



LEX

Friends of the Law

AMICUS

BULLETIN OF THE OFFICE OF THE LEGAL ADVISOR
UNIVERSITI TEKNOLOGI MARA, SHAH ALAM

VOL. 1 – JUNE 2015

“YOU QUOTE, YOU NOTE”

by Musrifah Sapardi¹

INTRODUCTION

In a university environment, both academicians and students are required to read and write. The academicians have a duty to write research papers as part and parcel of their day to day work apart from their responsibility to teach. Students, on the other hand, must write project papers as partial requirement for obtaining their degree. In fulfilling these duties, all writers must adhere to the university's rules and regulations about ethics in writing. Whatever they have quoted from other writers in their writings, they must note or acknowledge, for purposes of avoiding plagiarism.

¹ Deputy Legal Advisor, Office of the Legal Advisor, Chancellery, UiTM

PLAGIARISM

In Regulation 6(1) of the *UiTM Guidelines for Postgraduate Thesis* issued by the Institute of Graduate Studies², plagiarism is defined as “passing off the ideas or words of someone else as though they were their own ... Candidates are responsible for writing their theses in their own words. Quotations from published or unpublished sources of any materials should be clearly cited and acknowledged ... Sources of visual presentations such as photographs or maps must also be clearly indicated”.

With respect to academic integrity for academicians, it is implied in the provisions as embodied in the Second Schedule on Code of Conduct in the *Statutory Bodies (Discipline*

² The IGS is sometimes called IPSIS (Institute Pengajian Siswazah) UiTM. Its vision is to be at the forefront of scholarship that enhances academic advancement at the graduate level, in the pursuit of academic excellence and world class standards of graduate education.

and Surcharge) Act 2000³. This Act is commonly known as Act 605. Regulation 3(1)(f) of Act 605 stipulates that “an officer shall not be dishonest or untrustworthy”. The word officer refers to academic and non-academic staff of the university. The words “dishonest or untrustworthy” under the regulations impliedly include plagiarism. It is important that all academicians act with integrity in relation to the production and representation of their academic work. In short, plagiarism is seen as academic dishonesty, and it is one of the serious disciplinary offences which are punishable under Regulation 40 of Act 605.

This practice is not only ethical but most importantly, it will save us from being penalised for plagiarism, which may tantamount to a disciplinary offence under the university rules and regulations.

The above regulations strictly warn us (students and academicians) that we are not allowed to use the works of other writers without proper acknowledgement. This warning applies to the authors’ entire work or part of their work which we rely on. This work could be in the form of writing, computer codes, performances, music or work of arts. In other words, plagiarism may be committed in a number of ways, namely: copying from other writers without acknowledgment or without proper attribution, copying from unattributed published sources without acknowledgment, copying from unpublished sources without recognition, and submitting previously submitted works of their own without proper acknowledgment⁴.

³ An Act to provide for matters relating to the discipline of, and the imposition of surcharge on, officers of statutory bodies incorporated by federal law, and for matters connected therewith.

⁴ For these offences, see examples in Famous Cases of Plagiarism, in Famous101.com16/06/13 at 1:41 pm at <http://famous101.com/famous-cases-of-plagiarism> retrieved on 3 November 2014.

Plagiarism is also known as “intellectual theft”, which means a misuse of information ethics. Nowadays in the global era of internet, it has been recognized as a violation of copyright law. It is because many researchers and writers including students and academicians are using the web to do their research. With the abundance of information available, they are more prone to incorporate materials from others into their own work without acknowledging or attributing them. Simply put, like cheating, acts of plagiarism directly challenge the concept of intellectual property globally.

At UiTM, the Institute of Quality and Knowledge Advancement (InQKA) has been entrusted by our Vice Chancellor “with the task of instilling awareness of plagiarism among the academic community”⁵. The Committee has completed UiTM’s policy on plagiarism for both students and academicians. It has finalised the Plagiarism Manual and the Guidelines for them, and the information is available on InQKA’s and HEA’s websites. In short, the UiTM academic community must bear in mind that it is required to be honest and responsible in acknowledging the contributions of others in their works.

OTHER BREACHES OF ACADEMIC INTEGRITY

Other unethical acts or conducts that may amount to academic dishonesty include putting a supervisor’s name as a co-author in a research paper written by a student or students. Although the supervisor may have assisted the student in providing suggestions or proof-read the research papers, the authorship (and possibly the copyright) of the said research papers solely belongs to the student. The role played by the supervisor may be credited and inserted in a footnote or acknowledgement.

Such breaches of academic integrity are widespread. Some supervisors or academicians do not realise that putting their names as co-authors in the research papers written by their students (while the lecturers were still supervising them) amounts to an absence of academic integrity. If the students collect the raw data and later seek assistance for data analysis from their expert supervisor, this reliance on the supervisors’ expertise does not by itself convert the supervisor into an author unless he/she substantially involves himself/herself in the writing. The proper thing is to

⁵ Institute of Quality and Knowledge Advancement (InQKA), Plagiarism, (Admin InQKA) Wednesday, 17 October 2012, at <http://inqka.uitm.edu.my/v1/services/special-projects/plagiarism.html>, retrieved on 31 October 2014.

acknowledge the methodological guidance or insights of the supervisor in a footnote. Ethics is breached if the supervisor's or critic's name is written as co-author of the research paper. This conduct or 'piggy-backing' on a student's work and later claiming it as his own is unethical and may fall within the ambit of (being academically) "dishonest or untrustworthy" under Regulation 3(1)(f) of Act 605.

PUNISHMENTS

It is to be noted as a reminder to all students and academicians that "UiTM takes a serious view of plagiarism", not only for the sake of the university but also to safeguard the quality and reputation of its graduates and staff.

As far as students are concerned, examiners are empowered to penalise those who are found guilty of plagiarism. In addition there may be suspension or expulsion from the programme as clearly stated in Regulation 6(1) of the UiTM Guidelines for Postgraduate Thesis issued by IGS. In fact, upon submission of their project papers or theses, all students will have to fill up and sign a Declaration Form declaring that their works are "original and free from plagiarism". To date, there have been a few cases of students being suspended from their studies after they were found guilty of plagiarising others' works as their own by the Disciplinary Committee.

An example of plagiarism by a university academician is Marks Chabedi⁶, a professor at the University of Witwatersrand, South Africa. He had plagiarised a work written by Kimberly Lanegran from the University of Florida. He copied the work almost word for word before submitting it as his doctoral thesis to The New School in New York City, USA. This act of dishonesty was discovered by Lanegran and she initiated an investigation against Chabedi. It was decided by the Disciplinary Board of the University of Witwatersrand that Chabedi was guilty of plagiarism. He was dismissed from his university and his professorship was stripped. The New School also revoked his PhD.

⁶ See Bulicheka, Case Lawyers, posted on 12 August 2012. <http://caselawyer.blogspot.com/2012/08/kimberly-lanegran-v-marks-chabedi.html>, retrieved on 31 October 2014. Also see examples in Famous Cases of Plagiarism, in Famous101.com/16/06/13 at 1:41 pm at <http://famous101.com/famous-cases-of-plagiarism-retrieved> on 3 November 2014.

If a similar charge happened in UiTM, the accused academician will have to go through internal disciplinary proceedings based on Regulation 3(1)(f) of the Second Schedule of Act 605. If found guilty of such an offence, the said academician may be punished under Regulation 40 (a) to (e) depending upon the seriousness of the offence, namely; warning, fine, forfeiture of emoluments, deferment of salary movement, reduction of salary, reduction in rank or dismissal. In addition to this Code of Conduct under Act 605, all academicians in UiTM must adhere to the Academic Guidelines as envisaged in *Buku Nilai & Etika Pensyarah 2000*, which among others provides guidelines for academic integrity and work ethics.

Although plagiarism is often regarded as theft or stealing, yet to this day, it has never been prosecuted as a criminal matter in the court of law. Claims of plagiarisms are regarded as civil matters which include copyright infringement, unfair competition, and violations of the doctrine of moral rights. As mentioned above, the common punishments for intellectual theft are suspension, loss of one's job, loss of academic credibility and dismissal.

CONCLUSION

All students and academicians of UiTM are expected to act with integrity in relation to the production and representation of their academic works. Having said that it must be acknowledged that everywhere in the world and at all times in history, civilisational advance has involved us standing on the shoulders of others. Most of the time academic work draws upon the work of others or insights of scholars in the field. For purpose of academic integrity and to avoid plagiarism, all works that are relied upon and quoted must be honestly, properly and fully acknowledged or noted. In short, "You Quote, You Note". This practice is not only ethical but most importantly, it will save us from being penalised for plagiarism, which may tantamount to a disciplinary offence under the university rules and regulations.

LEX
AMICUS



الجامعة
UNIVERSITI
TEKNOLOGI
MARA

Konsep, reka bentuk dan terbitan:

Jabatan Komunikasi Korporat

Aras 2, Canseleri Tuanku Syed Sirajuddin

Universiti Teknologi MARA

40450 Shah Alam, Selangor

Tel : +603-5544 2102 Faks : +603-5544 2086