

Plagiarism - draft document

{The following text has been prepared as a follow up to the discussions held in one of the Deans' group meetings in October 2009. It is purely a draft does not have the approval of the competent authority. Consequently, it does not represent the Institute position on the subject.}

Indian Institute of Technology Kanpur, an Institute created under the Institutes of Technology Act, 1961 is declared as an Institute of national importance by the Indian Parliament. The Institute has over decades, created scientific and engineering infrastructure in the form of laboratories, equipment and national facilities. It has generated significant technical know-how through research by students and the faculty. This reputation has imposed an obligation on the Institute to follow established international norms and ethics practiced worldwide.

In this context Plagiarism assumes importance from the view point of the entire academic community. Plagiarism violates the element of trust, expectation and honesty, which is a pre-requisite for academic work in an ethical framework. In addition, plagiarism undermines the basic objective of higher education by offering an unwarranted short-cut to the processes of research and inquiry that leads to knowledge, learning and livelihood.

Plagiarism at IIT Kanpur is a serious issue that has compelled the Institute to devise a policy to put a stop to plagiarism.

The first step towards curbing this misconduct is to sensitize the faculty, students and research staff of the Institute regarding plagiarism, performed either willfully or ignorantly.

1. *Introduction:* Plagiarism is defined as, "use *per se* (as it is) or close resemblance or imitation of the language and thoughts of another author and the representation of them as one's own original work".

The conditions that emanate from the definition are:

- I. A person willfully uses someone's work without permission and makes others believe that he is the creator/owner of the work;
- II. Even close resemblance to the language or thoughts of original work let alone copying as is may constitute plagiarism;
- III. Even incorporation of thoughts may in some cases constitute plagiarism though this may depend upon the facts and circumstances of the case. However, the connection that the person had access to the work has to be proved;
- IV. Intention is very important in establishing plagiarism, the intention of depriving the rightful owner of his credit should be established;

3. *What constitutes Plagiarism:* Plagiarism is simply using someone else's work and presenting it as your own. Some of the examples of Plagiarism can be quoted as follows:

- a. Downloading, Copying, cutting and pasting text from an electronic source from an online source and submitting as own work.
- b. Buying, stealing or borrowing an assignment, experiments/results.
- c. Copying a section of a book or an article.
- d. Quoting from a source 'word for word', without giving references.
- e. Using the work of someone else.
- f. Using significant ideas from someone else.
- g. Putting someone else's ideas and paraphrasing into your own words and not acknowledging.
- h. Copying the written expressions without proper acknowledgement.
- i. Where quoted work exceeds the author's work use of long quotations. Too many direct quotations can also come under purview of plagiarism (even with proper acknowledgement).

Any act of plagiarism may invoke following actions:

- I. *Actions by the Institute:* The Institute may initiate the following actions against a person allegedly involved in plagiarism. These actions may be disciplinary warning in form of a written notice or Reprimand, Suspension which may vary on case to case basis depending upon the degree of seriousness.
- II. *Action by the person aggrieved:* The person whose work has been used may also take suitable actions in form of injunctions (prohibition against further use) and damages for this unauthorized use under the Civil laws.
 1. *Fraud:* intentional deception resulting in loss to the person who takes action based on the false declaration relating to false authorship by the person doing plagiarism.
 2. *Copyright Infringement:* Under Section 51 of the Copyright Act, 1957 – for copyright infringement. Copyright in a work shall be deemed to be infringed if it does anything, the exclusive right to which is conferred by the act upon the owner of the copyright. Section 63 of the Copyright Act, 1957 prescribes punishment for such offences.
 3. *Offence of infringement of copyright:* Any person who knowingly infringes or abets the infringement of the copyright in a work, shall be punishable with imprisonment for a term not be less than six months but may extend to three years and with fine not less than fifty thousand rupees and may extend to two lakh rupees.

A. Do's/Checklist to avoid plagiarism:

Plagiarism can cause loss not only to persons whose work is plagiarized but also engage the person plagiarizing the work in unwanted actions and bring disrepute to the Institute. Hence, it is in the best interest to avoid plagiarism for which a person should:

- a. Strictly use his own intellectual and resources to create a literary work;
- b. If the use of other work is necessary then give proper credit and correct reference;
- c. Permission from the authors and/or publishers if the rights are assigned to publisher is a good practice specially if the work is likely to generate revenue;
- d. Put a date and time stamp from Head of Department/Lab, Principal Investigator.
- e. File a copy of the work with the Registrar of Copyrights created under the Copyright Act, 1957 and obtain a receipt/acknowledgement.
- f. Submit a declaration relating to authorship on format as approved by the Institute. Draft Format is enclosed.

The Procedure recommended for probing into allegations of Plagiarism in the Institute:

1. Get a formal approval of the policy from the BoG to curb plagiarism,
2. The Director may constitute a permanent standing Committee to which all complaints may be submitted. The Committee may also have the Head of the concerned Department as a Special Invitee.
3. The process starts by a complaint from the aggrieved person who in writing informs the authorities about the incident.
4. The Committee may call upon written statements from the person(s) involved and adduce evidence. Notice has to be issued to both the parties to record their versions and statements.
5. Based on the enquiry, the Committee may recommend suitable action, which may be submitted for approval by the Director.
6. The Director, with the consent of the BOG may order enforcement of the actions suggested by the committee.

Examples:

Case 1: An instructor downloads an article from the Internet and publishes in the Journal as his own. He is culpable of Plagiarism.

Suitable actions can be taken against him by following persons:

- i. His employer since the act brings disrepute to the Organization as well;
- ii. The person whose work was used and has suffered loss as a result of this act
- iii. The publisher of the journal to whom the work was sent for publication

Process of actions:

- I. The process begins by a complaint in writing from the complainant;
- II. The complaint describes the event and adduces evidence to substantiate the claim;
- III. The In-charge of administration nominates a person/committee to probe into the matter;
- IV. The Complaint is forwarded to the competent authority for further action;
- V. The Committee verifies the complaint and evidence attached;
- VI. Issues notice to the person alleged of plagiarism along with the copy of complaint and evidence, directs the person to file counter claims and evidence to refute/accept the complaint;
- VII. The copy of counter claim is given to the complainant for final submissions;
- VIII. After the submissions are over the committee given is decision in form of recommendations, which are to be approved by the competent authority;
- IX. Post approval of the decision the administration is informed to execute the order and the copies of the decision is given to both the parties;

Case 2: A student copies a Business Plan of his friend and adapts and paraphrases a little bit and submits to a Business Plan Competition. On enquiry the Guide of the student submits that the friend had created the

work earlier. On the basis of this evidence person can be held guilty of plagiarism.

Case 3: Two students of different schools submit a Business Plan, which appears similar, during the probe it is found that both of them did not have access to other's work here and they are not guilty of plagiarism. This is a work of independent creation.

Case 3: A researcher cites a paper and quotes the conclusions giving proper citations as the prior art. Depending on the other circumstances, this work may not be called as Plagiarism, since this is literature survey and forms the basis of future research.

Frequently Asked Questions

Q1. What is Plagiarism?

A1. Plagiarism is simply using work of other person, without his permission or information and presenting it as your own. Plagiarism is more used in cases of academic world involving paper presentation, thesis, dissertations, projects, articles, experimental data, etc.

The issue of plagiarism depends on the facts and circumstances of the case, which have to be substantiated by proper evidences.

Q2. Who can take actions against the person alleged of Plagiarism?

A2. Persons who can take actions can be:

- i. Employer: Because a person under a full time service is bound by rules and regulations of the organization and also the act earns bad reputation for the organization.
- ii. Person suffering the loss: The person whose work was stolen and has suffered loss including pecuniary loss can take action(s).
- iii. Both persons mentioned above can take action(s), which can be simultaneous and independent actions.

Q3. What type of actions can be taken by the employer?

A3. The employer can initiate several actions against a person, which may depend on the gravity of the case that warrants action. The actions may include termination, cessation of services, demotion, warning, fine, penalty or combination of any of the above. The organization may also take any other actions as spelled in the Policy, rules or regulations.

Q4. Does the Organization have to have Policy, rules or regulations before taking actions against Plagiarists?

A4. No, the organization can order enquiry and entrust person or committee to probe into the matter and recommend suitable actions. The rules governing an organization depend on the Legal jurisdiction of the body/person.

- i. Private Limited Company: as contained in the Articles of Association or service agreement with the employee actions as decided by the Board of Directors in annual general meeting or special meeting.
- ii. Public Limited Company: Same as above.
- iii. Statutory Body: Created under special legislations under the terms of statute or rules created under delegated legislations by the Board of Governors.
- iv. Society or Trusts: Under the Rules of Memorandum.

Q5. What type of actions can be taken?

A5. The classes of actions that can be taken are as follows:

- i. Civil: A suit seeking compensation/damages can be brought in the civil courts.
- ii. Injunctions: An order refraining the plagiarist from doing the act in future. If the plagiarist continues the act then action can be taken under Contempt of Courts Act, which calls for imprisonment and fine.
- iii. Criminal: An order (Anton Pillion order) from the Court to seize the copies of the work can be sought from the Court along with the Law enforcing agencies (including Police).
- iv. All of the above.

Q6. What evidence is required to hold a person guilty of plagiarism?

A6. Adequate and appropriate evidence is required to be adduced before holding a person guilty of plagiarism.

- i. Who created the work earlier? The moot question is who created the work earlier for this once has to submit evidences like receipt of Registrar of Copyright, Publication in the Journal, date time stamp by the Principal investigator, declaration on oath by person working in the same organization who is witness of the work, any other documentary evidence or witness.
- ii. Person alleged of plagiarism had an access to the work. This question is also important because access is the first step.

Q7. What is not Plagiarism?

A7. Independent creation, which has to be proved created with own effort(s) and having different expressions. Two (or more) persons can be working in same problem and is likely to come with similar/same results/data.

In Science and Engineering the data/results of experiments may be same if conducted under similar conditions this may not be plagiarism.

Q8. Can a person use another's work for teaching/education purpose?

A8. One can use part of other's work for teaching purpose in course of activities of an educational institutions but the proper credit should be cited, wherever required.

Q9. Does Notice have to be given to the person guilty of plagiarism?

A9. Yes, in every enquiry or proceedings, notice has to be issued to both the parties to submit their claims and counter claims. In absence of Notice, the proceedings can be vitiated by the Courts.

Q10. What is Infringement?

A10. Infringement is breach of rights of the author of the work. The rights includes right of translations, adaptations and reproductions in any form. Infringement is a criminal offence under the Copyright Act, 1957.

Q11. Who has to prove that Plagiarism has been done?

A11. The person filing the complaint has to give prima facie evidence to make out a case of plagiarism before the proceedings can start.

Declaration on Copyright and Authorship

To: Dean, Research & Development

Through: Head, Department of

I (*Name*) (*Designation & Department*)

have created a literary work generated pursuant to:

- Normal Academic work, interest and research
- Sponsored Project: *Please specify the name and project number*

The title of the work is

the other joint author(s) (if applicable) are as follows:

1. Name: Designation & Dept:

2. Name: Designation & Dept:

I/we declare that the work is result of our research activity created by us/me and that proper reference(s) have been cited, as applicable. And to our best knowledge the work does not emanate or resemble to other work created by person(s) other than mentioned herein.

The work was created on this day of 20...

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Name & Signature

Name & Signature

Date:.....