Plagiarism vs. Copyright Infringement

We commonly use criminal metaphors for plagiarism: “stealing,” “fraud,” even “rape.” But plagiarism is NOT a criminal offense. There are no laws against plagiarism, only institutional policies against it and popular distaste for it.

Plagiarism does not always or even often amount to copyright infringement (an actual criminal offense), although it can. Copyright infringement requires that the infringer have benefited economically from the infringement.

How much do students plagiarize?


“The amount of online plagiarism reported here should be a matter of concern, although the current study does not point to an epidemic of Internet plagiarism. However, the disparity between student self-reports of plagiarism and their estimates of how often their peers plagiarize suggests many students view plagiarism as more commonplace than it is—a misperception perhaps shared by faculty as well as the public at large.” —Sternin, P.M., & Neumann, D.R. (2002). Internet plagiarism among college students. J College Student Development, 43(3): 385.
A Plagiarism Response Heuristic Guide

1. Were ideas &/or language employed by the writer without acknowledgement of the source(s)?
2. Does the amount or significance of the plagiarism rise to the level where further investigation is warranted?
3. Is the plagiarist under the impression that she/he is writing within a context where plagiarism is acceptable?
4. Does the writer make an effort to adopt the ideas and/or language of the source, rather than merely adopt those ideas and/or language?
5. Does the plagiarism appear to be the result of carelessness or an inadequate understanding of the conventions of the community the writer is addressing or having internalized source material too well?
6. If the plagiarism is determined to be intentional, are there extenuating circumstances that might warrant consideration?

If the answer is “No,” then further investigation is not warranted. We must be sure that plagiarism is a distinct probability, that we can identify evidence of plagiarism.

“[We] may be wrong.”

What constitutes “plagiarism”?
Are you sure?
How do we detect plagiarism?

Digested PKS: #1

According to one researcher, subjective and objective tests of imagery ability have not resulted in differences in performance and therefore, the only way to determine if a person thinks visually or nonvisually is to ask that question directly. One important finding is that many nonvisual thinkers who state with confidence that they do not think in pictures nevertheless experience rather vivid imagery.

Words in blue = words shared by/copied from the source.
Research has shown that instruments designed to measure whether a person is a visual or nonvisual thinker have not proven to be reliable in predicting differences in performance. Thus, the only technique to make this determination is to ask the individual directly. An interesting finding has been the fact that even those who confidently claim they are not visual thinkers will think in vivid imagery.

Words in red = either words from the source changed into other parts of speech or synonyms for words from the source.

Various types of instruments designed to measure imagery have yielded inconsistent results. One researcher in this field suggests that the only technique that will tell us whether someone thinks visually or not is to ask the person directly. However, this researcher also notes that some individuals who admit that they do not think in pictures report that they have vivid imagery.

Quantitative as well as qualitative measures have not proved able to predict differences between visual and nonvisual thinkers. Direct self-reports from individuals remain the only way we have of knowing whether someone thinks visually or nonvisually. However, research has shown that many who report thinking nonvisually do experience what Zenhausern calls “rather vivid imagery.”
Research has shown that the only way to identify visual and nonvisual thinkers is to explicitly ask each individual. Various tests of "imagery ability" have not proven to be adequate. A surprising finding has been "that many nonvisual thinkers have rather vivid imagery." That said, these individuals are certain that "they do not think in pictures."

Forms of Plagiarism
adapted from Brian Martin, “Plagiarism: a misplaced emphasis” (Journal of Information Ethics 3.2 [Fall 1990]): 36-47

Word-for-word plagiarism: copying words, phrases, sentences, whole passages from source text without acknowledging the source.

Plagiarism through omission: putting word-for-word copying in quotation marks while still failing to cite the source.

Paraphrasing plagiarism: changing the words of a sentence or passage or whole work and submitting them as one's own without acknowledging the source.

Plagiarism of secondary sources: copying quotations, paraphrases, summaries, and/or references to an original source taken from a secondary source without double-checking the quotation or reference information and without citing the secondary source.

Plagiarism of the form of a source: using the organization of an argument or report of information without acknowledging the source of the form, even if the content is completely different.

Plagiarism of ideas: using an idea or ideas from another source without acknowledging that source, even if the ideas are presented in a different form and with different words.

Plagiarism of authorship: simply putting one's name on an entire text produced by someone else and thus, claiming to have created that text.

Alissa's Revision

a) Not everyone agrees with Amy Chua that the verbal abuse Chinese parents pour on their children when they don’t make all A’s benefits the child. “Chinese parents who demand the highest grades from their children at any cost are doing them a great disservice” (Hsu, ¶ 6).

b) Not everyone agrees with Amy Chua that the verbal abuse Chinese parents pour on their children when they don’t make all A’s benefits the child. In her response, blogger Jean Hsu writes, Chinese parents who demand the highest grades from their children at any cost are doing them a great disservice.

c) If a writer fails to punctuate copied wording but does indicate the source in-text, has the writer automatically plagiarized?
Richard Murphy’s “Anorexia: The Cheating Disorder” (College English 52.8 [Dec. 1990]: 898-903) continued

How important is it really to make sure you’re right when accusing a student of plagiarism?

Murphy accuses a young woman of plagiarizing her essay on anorexia. He believes she copied a magazine story. She eventually admits that the experiences were not her own but those of a friend. Dissatisfied still, Murphy gives her a zero on her paper.

“I was glad finally to have [the] pretense uncovered but disappointed because I knew immediately that I would have to accept this substitute explanation, though I didn’t believe it either . . . . I was angry at the whole situation; at the wasted time in the library; at the wasted conference with her; at my own inability to define the fakery of the piece, and at her apparently inability to see the purpose of our work together . . . .

“The deep flux of such feeling is just one of the dimensions for me of the problem of plagiarism. Another is the comic peculiarity of my claiming to be committed to helping students learn but sometimes spending large chunks of everyone’s time trying to corner them in a fraud.” (p. 902)

Richard Murphy’s “Anorexia: The Cheating Disorder” (College English 52.8 [Dec. 1990]: 898-903) continued

“Then there is the distance, the surprising separation I discover in such situations between myself and students. Because I assume their good will and candor and my own, both their cheating and my response to it shock me.” (p. 902) But then . . .

Reading her end-of-term journal entries, he finds that she had NOT plagiarized. Her paper was so well-written, because she had personally suffered from her own bout with anorexia, had been hospitalized, and had experienced all that she wrote about, and so, she was strongly motivated to communicate her experiences to others. She knew the language of the issue, and she could describe in detail her experiences with anorexia. She knew the shame, the fear, and the effect on family and friends.

Richard Murphy’s “Anorexia: The Cheating Disorder” (College English 52.8 [Dec. 1990]: 898-903) continued

“These journal entries astonished and appalled me. Their sincerity was unmistakable. These were not descriptions of a friend’s experience. These were not fragments copied from the pages of a popular magazine. They were threads of memory—a brother’s teasing, a father’s touch. As closely as I can reconstruct it, she and I met in conference to discuss her essay on anorexia nervosa . . . eighteen days after she began writing it, thirty-three days after she had begun to remember in her journal about her feelings that led both to her sickness and to her writing.

“What must she have been thinking as I began to ask her those strange questions in our conference? At what point did she catch a glimmer of what I was really doing there? And when she saw it . . . What must she have thought about it all—the course, me, the whole project of learning in school! What calculation, what weariness with it all, must have led her to deny her own paper? . . .

“I did not mean for it to come to this.”
2. Does the amount or significance of the plagiarism rise to the level where further investigation is warranted? That is, the level of academic dishonesty?
   - Does all plagiarism rise to the level of academic dishonesty?
   - Should plagiarism that does not rise to the level of academic dishonesty still be punished?
   - Should we respond to plagiarism differently, depending on whether it occurs in a student’s text or in a published text by an academic scholar or professional writer?

When does plagiarism come about?

“[A]t what point does a rephrased sentence become ‘sufficiently different’ to be allowed? One can easily understand why students can get confused. On the one hand, the message says, ‘read the passage and then express it in your own words’; on the other hand, ‘paraphrasing [can be] plagiarism.’”


The Role of Intent in Plagiarism

- How important is intent? What exactly do we mean by “intent”? Intent to do what?
  - Intent to cheat?
  - Intent to simply get the assignment done?
  - Intent to complete the assignment as learned in elementary school and high school?
  - Intent to write the way that the student perceives writing occurring in the real world?
  - Intent to engage with source material as someone who is not a novice?
Plagiarism

Plagiarism is NOT one behavior. Plagiarism = sets of different behaviors that result in visible products that may look similar but whose causation is significantly different.

Kinds of Plagiarism:

- Unintentional plagiarism = inadvertent or mistaken use of language, organization, &/or ideas of a source without the intent to cheat.
- Developmental plagiarism = an effort by an outsider to imitate language & ideas of an insider. Example: patchwriting.
- Intentional plagiarism = deliberate effort to use language, organization, &/or ideas from a source without acknowledgement.

Patchwriting

- Patchwriting = “a type of plagiarism which is characterized by the lack of deceptive intent [where] the language from one or more source texts is not only adopted, but also woven into the student’s text, mixed with parts that have been written more autonomously.” —Pecorari, pp. 4-5
- Note Pecorari’s mixing of formal description and description of causation.
- An example of patchwriting might be #2 of the Digested PKS.

Developmental Plagiarism

“Patchwriting, according to [Rebecca Moore] Howard, is virtually inevitable as writers learn to produce texts within a new discourse community, and is a beneficial part of the learning process . . . .” —Diane Pecorari, Academic Writing and Plagiarism: A Linguistic Analysis (London: Continuum, 2008), p. 5.

“Developmental plagiarism . . . occurs when an outsider (a person not fully integrated into the community she or he is addressing) attempts to mimic the language, organization, and ideas of that community but in so doing, includes exact wording that is not common knowledge.”

The Learning To Write Continuum

Adapted from milestones identified by Susan Peck MacDonald in *Professional Academic Writing in the Humanities and Social Sciences* (SIU Press, 1994).

Nonacademic generalized prose with little connection to disciplinary ways of writing

Initiation into general academic discourse community and its institutionalized norms of knowledge making and communication

Generalized academic writing, such as 1st-year composition writing

Initiation into disciplinary discourse community and its institutionalized norms of knowledge making and communication

Novice approximations of particular disciplinary ways of making knowledge & producing discourse

Expert, insider discourse

Formative Functions of Patchwriting

- As a form of paraphrase to help edit the passage in order to better understand it.
- As a way of learning academic language.
- As a drafting strategy to help avoid perceived risks in paraphrasing:
  - Excessive quotation
  - Distortion of meaning
  - Inferior expression in comparison with original.
- As a stage in writerly development.

Intent in Patchwriting

Patchwriting can be “intentional.” See Pecorari’s interviews with her non-native English-speaking graduate student study participants, who did recognize that patchwriting was unacceptable in academic texts but either held misunderstandings about what constitutes patchwriting or simply did not have language and skill to avoid patchwriting.

Erden: copying one sentence is okay.

Ingrid: don’t need to cite source material if it is background information.

Graciela: when paraphrasing, keep key words and in order.
Common Knowledge

= knowledge presumed to be ubiquitous among members of the specific community being addressed.

Can differ from one community to the next.

Example:
The concept of “the Id,” part of the human psychic apparatus as theorized by Sigmund Freud.

If I refer to the Id, do I need to cite Freud? Has the Id become so much a part of contemporary popular consciousness that I do not need to refer to its originator? What if I am referring specifically to Freud’s conception of the Id from his published work?

3. Is the plagiarist under the impression that she/he is writing within a context where plagiarism is acceptable?

A reality we rarely acknowledge: Institutionalized contexts where plagiarism is not only accepted but expected, even encouraged.

Examples = writing within workplaces (e.g., annual reports); writing on the Internet.

“The Internet has changed how [students] think of texts . . . . Student engagement in intertextual activity is of a different nature and different purpose from the intertextuality demanded by academia.”


The Contexts of Plagiarism

In some contexts, plagiarism is not only acceptable but expected. Brian Martin distinguishes b/w 2 contexts:

- Independent (what Martin calls “competitive”) contexts: Credit is employed to achieve, sustain, & advance one’s status within an institution or community.

  Plagiarism = threat to status within community.

- Institutionalized contexts: Credit (& responsibility) are distributed to larger unit/group or to another individual (e.g., supervisor) or not viewed as status-setting.

  Plagiarism – not only acceptable but often encouraged & even expected.
Examples of Institutionalized Contexts
- Business reports & other business documents
- Speechwriting for others, such as politicians, celebrities, business executives, college & university administrators
- Ghostwriting
- Department policies
- College/University mission statements

But what about the following?
- Accreditation self-studies, any program evaluations
- Institutional websites
- Editing on student theses
- Sharing of course syllabi, assignments, PowerPoints
- Teaching philosophy statement

The “Institutionalized” Internet
"[The Internet] has changed how [students] think of texts . . . . Student engagement in intertextual activity is of a different nature and different purpose from the intertextuality demanded by academia.”

Ubiquity of the Internet, Facebook, Twitter, & other social networks & gateways to the Web has made institutionalized plagiarism much more visible.

Plagiarism is everywhere on the Internet. Example: the prolific copying of Wikipedia entries without acknowledgement.


A singular talent who passed almost unnoticed during his brief lifetime, Nick Drake produced several albums of chilling, somber beauty. With hindsight, those have come to be recognized as peak achievements of both the British folk-rock scene and the entire rock singer/songwriter genre. Sometimes compared to Van Morrison, Drake in fact resembled Donovan much more in his breathy vocals, strong melodies, and the acoustic-based orchestral sweep of his arrangements. His was a much darker vision than Donovan’s, however, with disturbing themes of melancholy, failed romance, mortality, and depression lurking just beneath, or even well above, the surface. Ironically, Drake has achieved a far greater stature in the decades following his death, with an avid cult following that grows by the year.
A few websites that have plagiarized word-for-word Unterberger’s bio of Nick Drake:

- PoemHunter.com: www.poemhunter.com/lyrics/nick-drake/biography
- Spinnik Music: www.spinnikmusic.com/bands/Nick-Drake/544
- Zoominfo: www.zoominfo.com/p/Nick-Drake/1199221182
- Glasgoweye.com: https://glasgoweye.com/page/13/

4. Does the writer make an effort to adapt the ideas and/or language of the source, rather than merely adopt those ideas and/or language? = One “Measure” of Intent

Adopting: Mindless copying of source material with little or no manipulation of the material to accommodate a different purpose & audience. Some isolated words changed, but overall, the material is as it was originally.

Adapting: More mindful, deliberate selection & modification of source material to accommodate differences in purpose & audience. Summarization usually evidenced.

NOTE: Adopting/Adapting = a continuum, not a strict dichotomy.

5. Does the plagiarism appear to be the result of carelessness or an inadequate understanding of the conventions of the community the writer is addressing or having internalized source material too well?

- That is, could this plagiarism be unintentional?
- How can we determine if the plagiarism is unintended?
- Should our response to unintentional plagiarism be the same as our response to intentional plagiarism?
- Should unintentional plagiarism be punished at all?
Causes of Unintentional Plagiarism

- Inadequate understanding of what constitutes plagiarism & how to summarize, synthesize, and cite sources
  - Due of cultural differences
  - Due to inadequate past instruction
  - Due to simply having not learned
- Unconscious plagiarism, where you internalize source material so completely you forget it’s not originally your idea(s) or language
- Simple carelessness, especially in taking notes (or not taking notes).

The Debate over Culture & Plagiarism

"The mutual disorientation [common] in Japanese-American relations, leads to at least one undeniable conclusion: plagiarism is not the culturally universal transgression that many Western academics assume it to be" (75).

"[T]he claim that copying others’ writing as one’s own is allowed, taught and/or encouraged in China is not accurate... [T]he concept of ‘plagiarism’ as immoral practice has existed in China for a very long time" (235).

"[T]here is a] danger of dichotomizing concepts of memory, imitation, and originality across cultures [such that we] can oversimplify the complexity of these concepts" (148).

A More Nuanced Understanding of Chinese Plagiarism from Chris Shei

3 categories of plagiaristic behaviors in Chinese culture:

1. **Blatant stealing**: word-for-word copying, Shie: This kind of plagiarism “is not culture-specific.” It is cheating in every culture.

2. **Close imitation** (a mode of learning in China): writer closely follows content, organization, & expression of source text. Used as a mode of learning in China.

3. **Integrated borrowing** (= patchwriting). Writer embeds aspects of source text in her or his text w/o proper acknowledgement. Requires writer understand source text well.
Conclusions about Cultural Differences & Plagiarism

- Differences in teaching b/w Western and non-Western cultures:
  1. Emphasis on demonstrating understanding of ideas, principles, concepts, information, not on integrating ideas of sources, & so, writing with sources – not often taught.
  2. Use of “close imitation” as learning technique: Students – encouraged to imitate ideas, organization, & expression of already existing texts.

- Looser strictures against plagiarism.
- Patchwriting – sometimes seen as honoring the source. To explicitly cite the source implies readers would not recognize ideas & language as the source’s.

6. If plagiarism is determined to be intentional, are there extenuating circumstances that might warrant consideration?

- Was the plagiarist under undue pressure to succeed from parents, from self, because of financial aid, to avoid returning to home country?
- Was the plagiarism caused by inadequate time management? Is time management taught at your institution?
- Was the plagiarist suffering from cognitive overload—when the brain reaches a certain capacity it cannot process more information with its usual ease?
- Was the plagiarist inadequately motivated?
- Did the plagiarist suffer from low self-efficacy?

Self-Efficacy

- a person’s belief about her/his capability to accomplish a task successfully.

Students with low self-efficacy:

- Have low aspirations;
- Avoid tasks at which they think they cannot succeed;
- Don’t spend enough time on task;
- Give up when faced with obstacles and difficulties;
- Are slower to recover following setbacks;
- Are more likely to plagiarize.
Where the View of Plagiarism as Educational Opportunity Leads Operationally/Pedagogically

How does viewing plagiarism not as a moral transgression but as an educational opportunity change the way we respond to cases of student plagiarisms?

Think ahead about what penalty you will impose, depending on intent. But keep an open mind. Ask yourself, What consequence produces the best learning outcome for the student? What's the use of a penalty, if the student does not learn from it?

Teaching Against Plagiarism: A Student-Learning Approach

- Design courses around clear student learning objectives. Align assignments, everything done in the course, with those learning objectives.
- Communicate your course plagiarism policy to students—in writing and orally. Hold a classroom discussion about plagiarism. Make sure to clarify when collaboration is okay and when it is not okay.
- Consider making plagiarism the subject of a researched writing assignment.
- Teach how to summarize sources and synthesize source material.
- Teach how to cite sources, using "signal tags" (like "According to X," "As X and Y state," and so on).

Teaching Against Plagiarism: A Student-Learning Approach cont.

- Teach good note-taking, including how to highlight, how to annotate after highlighting, and how to take notes after annotating.
- Teach students where to find info on documenting their sources and give them opportunities to practice.
- Teach good time management, which can lead to intentional plagiarism.
- Teach students about the dangers of multitasking, which has dramatically detrimental effects on learning and can lead to unintentional plagiarism.
- Embrace the inevitability of developmental plagiarism (e.g., patchwriting). BUT use that inevitability pedagogically. Have students complete an assignment that encourages them to patchwrite—say, in an institutionalized context.
Teaching Against Plagiarism: A Student-Learning Approach cont.

- Work at increasing each student’s self-efficacy. Provide early success writing that will be perceived by students as an indication they can succeed in the course.
- Break longer assignments into component parts and set deadlines for completion of each part. Allows for early success with feedback.
- Speak to students with respect and projecting your expectation that each student has the ability to succeed.
- Have a frank classroom discussion where students identify life obstacles they face—and how they might cope with those obstacles.

A Contextualized Assignment

Imagine you have graduated from college and have been hired to teach high school English beginning next Fall. Your department chair asks you to report to her on what strategies you will use to “teach” grammar, punctuation, and spelling. Write a report to her, describing at least four such strategies that you would consider using, based on the readings and class discussions for this course. Describe how each strategy operates & what the strengths & weaknesses are for each. Length: 2-3 pages.

Another Contextualized Assignment

You are an alien from another planet sent to study Earth’s mass media. Pick one news medium (newspaper, magazine, television news, online news website) and follow it carefully for at least two weeks. Pay attention to the “quality” and intended audience of your chosen medium. Is the approach to the news you found the only possible way that news source could have reported on the issues at that time? How would you explain why the news was structured as it was? Integrate your observations into the arguments and observations of the research literature on the mass media.
Plagiarism Detection

- Anomalies of style.
- Anomalies of diction, such as high level of formality.
- Mixed citation and/or documentation styles.
- Lack of documentation or quotations.
- Unusual formatting, like inconsistent margins, mixed font styles, etc.
- Off-topic content.
- Inability to speak in detail about content and sources of text they've written.

The Student-Instructor Conference:
Tips in Investigating Plagiarism

- Make sure you know the relevant policies.
- Follow due process and treat the student with respect.
- Remember, you may be wrong. Remember Richard Murphy's experience.
- Remember how varied plagiarism is.
- Make sure of your evidence, both its accuracy and how it might not mean what you suspect it means. Keep an open mind.
- Remember, there is no single, certain sign of deception in an interview with a student. Many supposed signs of deception are not reliable, might be cultural, might be simply nervousness.

The Student-Instructor Conference:
Tips in Investigating Plagiarism cont.

- Ask questions rather than make accusations with the aim of determining the intent of the student and the student’s knowledge of citation.
- Ask about content: “What exactly do you mean by ‘dynamic equivalence’?” “In what sense are you using ‘soporific’ here? I see you made extensive use of Tom Freland’s book on welfare. What’s your opinion of that book? What did you think of his argument that welfare is a political not an economic problem?” “Where did you find this article by Edwards? I haven’t read it. Sounds interesting. I’d like to get hold of it.”
- Try to get the student to talk about her/his process: “Tell me about your paper”; “Your writing style changes at times. What made you write so much better here?”
The Student-Instructor Conference:
Tips in Investigating Plagiarism cont.

- Watch for deflection: “A friend showed me his paper as a model”; “I was really nervous about my grammar and punctuation.”
- When noting plagiarism to the student, use neutral language: “copying” and “not citing” rather than “cheating” and “stealing.”
- Prepare for rationalizations: “My mom typed my paper and must have left out the quotation marks.” “The Writing Center tutor said it was okay.” “You’re the only professor I have who does not allow this.” “You didn’t teach us about that.” “I put that citation in; I don’t know what happened to it.” “Everybody else in class is doing the same thing.”

Finally . . .

- Think ahead about what penalty you will impose, depending on intent. But keep an open mind.
  - Ask yourself, What consequence produces the best learning outcome for the student? What’s the use of a penalty, if the student does not learn from it?

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