

DEALING WITH PLAGIARISM IN UNDERGRADUATE EDUCATION TO ACHIEVE INTELLECTUAL PROPERTY RIGHTS

Inês Braga

ISCAP- Instituto Politécnico do Porto//CEOS/CITCEM (PORTUGAL)

Abstract

We intend to reflect on a worrying issue in higher education – plagiarism, a practice that has existed for a long time but is now easier. In fact, it is worth remembering that the digital paradigm has been gaining even greater expression in the current context of a pandemic in which personal, academic, social and professional life has been predominantly reorganized digitally. This investigation is based on the concepts of Plagiarism and Intellectual Property Rights, within the framework of higher education in which the author has vast experience as a teacher who has always been concerned with instilling in students the ethical use of information, one of the aspects of Information Literacy.

The methodology of this study includes a literature review, favoring good practices carried out by reference institutions in the field, such as The International Center for Academic Integrity and several universities that, in an organized and responsible manner, aim to promote an academic culture of honesty and intellectual integrity, guiding and training teachers and students. We highlight the University of Waterloo which has an Office of Academic Integrity, the Purdue University which has the Online Writing Lab (OWL), and the University of California San Diego whose website has a tab titled "Excel with integrity", all of them providing guidance, training, advice and pedagogical approaches related to academic integrity. In short, all this qualified information available on the internet, very easily, at the distance of a click, it is undoubtedly a very important help, above all, for students, to obtain knowledge and skills about what plagiarism is, ways to fight it, to achieve academic success while respecting legal issues and copyright.

In conclusion, we are of the opinion that, more than punishing, Education policies should focus on training the various educational agents to fight a reprehensible and illegal intellectual act, they should clarify and clearly define important concepts related to this complex issue and should promote open debate on the subject. They must also invest resources and promote marketing policies in favor of intellectual property rights and must instill in teachers the courage to denounce and report the unethical use of information by students, even if this represents an inconvenience and an increase in work, at the bureaucratic level.

Finally, it will certainly be through a collaborative work between Ministries, educational institutions, their leaders, teachers and students that the task of training for the safe and ethical use of information in an academic context will have more impact and better results.

Keywords: Plagiarism, Intellectual Property Rights, Undergraduate Education, Academic integrity, Information literacy

1 INTRODUCTION

The issue of plagiarism is a scourge that plagues many spheres of life and higher education does not escape this reality that implies new educational approaches to combat it. This theme is related to another – that of Intellectual Property – since those who commit plagiarism do not respect copyright.

The objective of this investigation is to investigate how some leading higher education institutions address the issue of intellectual property and deal with teachers, students and other collaborators in

the educational community, sensitizing them, informing them, training them and protecting them, in accordance with intellectual property rights, taking into account the observance of principles of academic integrity. Articulated with this objective is to sensitize educational communities about the importance of training that prevents plagiarism, in a proactive and motivating attitude, instead of a reactive attitude that emphasizes punishment.

It is not our purpose to talk about plagiarism from a theoretical perspective, but to frame this complex concept and with a non-consensual definition, we resort to a definition of a university as it is in the educational context that we will approach it. Thus, University of Oxford presents the concept in the following terms:

Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgment. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition. Plagiarism may be intentional or reckless, or unintentional. Under the regulations for examinations, intentional or reckless plagiarism is a disciplinary offence (University of Oxford, 2021) [1].

Finally, it is intended to lead to a deeper reflection, which contributes to the internalization of new postures to be adopted, since most higher education institutions still invest little in these matters.

Thus, the adopted methodology consists of a literature review on the subject and the data collection techniques are bibliographic research, documental research, non-participatory observation in a virtual context and also a personal narrative in the educational context.

The results correspond to the literature review carried out in which, firstly, the issue of Intellectual Property (IP), Industrial property and Copyright and related rights is addressed. Then, the importance of academic integrity in the university context and the determining impact of the International Center for Academic Integrity. Below is a description of good practices from a university in Canada and two others in the USA on these important issues and which can serve, therefore, as inspiring examples for other cases. Then, we characterize in general terms the approach to IP by Portuguese university institutions and we focus on a polytechnic institution, the Polytechnic Institute of Porto, in which we exercise the teaching activity. We refer to some legislation and guiding documents on IP and the Code of Conduct, concluding with the account of narratives of some experiences, in the dual capacity of teacher and instructor in an investigation process that had disciplinary consequences for students who committed plagiarism.

Finally, the conclusions reinforce the most important ideas of the investigation and intend to lead to reflections on changes to be adopted in the future.

2 METHODOLOGY

The methodology adopted presupposes a predominantly qualitative research approach and involves predominantly reviewing the literature on the topic under study.

Data collection techniques are adopted, such as bibliographic research and documental research, namely in the collection of international and national legislation that will theoretically frame the issues developed. Another data collection technique adopted is non-participatory observation in a virtual context, by consulting the websites of four reference institutions - the International Center for Academic Integrity, the University of Waterloo, the Purdue University and the University of California San Diego, focusing on Information related to academic integrity and recommended pedagogical ways to address the issue of intellectual property and plagiarism.

We selected a Portuguese polytechnic institution, the Polytechnic Institute of Porto, to analyze how intellectual property and academic integrity are addressed, namely through the existing institutional documentation. We also narrate a practical teaching case that took place in one of its Institutes - ISCAP, where we develop our professional activity - focusing on issues under analysis, that is, our teaching experience in training in Information Literacy about intellectual property, rights authors, plagiarism, ways to avoid it and the measures taken as a result of it. We also share the experience of

leading an institutional process that took place at ISCAP, as an instructor in a disciplinary process for students who committed plagiarism.

3 RESULTS

3.1 Intellectual property: definition and reference documentation

We present below the results of our theoretical investigation resulting from a review of the literature on the themes under analysis, emphasizing good international practices and describing the case of a Portuguese polytechnic institution.

According to the World Intellectual Property Organization – WIPO, a succinct definition for Intellectual Property (IP) is that it “refers to creations of the mind – everything from works of art to inventions, computer programs to trademarks and other commercial signs” (WIPO, 2020) [2].

The same Organization refers two important events, supported by international law and related to the protection of intellectual property - the Paris Convention for the Protection of Industrial Property dated 1883 (WIPO, 1998) [3] and the Berne Convention for the Protection of Literary and Artistic Works dated 1886 (WIPO, 1980) [4]. Currently, this categorization still exists, as IP often includes Industrial property and Copyright and related rights. The first category includes patents for inventions, industrial designs, trademarks and geographical indications, while the second category includes cover literary, artistic and scientific works, performances and broadcasts (WIPO, 2020). [2]

3.2 Academic integrity and best practices: inspirational examples

With regard to academic integrity, a reference institution for universities is the International Center for Academic Integrity, an American institution, (ICAI) founded in 1992 by Don McCabe, professor at Rutgers University, to fight cheating, plagiarism, and academic dishonesty in Higher Education. Its main objective is to build cultures of honesty and integrity in academic and social contexts and has a global reach, integrating professors, administrators, students and employees of associated institutions (ICAI, 2021 a)) [5].

There are six structural values of the ICAI and its members – honesty, trust, justice, respect, responsibility and courage – and the academic communities must guide their behavior according to them. In an important work by the ICAI - The Fundamental Values of Academic Integrity - these values are described and explained, through examples on how to put them into practice in the academic context and in everyday life. In this approach, it is worth highlighting a new (and more correct, in our opinion) way of dealing with the issue of integrity in academic institutions as they normally act negatively and in reaction to something that was wrongly done, that is, through the identification and prohibition of behavior contrary to the principles of integrity. However, by exploring these benchmarks, the positive and proactive way in which practical issues related to integrity are addressed will make all the difference, making the message inspiring for different communities that are governed by the motto of integrity. These should mobilize the continuous involvement of students, professors, employees, administration, institutions and society in general to progressively reap good results from their training action (ICAI, 2021 b)) [6].

A good example of a university that actively promotes the experience of integrity in academy is the University of Waterloo in Canada. It has excellent infrastructure dedicated exclusively to this topic, such as the office of Academic integrity, which has a lot of well-organized information on its website, of interest to the entire educational community, on topics such as academic integrity and academic misconduct and written information and a video about an app - integrity matters mobile application - which allows access to ICAI. In addition, it also integrates a blog on academic integrity, links to various educational resources (both documents, videos or quizzes), other institutional pages or external sites, and provides FAQ's with concrete examples (University of Waterloo, OAI, 2020) [7].

In some cases, the selected information is specific to different audiences, such as students, instructors and teaching assistants and staff, and therefore it is organized in different tabs. We list below the

variety of useful resources for students who have available information on “academic advice and tutoring”, “academic integrity”, “group work”, “intellectual property and copyright”, “referencing and research skills”, “reviewing written work”, “saying no to classmates”, “stress and time management”, “turnitin and iThenticate” and “undergraduate academic integrity module” (University of Waterloo, OAI, 2020) [7]. Finally, we highlight a reference document that confirms the institutional valuation of the ethical use of Information, which is – Intellectual Property Rights created by the University in 1997, updated in 2020 and made available on the website (University of Waterloo, Secretariat, 2020) [8].

Another example of good practice is The Purdue University Writing Lab and Purdue Online Writing Lab (OWL), which support University of Purdue users in their writing skills, regardless of their level, through consultations and online participation. The Online Writing Lab (OWL) provides free writing resources and instructional material to students and other members of the academic community, as well as users around the world. On its website with lots of useful information, we highlight the “Avoiding plagiarism” tab with several tabs, among which we refer some - “plagiarism overview”, “style guide overview”, “frequently asked questions regarding plagiarism”, “best practices for writers”, “plagiarism exercise”, “best practices for teachers” (Purdue OWL, 2021) [9].

Included on the OWL website tab titled “Teacher and Tutor resources”, we highlight two training activities that, in their objectives, clearly spell out the purpose of preparing students for a broader understanding of key concepts for achieving integrity behaviors such as authorship, plagiarism, and intellectual property. The activities are “Authorship and Popular Plagiarism” and “The Big Picture”. The first consisted of dividing the class into two groups in which one group was invited to read an article about plagiarism and the other group about a handout entitled “Threats and Responses: Intelligence Assessments”. Each group should synthesize the important ideas, transmit them to the other group and the teacher should streamline the discussion, asking guiding questions. As for the training entitled “The Big Picture”, it was proposed to divide the class into three or four groups, with the proposal being the reading of an article and the elaboration of answers to several questions that were posed in that article. The teacher mediated the group discussion, according to his perspective, and could also ask some questions. In addition to the task in class, the students had a homework that was to answer two questions about the topics covered and could also do a complementary activity - consulting the author's blog, in which case, the teacher should explore the ideas collected by the students.

Likewise, the University of California San Diego (UCSD) is an example to be followed in terms of awareness of integrity, having created in 1978 the UCSD Policy on integrity of scholarship and published it on its website, with several updates, the last being in 2020 (UCSD, Academic Senate, 2020) [10].

This institution also has a very dynamic Academic Integrity Office (AIO) which on its website has a tab titled “Excel with integrity” (UCSD, Academic Integrity, 2021 a) [11] which contains another tabs such as “Academic integrity training”, “Integrity mentorship program”, “Cheating defined” or “Learn more”. In the latter it is possible to view, among other resources, tutorials on “Academic integrity” and “Preventing plagiarism”, as well as a handbook produced by the Academic Integrity Office and destined for the UC San Diego staff on academic integrity (UCSD, Academic Integrity, 2021 (b)) [12].

As for situations of misconduct by students, the university's approach is to transmit information in a clear way, both to students and professors, in relation to how they should act in denouncing such situations. An example that guides teachers, step-by-step, in acting and reporting student misconduct situations when they are completing an exam can be found in the UCSD AIO website tab “Guidelines for faculty when cheating is suspected”. It should be noted that the institution adopts pedagogical means in relation to punishment, through an inclusive stance, that is, not allowing students to withdraw from classes after the infraction.

Specifically about Intellectual Property, it should be noted that this university attaches due importance to it, offering a Professional Certificate about the Intellectual Property whose courses are taught in-person, live online, online and hybrid. Not being mandatory, but a possible complement to the curricular training, this training provided by UCSD Extension is paid but can be a professional added value in the training of those who wish to obtain and deepen knowledge on the subject.

Unfortunately, despite these positive examples, the practice of plagiarism is recurrent in higher education institutions and teachers, in general, are reluctant to report situations of violation of codes of conduct, as evidenced by a study carried out in 17 universities from Canada. In the investigation, it was intended to analyze the attitudes of the faculty towards the failures of students in relation to academic integrity provided for in institutional policies of academic integrity. From the perspective of most professors, academic dishonesty has been getting worse in their institutions and they attribute

the low preparation of students as a determining cause for plagiarism. As for the policies adopted, most consider them theoretically sound but think that they fail in practice, with institutional inconsistencies, causing fatigue and frustration in the faculty. In dealing with the violation of academic duties, teachers feel little supported at the administrative level, wasting time and, therefore, reluctant to formally report infractions (MacLeod, Eaton, 2020) [13].

3.3 Intellectual property in the context of Portuguese higher education - sharing academic experience on training and plagiarism

Portuguese public universities generally have Intellectual Property Regulations that are published in *Diário da República*, guaranteeing the ownership of IP rights therein and the sharing of profits obtained by licensing or exploiting the rights established. As for the sharing of profits, it differs from university to university, with cases that do not stipulate formulas for distribution between the parties involved - the rectory (and/or faculties or departments involved) and the researchers. In addition to teaching staff, non-teaching staff, such as students, scholarship holders, masters and doctoral students, are also covered by the aforementioned regulations, which determine the ownership of IP rights, resulting from their research work. In short, in Portuguese universities, predominantly, there are good IP management practices, which are determined in their Internal Regulations (Instituto Pedro Nunes (Ed.), 2011) [14].

In the context of Portuguese Polytechnic Higher Education, we highlight the case of the Polytechnic Institute of Porto, one of the largest and most prestigious Portuguese Polytechnic Institutes, as we teach in the area of Information Science in one of its eight schools - Instituto Superior de Contabilidade e Administração do Porto - ISCAP, the Porto Accounting and Business School.

The Despacho IPP/P-178/2008 de 29-12-2008 [15] regulates the Policy for the management of Intellectual Property (IP) of the Polytechnic Institute of Porto and in the same year the Regulamento de Propriedade Intelectual do Instituto Politécnico do Porto is published. To help operationalize IP management, the Intellectual Property Management Support Manual (Clarke, Modet & Cº, 2008) [16] was also published on the same date. This one, having the Copyright of Clarke Modet & Cº, the largest group of Industrial and Intellectual Property in Spanish and Portuguese speaking countries, allowed the use of IPP solely as an internal work tool. Related to the topic of the IPP's Intellectual Property (IP) Management System, the aforementioned group will have produced about twenty more documents with the same restrictions as the manual. In short, a series of IP guidelines were formalized by the institution.

With regard to respect for IP by members of the academic community, in 2013, the deliberation of the IPP General Council (Deliberação IPP/CG-018/2013) [17] approved the IPP Code of Conduct, which was later published in *Diário da República*, in 2013 (Despacho n.º 12514/2013) [18]. It contains the values and ethical principles of the IPP, as well as the duties of teachers, researchers, non-teaching and non-research staff, as well like those of students. Thus, in article 5, point j) even though there is no mention of intellectual property or copyright, it is stated that students must refrain from practicing academic offenses that show fraudulent behavior, which refers to academic integrity and ethics. Furthermore, several situations of academic infringement are listed below, such as that of the explicitly mentioned plagiarism, which violate IP rights.

More recently, in 2020, the Code of Good Practices and Conduct was published (through Despacho P.PORTO-P-040-2020) [19] which revokes the 2013 Determination and, although there are changes in relation to that Determination, the aforementioned aspects remain, namely the explicit reference to plagiarism.

In our institution, unfortunately, there are no infrastructures with the magnitude of those mentioned above, such as the case of the Canadian university and the two American universities. The Center for Academic Integrity does not exist either, but in our teaching activity, alone or looking for partnerships, we try to follow the motto of academic integrity and foster it with our students from the first contact with them, speaking and debating openly about issues related to the ethical use of information.

Thus, as Information Science teacher for undergraduate and master students, we train in Information Literacy, in some matters related to IP and copyright, namely in the context of preparing scientific

works whose structure students must learn. In this sense, we approach plagiarism and ways to avoid it, using citations and bibliographical references that we teach how to use, using paper standards but also using bibliographic referencing management software. We teach students to access and use quality information sources, such as the Institute's library catalog and scientific literature databases. In order to diversify pedagogical strategies, we also ask for the collaboration of the institution's librarian to explore these and other subjects, and she always responds to our requests. It should be noted that at the beginning of the academic year, the librarian participates in reception sessions for 1st year students of all degrees, presenting the library and the services it offers, which for us represents a commendable collaborative work effort.

As for the practice of plagiarism, unfortunately, it is a recurrent subject that concerns us in our daily life as a teacher with 35 years of experience. Over these years, our approach to students who plagiarize has varied, depending on the gravity of the situations, ranging from an oral warning and request for reformulation of academic work with a penalty in the final classification, to failure in the subject. A situation occurred in which, as Coordinator of a course, we asked the President of the Pedagogical Council to summon a student who plagiarized, the teacher who denounced the plagiarism and all student representatives of each curricular year of the course. This meeting was intended to have a pedagogical character in which we spoke of the various degrees of severity of sanctions applicable from a legal point of view and of hypothetical criminal, academic and labor consequences. The student failed the course and the application of that sanction was recorded in writing in her biographical record. We also wanted to make the aforementioned case exemplary, dissuading the other students present from plagiarizing and asking them to convey the message of the meeting to their classmates.

Below, we share a recent experience, which occurred in the 2020-21 school year, in which, due to the Covid pandemic and the adoption of online education, there were many more cases of plagiarism in our institution. In this case, our intervention was not as a teacher but as an instructor in an investigation process. Respecting the duty of secrecy in relation to those involved, we will not mention the course or the level of education of the students.

The situation occurred in the context of a complaint by a teacher who reported to the Course Director the plagiarism of a work between two students who submitted it to the moodle platform for evaluation purposes. Following this, there was an institutional appointment to carry out a process of inquiry with the three involved, the teacher and the two students. For our part, we had to listen to each of them in isolation, questioning them, so that they could accurately report what happened. At the end of the inquiry, we had to produce three reports – the declarations – which had to be signed by each of them, confirming that they agreed with their content. At this stage, we investigated the students' faults and proceeded to the respective accusation, proposing the sanctions that we felt were appropriate to the situation and provided for in the IPP Code of Conduct (2013) and in the Disciplinary Regulations for Students of the Polytechnic Institute of Porto (Despacho nº 4103/ 2013) [20] and we informed the students. Finally, two final reports relating to the two students were sent to the Presidency of the IPP, reporting the disciplinary infraction and proposing the respective sanctions.

However, throughout this complex and time-consuming process, which, after all, has to do with academic integrity, we had the support of the Legal Offices of IPP and ISCAP who guided us in relation to the legislation to be consulted and the legal deadlines to be taken into account, since it was the first experience of this nature that we had. From it, we underline the great responsibility we had to know how to listen, know how to ask, evaluate, be rigorous and be fair, suggesting an appropriate disciplinary sanction. As for the contact with students, we verified nervousness and apprehension about what could happen to them, as a result of acts of violation of their duties as students. As for the strategy we adopted in the relationship we established with them, it was to inform them, with the greatest possible objectivity, of the procedural aspects and possible scenarios of penalties to which they could be subject, also referring to the available legislation. Apart from some resistance to the first contact, on the part of one of the students, the relationship was cordial, and since then, there has been his availability for further contacts.

In short, it is our perception that students would never expect the case to assume such proportions and will have regretted having done what they did. We believe that this and similar cases will have a deterrent effect on themselves and other students. We emphasize the courage the teacher had to denounce the situation and it is our conviction that there should be more teachers to proceed in the same way as most, given the inconvenience, work and time they have to lose, choose to blind eyes and not report officially this type of situation, as the literature reports.

4 CONCLUSIONS

We conclude by emphasizing the importance of providing information, debating ideas and training on the issues under analysis - Intellectual property, plagiarism and pedagogical ways to combat it, with a view to respecting copyright. Academic integrity in higher education (and beyond) must be transversal to the educational community, involving teachers, students, but also administrators, and employees and must extend to society in general, influencing the adoption of ethical behavior in the daily life of the whole educational community.

Higher education institutions must become aware of the importance of an impactful action to train graduates and future workers, who base their academic and professional conduct on the fundamental values of integrity, which we remember here once again: honesty, trust, justice, respect, responsibility and courage as students, workers and citizens.

To achieve success in an educational project of this nature, several people and services from an institution must be integrated, in a desirable collaborative work, giving visibility to the issue of integrity, the ethical use of information and related issues. This may involve investing in marketing campaigns and motivating and individualized training activities, capturing the attention of the target audiences and awakening in them the interest to learn more and more. On the specific issue of plagiarism, we underscore the message that it should be approached in advance, in a proactive effort to provide widely disseminated information and training, instead of being a reactive attitude and punishment, after the damage has been done.

Above all, we defend that educational policies must change, with the involvement of the Ministries of Higher Education and the Presidencies of higher education institutions, integrating the mandatory training courses for Information Literacy into the study plans of all courses, in which these and related issues are addressed in a personalized way and widely discussed in an open manner.

We took from the good practices we presented the idea that all institutions should have qualified human resources in sufficient numbers to properly handle educational projects with an institutional scope as important as this one. It is essential to have infrastructure such as the Center for Academic Integrity, centers of excellence, which contribute to the success of students and good performance of professors. We highlight the quality and variety of the information made available on its websites, with an adequate and user-friendly design, approaching the needs of its users, in an agile way and at a distance of a click. We also emphasize the service policy they perform, providing useful and quality educational support materials within the scope of the teaching-learning process. Through this means, faculty and students are permanently monitored, involved and encouraged to participate in a corporate culture of integrity within the scope of their duties.

As a reflection for all higher education institutions are the inspiring examples of good practices, to be adapted according to the contexts and aiming for improvements in the future. As for those who do not have the formal infrastructure, the message remains that they must mobilize existing people and resources, not getting discouraged, working as a team and being resilient to overcome obstacles.

Regardless of the working conditions, it is with the example of well-educated, courageous people who demonstrate professionalism in what they do that the motto of integrity will progressively take root in institutions.

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