing, even if an acknowledgement of the source and the author is given.

#### **4. PLAGIARISM AND OTHER DISHONEST PRACTICES**

- 4.1 Unethical use of another person's work for research or study purposes may, in addition to the infringement of the copyright owner's economic rights, also infringe the author's moral rights and constitute a criminal offence.
- 4.2 The following will amount to the infringement of an author's moral rights:
- 4.2.1 failure to acknowledge the author where phrases or passages are taken *verbatim* (word-for-word) from a published or unpublished text;
  - 4.2.2 use of a summary of a work which contains the ideas of others and presents the essence of an argument in language that condenses and compresses the original language of the source without acknowledging the author of the work;
  - 4.2.3 using the patch-writing (cut-and-paste) method, where pieces of other persons' works, including those taken from the internet, are blended with one's own words and phrases without acknowledging the author of the source work;
- 4.3 Dishonest practices may also amount to criminal offences, such as fraud, theft and criminal copyright liability. Such dishonest practices include the following:
- 4.3.1 copying information from another person (e.g. another student's assignment or portfolio) and submitting identical work where such work is not the result of teamwork and indicated as such by all participants,
  - 4.3.2 buying an essay from a ghost-writing service and pretending that it is one's own work;
  - 4.3.3 asking someone else to do an assignment on one's behalf.

#### **5. CONTRAVENTION OF THIS POLICY**

A student or an employee who is guilty of the infringement of copyright or unethical practice will be subject to the applicable disciplinary code.

#### **6. AVOIDANCE OF LIABILITY**

- 6.1 Acknowledging sources ensures:

Approved – Senate – 9.11.05  
Approved – Council – 25.11.05

- 6.1.1 compliance with the provisions of the Copyright Act and universally accepted scientific practice; and
- 6.1.2 that the reader of the work could satisfy him/herself that the authenticity and integrity of the sources and the research methodology have been upheld.
- 6.2 Citation is a form of respect for the relevant author's proprietary rights.
- 6.3 Fair use is a form of respect for the author's economic rights.

