Academic misconduct – plagiarism

Guideline for students, participants in continuing and executive education programmes and employees at the Lucerne University of Applied Sciences and Arts

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Key aspects at a glance

This guideline applies to all coursework and assessed assignments produced in the framework of an education or continuing education programme at the Lucerne University of Applied Sciences and Arts (FH Zentralschweiz).

Academic misconduct in general and plagiarism in particular not only violate laws and scholarly guidelines, but also the moral foundation underlying all scholarship. Practices deemed to constitute academic misconduct include the fabrication or deliberate falsification of results and findings. In an educational setting, plagiarism is a particular concern.

Plagiarism refers to the appropriation, in part or in full, of a published work without citing the source and the author.

Plagiarism is not trivial: those who plagiarise are engaging in dubious scholarly work or even act fraudulently.

According to the *Unijournal* of the University of Zurich, plagiarism includes[1]:

– **Ghostwriting:** The author submits a piece of work that someone else has produced under his or her name.

– **Full plagiarism:** A third-party work is submitted under one's own name.

– **Self-plagiarism:** One and the same work (or parts thereof) is submitted for various examinations and modules.

– **Translation plagiarism:** Texts in other languages (or parts thereof) are translated and passed off as one's own without citing the source.

– **Copy-paste plagiarism:** Portions of text from a third-party work are used without making the source known by way of a citation. This also includes downloading and using passages from the internet without citing a source.

– **Paraphrasing:** Portions of text from a third-party work are used, slightly adapted, and rephrased without indicating the source.

– **Source-based plagiarism:** Portions of text from a third-party work are used or at best paraphrased. Although the relevant source was cited, it was not done so in the context of the portion or portions of text used (example: concealing the plagiarised source in a footnote at the end of the written work). (cf. Schwarzenegger/Wohlers 2006, 3)

There are different severity levels of plagiarism ranging from mild to severe. However, consequences and measures will be taken whenever plagiarism is discovered, from a mere rectification to the exclusion from the study programme.

The Schools, the Centre for Learning, Teaching and Research and the libraries offer periodic trainings around information literacy, including instruction on the correct handling of sources and how to avoid plagiarism.

[1] Schwarzenegger, Christian/Wohlers, Wolfgang (2006): "Plagiatsformen und disziplinarrechtliche Konsequenzen", (Forms of plagiarism and their disciplinary consequences) in: *Unijournal,* (4):3-33. https://www.zora.uzh.ch/id/eprint/202517/1/unijournal-2006-4.pdf, (14.3.2023)

Scope

This guideline applies to all coursework and assessed assignments produced in the framework of an education or continuing education programme at the Lucerne University of Applied Sciences and Arts (FH Zentralschweiz). It outlines common forms of academic misconduct while focusing – due to the far-reaching implications of this violation – on the issue of plagiarism. For students and for participants in continuing and executive education programmes alike, plagiarism is the most significant form of academic misconduct.

In addition to this guideline, students should refer to the supplementary provisions of the Regulations for Academic Integrity and Good Academic Practice at the Lucerne University of Applied Sciences and Arts, FH Zentralschweiz of 13 June 2014 (SRL No. 524; hereinafter referred to as "Academic Integrity Regulations").[2]

1.   Ethical aspect

Academic integrity and good academic practice mean providing a transparent and comprehensible description of how a written work was created. Ensuring transparency and comprehensibility specifically entails correct referencing, the transparent handling of sources and a comprehensive description of the methods used. This includes disclosing whether and where generative AI tools were used in the writing process and to what end.

A breach of these transparency rules is academic malpractice and may have serious consequences.

Academic misconduct in general and plagiarism in particular violate not only laws and scholarly guidelines, but also the moral foundation underlying all scholarship. It is indicative of dishonest academic practices. Those who plagiarise are engaging in dubious scholarly work and even in fraud. The same applies to other forms of academic misconduct.

2.   Forms of academic misconduct

The following practices in particular are deemed to constitute academic misconduct:

a.   The fabrication of results and findings stemming from work and research;
b.   The deliberate falsification of primary data, the intentional misrepresentation and deliberate misleading manipulation of work and research results including the exclusion of primary data without disclosing the fact and giving reasons for it;
c.   Failure to observe the correct handling of primary data;
d.   The disposal of stored primary data before the end of the prescribed storage period according to the relevant legal grounds, after notice of a request from a third party or parties to inspect the data or during an ongoing investigation procedure;
e.   The refusal to allow properly authorised third parties to inspect the primary data;
f.   The non-disclosure of data sources;
g.   The failure to disclose vested interests;
h.   The copying of primary and other data without the consent of the appropriate authorities (data piracy);
i.   The sabotage of (research) work carried out by other persons within or outside of one's own work/research group, in particular by deliberately disposing of or rendering unusable of work/research material, equipment, primary data or other records;
j.   The violation of the duty of confidentiality;

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[2]   For more detailed information, see: Aebi-Müller, R., et al. (2021). *Kodex zur wissenschaftlichen Integrität*. Bern: Akademien der Wissenschaften Schweiz.

k. The publication of results of other people's work, findings or ideas under one's own name (plagiarism);
l. The citation of opinions, theories and the like without disclosing their source;
m. Claiming authorship without having made a significant contribution to the work;
n. The non-disclosure and deliberate failure to mention persons involved in the project who have made a significant contribution to it;

o. Deliberate inclusion of a person as a co-author if that person has not made a significant contribution;
p. The misquotation of existing or alleged works by third parties;
q. Incorrect information about the publication status of one's own works. (cf. Art. 5 of the Academic Integrity Regulations)

3.   Plagiarism

Plagiarism refers to the appropriation, in part or in full, of a published work without citing the source and the author. Plagiarism is a violation of intellectual property law and is governed by the Copyright Act (CopA). Published works may be quoted if the quotation serves the purpose of explanation, reference, or illustration, and if the length of the quotation is justified by this purpose. The quotation as such and the source must be identified. If the source makes reference to its authorship, this must also be indicated[3] (cf. Art. 25 of the CopA).

The term "work" refers to intellectual products in literature and art of an individual character, irrespective of their value or purpose (cf. Art. 2 par. 1 of the CopA). This includes literary, scholarly, and other works of language, music and other acoustic material, visual arts (particularly painting, sculpture and printing), works with scientific or technical content such as drawings, blueprints, maps, or three-dimensional representations, works of architecture or applied arts, photographic, film and other visual or audiovisual works, works of choreography and pantomimes. Computer programmes are considered works; drafts, titles, and parts of works, provided they are intellectual products of individual character are also under protection (cf. Art. 2 par. 2 of the CopA).

3.1.   Handling outside sources
Citation is allowed. If the text cited is not marked as a citation, it is a case of plagiarism and thus constitutes a violation of intellectual property law (Manfred Rehbinder, [Ed.], CopA, 2nd edition, Zurich 2001, Art. 25 N 2).
Students and participants in continuing and executive education programmes are undeniably reliant on outside sources. Ethical handling of outside intellectual property of this nature must be given the highest priority. Academic integrity demands that outside sources are declared as such. This takes precedence over the formal and methodical rules governing academic work. Plagiarism violates a categorical academic imperative and transgresses the fundamental ethical position of academics. Plagiarism completely undermines the academic credibility of the work in question.

While passages of text generated by generative AI tools cannot be referenced as sources, good academic practice requires the author(s) to transparently and adequately identify whether, where and how these tools were used in the work.

3.2.   Forms of plagiarism
The forms of plagiarism vary as widely as the intellectual creations in academic texts and works of art. Particularly in the areas of music and design, there is much discussion of whether an idea was, in fact, illegally appropriated and published under one's own name, or whether artistic freedom allows for existing ideas to be passed on for use by others or reused.

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[3]   If the name of an author (e.g., of an article) is referenced in a source (e.g., a journal), both the journal and the author must be indicated in the citation.

The definition of plagiarism in written work is simpler. The Unijournal of the University of Zurich[4] describes the following forms of plagiarism:

a. The author submits a piece of work that someone else has produced under his or her name.
b. A third-party work is submitted under one's own name.
c. One and the same work (or parts thereof) is submitted for various examinations and modules.
d. Portions of text from a third-party work are taken, adapted slightly, and transposed without making the source known.
e. Portions of text from a third-party work are used without making the source known by way of a citation. This also includes downloading and using passages from the internet without citing a source.
f. Portions of text from a third-party work are used, slightly adapted and rephrased without indicating the source.
g. Portions of text from a third-party work are used or at best paraphrased. Although the relevant source was cited, it was not done so in the context of the portion or portions of text used (example: concealing the plagiarised source in a footnote at the end of the written work).
(cf. Schwarzenegger/Wohlers 2006, 3)

3.3. Levels of plagiarism

The Lucerne University of Applied Sciences and Arts differentiates between levels of academic misconduct according to its frequency and length, and the work's validity in terms of content. The following categories apply:

a) Mild case: Isolated portions deemed to be short in proportion to the work's full length, shorter passages of minor significance to the overall work.

b) Moderate case: Several portions deemed to be short in proportion to the work's full length, or one or several longer passage(s) that are coherent in form and content and of significance to the overall work.

c) Severe case: Frequent portions deemed to be short in proportion to the work's full length, or one or several longer passage(s) that are coherent in form and content and of significance to the overall work.

d) Most severe case: Full plagiarism or ghost writing.

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[4] Schwarzenegger, C. and Wohlers, W. (2006): "Plagiatsformen und disziplinarrechtliche Konsequenzen" (Forms of plagiarism and their disciplinary consequences). In: *Unijournal* (4):3-33. https://www.zora.uzh.ch/id/eprint/202517/1/unijournal-2006-4.pdf (retrieved on 14 March 2023)

3.4.   Consequences and measures taken if plagiarism is discovered
If the offence of plagiarism is proven to have been committed, there are essentially two procedures that may be used either alone or cumulatively:

a.   The Academic Ordinance Governing Bachelor's and Master's Degree Programmes at the Lucerne University of Applied Sciences and Arts, FH Zentralschweiz of 13 June 2014 (SRL No. 521) and the Academic Ordinance Governing Continuing and Executive Education at the Lucerne University of Applied Sciences and Arts, FH Zentralschweiz of 4 September 2013 (SRL No. 522) provide the following measures in case of fraud within coursework and assessed assignments:

– Discovery of misconduct such as plagiarism during the admission procedure or in an assessed assignment will result in a denial of admission to the study programme or a fail grade in the relevant assessed assignment.

– If the misconduct is discovered after the event, titles already awarded will be withdrawn or admission revoked with retrospective effect.

– Consequently, students found guilty of plagiarism will be treated in the same manner as those who have not passed their coursework.

b.   Appropriate measures are taken against students or participants found to have plagiarised. In severe cases, a disciplinary procedure is initiated.
The measures must be commensurate with the severity of the plagiarism.

3.4.1.   Qualifications and sanctions
Depending on the severity of the plagiarism detected, the following measures typically apply:

a) **Mild case:** It is generally assumed that a mild case is a result of negligence. In such instances, the assignment may be graded "FX" and the module coordinator or head of programme is required to set clear conditions as to the scope and nature of the corrections.

b) **Moderate case:** Considering the extent of the plagiarism it is unlikely the result of negligence. The assessed assignment must therefore be graded "F" and the Head of Bachelor's and Master's Programmes or Continuing and Executive Education Programmes notified.

c) **Severe case:** In this case, the extent of the plagiarism indicates that the author might have acted with intent. The assignment cannot be accepted. It must be marked "F" and disciplinary action must be announced (> notification of Head of Bachelor's and Master's Programmes or Continuing and Executive Education Programmes).

d) **Most severe case:** Full plagiarism or ghost writing. The assignment cannot be accepted. It must be marked "F" and disciplinary action must be taken without exception (> notification of Head of Bachelor's and Master's Programmes or Continuing and Executive Education Programmes).

Furthermore, the Copyright Act itself also provides for legal consequences in the case of plagiarism. Those who fail to indicate the source, and, where applicable, the author, may be fined if the party whose rights have been violated initiates legal action (par 68 of the CopA). Plagiarism may also have consequences under civil law (e.g., if an action is filed for damages, reparations and forfeiture of profits).

3.5.   Procedure

3.5.1.   Division of responsibility

The purpose of assessed assignments is to prove the acquisition of specific skills and knowledge. The criteria for the assessment and the awarding of ECTS credits are outlined in the relevant module descriptions.

The module coordinator (in the case of education programmes) or the head of programme (in the case of continuing and executive education programmes) decides whether an assignment is given a "pass" grade and, accordingly, if ECTS credits are awarded. They are required to comply with the following procedural steps.

3.5.2.   Procedure in the event of suspected plagiarism

If plagiarism is suspected in the framework of an assessed assignment, the lecturer is required to report it immediately to the person in charge. A case of suspected plagiarism exists if an assignment contains indications of one of the specified forms of plagiarism. Considering critical aspects such as data protection, restriction notices and granting the rights of use, the Lucerne University of Applied Sciences and Arts may use plagiarism detection software.

The person in charge notifies the author of the assignment in writing that he or she is suspected of plagiarism and that there will be an investigation into the matter. He or she also discloses that the Lucerne University of Applied Sciences and Arts can have recourse to external services for the detection of plagiarism. The author is free to issue a statement in response.

3.5.3.   Involvement of the specialist unit for plagiarism or of a plagiarism coordinator

Each of the HSLU's Schools has a specialist unit for the detection of plagiarism or a dedicated plagiarism coordinator. The group or the coordinator supports the module coordinator in determining the type and extent (level) of the plagiarism. They also coordinate any involvement of external services (e.g., plagiarism detection software). Based on the assessment of the case at hand, they may make a recommendation on whether the level of plagiarism should be qualified as mild, moderate, severe or most severe. They may also outline the expected consequences for the benefit of the module coordinator and discuss them with him or her.

3.5.4.   Communication of examination results and official statement

The module coordinator or, in the case of continuing and executive education programmes, the head of programme notifies the author of the assessed assignment of the examination result as well as the qualification and extent (level) of the plagiarism detected. The person in question is granted an opportunity to comment on both the qualification and the extent of the plagiarism. If this happens in the framework of a personal exchange, minutes must be produced for the meeting.

3.5.5.   Disciplinary action

In cases deemed moderate or more severe, the Head of Bachelor's and Master's Programmes or Continuing and Executive Education Programmes must be notified of the suspected plagiarism. Pursuant to Articles 38ff of SRL No 521 and 26ff of SRL No 522, the Head decides (depending on the severity, in consultation with the Dean's Office) whether disciplinary action is required. The person in question is notified in a separate letter. In it, he or she will be informed about the course of the disciplinary action. Generally, if it is a first offence, a written warning is given. Repeat offence or serious infringement may result in the exclusion from the assessed assignment or module, education or continuing education programme or the expulsion from the Lucerne University of Applied Sciences and Arts.

4.   Prevention

The rules of academic work and independent creation, composition and design are conveyed to students and participants in continuing and executive education programmes as part of the curriculum. The Lucerne University of Applied Sciences and Arts is taking steps to raise awareness of academic misconduct and has, among other things, introduced the following measures:

– Students can be required to sign a declaration of integrity at the beginning of their study programme.

– All bachelor's and master's theses as well as thesis projects for continuing and executive education programmes contain a signed declaration of originality.

– The ZLLF and the libraries regularly conduct training courses on information gathering skills and the handling of intellectual creations with individual character. Similarly, the Schools provide periodic training on the subject.

– This guideline is presented to the students and participants in continuing and executive education programmes at the Lucerne University of Applied Sciences and Arts. It is also available from the relevant offices. (Lecturers and supervisors of student assignments are expected to make students and participants in continuing and executive education aware of this guideline).