Plagiarism guidelines in respect of written assignments / essays / research papers and tutorials completed under the auspices of the Faculty of Law

1 Introduction and purpose

During the course of your studies at the Faculty of Law (the “Faculty”), you will be exposed to the intellectual work, products or expressions of others. In an attempt to assist students to eliminate plagiarism¹ and to promote academic integrity², the Faculty has compiled the guidelines below. The purpose of the guidelines is to assist students to identify and deal scrupulously with sources and to guide students in how to avoid plagiarism.

These guidelines should be read together with the SU Policy on Academic Integrity: The Prevention and Handling of Plagiarism (Senate: 26 November 2010) (“SU Policy on Academic Integrity”) as set out in Part 1 of the 2015 Stellenbosch University Yearbook on pages 189 - 193.

2 Avoiding plagiarism: General guidelines and examples³

Plagiarism constitutes the misappropriation and misrepresentation of the ideas, work and words of someone else by passing it off as your own. Therefore, to avoid committing plagiarism you can use these rules of thumb:

- if it is not your own ideas(s), cite;
- if it is not your own words, quote and cite;
- if in doubt, cite.

In other words, you should reference or acknowledge a source when you:

__________________________________________________________________________
¹ “To copy another person’s ideas, words or work and pretend that they are your own” A S Hornby Oxford Advanced Learner’s Dictionary of Current English 8 ed (2010) 1115.
(1) summarise or paraphrase idea(s) or words which originated from someone else, whether that is in the form of books, journals, statutes, judgements, websites, academic research (such as theses and dissertations), reports, case studies, class notes, course materials, power point slides and other audio-visual learning materials, recordings of lectures, podcasts, statistics, newspapers, magazines, songs, movies etcetera;

(2) use verbatim words / sentences from the abovementioned sources – in addition to acknowledging your sources in this instance, you also need to place double quotation marks around the verbatim words or sentence(s) in the text where they appear;

(3) you must also provide a reference (e.g. in a footnote) when you incorporate diagrams, illustrations, charts, pictures, etc. which originate from another source into your written work.

The Faculty considers the examples referred to below to amount to plagiarism:

A. Verbatim copying without quoting and referencing

This occurs where words or sentences are copied verbatim (i.e. exactly as they appear in the original source(s)) without inserting quotation marks and referencing the source(s) and submitting it as one’s own work. In this regard, also refer to paragraph 5 of Addendum 1 (the plagiarism declaration) of the SU Policy on Academic Integrity that must be signed prior to submitting a written assignment / essay / research paper. It states that “the reproduction of text without quotation marks (even when the source is cited) is plagiarism”.4

Example (failing to quote):
Excerpt from original source:
Upon attaining majority, the former minor may ratify a contract he or she initially

---

concluded without the requisite assistance, with the result that the contract becomes fully enforceable with retroactive effect.


**Student paper (incorrect):**
When a minor reaches majority in South Africa, that is 18 years of age, he or she may ratify a contract he or she initially concluded without the requisite assistance, with the result that the contract becomes fully enforceable with retroactive effect.

**Correct:**
When a minor reaches majority in South Africa, that is 18 years of age, he or she “may ratify a contract he or she initially concluded without the requisite assistance, with the result that the contract becomes fully enforceable with retroactive effect”.

**Footnote:**

**B. Sources translated from English to Afrikaans or vice versa**
A verbatim translation of words / sentences from English to Afrikaans (or vice versa) without referencing the source and submitting it as one’s own work constitutes plagiarism. Similarly, when translating words or sentences and making only a few changes to the text (for example by replacing the translated words with synonyms) or sentence construction without referencing the source, it still constitutes plagiarism.

**Example:**

**English source:**
Parties must adhere to a minimum threshold of mutual respect in which the unreasonable and one-sided promotion of one’s own interest at the expense of the other infringes the principle of good faith to such a degree as to outweigh the public interest in the sanctity of contracts.

[R Zimmermann “Good Faith and Equity” in R Zimmerman & D Visser (eds)]

Translated to Afrikaans (incorrect):
Partye moet ’n minimum drumpel van wedersydse respek nakom waar die onredelike en eensydige bevordering van een party se eie belang ten koste van die ander, die beginsel van goedertrou in so ’n mate skend dat dit swaarder weeg as die openbare belang in die onskendbaarheid van kontrakte.

Note:
The act of plagiarism in this example does not lie in the fact that you translated the paragraph verbatim from English to Afrikaans, but rather the fact that you did not properly reference your source in the translated, Afrikaans version and indicated that it is your own translation. Although translated, it is still not your idea and the source should still be acknowledged.

Translated to Afrikaans (correct):
Partye moet ’n minimum drumpel van wedersydse respek nakom waar die onredelike en eensydige bevordering van een party se eie belang ten koste van die ander, die beginsel van goedertrou in so ’n mate skend dat dit swaarder weeg as die openbare belang in die onskendbaarheid van kontrakte.² [my vertaling]

Footnote:

C. Paraphrasing
When you restate the content of a source(s) (i.e. paraphrase), without acknowledging the source(s), it is considered plagiarism as it still conveys the same meaning even if in another form.
Example: Paraphrasing from a single source:

**Excerpt from original source:**

Even if the defence of disciplinary chastisement were effectively to disappear, the defence of mistaken belief that moderate corporal chastisement for educational purposes is allowed (i.e. putative disciplinary chastisement), being a defence excluding fault in the form of knowledge of unlawfulness, might still be available in principle.


**Student paper (incorrect):**

Although the defence of disciplinary chastisement might disappear, the misguided belief that reasonable physical punishment used for educational purposes is permitted, this being a defence not including liability in the form of knowledge of unlawfulness, might still exist in principle.

**Correct:**

Although the defence of disciplinary chastisement might disappear, the misguided belief that reasonable physical punishment used for educational purposes is permitted, this being a defence not including liability in the form of knowledge of unlawfulness, might still exist in principle.¹

**Footnote:**


**Note:** From a writing style perspective this is not a good example of paraphrasing as it merely amounts to what is often called “find and replace”. That is where a few changes are made to the original text, for example, to the sentence structure, by deleting or inserting a word or two or by replacing words with synonyms. However, even if the text is paraphrased appropriately, in essence, it still conveys the same idea as in the original source. The source should therefore be cited. This would definitely be a case where in doubt, you should rather cite.

**Example: Paraphrasing from multiple sources:**
Source 1:
If the minimum wage is set at a moderate level then it does not cause significant employment losses, while keeping low-paid workers out of poverty.


Source 2:
Thus, we can conclude that increasing the minimum wage is a useful tool in providing income redistribution to those living and working in poverty and in relieving some of society’s growing inequality, but that, on its own it is limited.


Student paper (incorrect):
It could therefore be argued that the outcome, if minimum wage is set at a moderate level, would not result in employment losses but instead result in income redistribution to people living and working in poverty.

Note:
The act of plagiarism in the above example is using the text from the two sources, highlighted in grey, verbatim and not acknowledging the sources of the verbatim phrases (e.g. in the form of footnotes). This form of plagiarism is often referred to as “patchwork” or “remix”.

Student paper (correct):
If reasonable minimum wage levels are set, one could argue that the outcome would not result in employment losses, but instead lead to redistribution of income to poverty-stricken people.

Footnotes:

**Note:**
This is an example where the content of the sources was paraphrased appropriately. However, the sources must still be acknowledged *despite* it being paraphrased. The best paraphrasing attempt still does not make you the owner of the idea and it must always be referenced.

**D. Providing false / non-existent references**

Footnotes that contain false or non-existent references, for example, URL’s of websites, authors, sources, page numbers, etc. also constitutes acts of plagiarism.

**E. Using the written assignments / essays / research papers or tutorials answers of another student(s)**

Using a fellow student’s (or students’) written assignment(s) / essay(s) / research paper(s), tutorial answer(s) or any part thereof, of any prior or current year of study, with or without the student’s (or students’) consent and presenting it as your own work constitutes plagiarism. This occurs, for example, when a group assignment / essay / research paper is submitted under the false pretence that it is your own work. Collaborating on the group assignment / essay / research paper in itself is not an act of plagiarism but the fact that you submit the group’s work or any individual group member’s work under your own name and more importantly as your own work / ideas amounts to plagiarism. Similarly, using a fellow student’s (or students’) assignment / essay / research paper / tutorial answer, or any part thereof, of any prior or current year of study, with or without the student’s (or students’) consent and presenting it as your own work also constitutes plagiarism.
Note: Be careful with how you share your work with fellow students so that you do not enable them to pass it off as their own, e.g. do not share your work in an electronic format.

3 Recommendations and techniques on how to avoid plagiarism

3.1 Planning your assignment / research paper is the first step to avoid plagiarism. By planning ahead you know that you will be using sources other than your own ideas and can therefore already start planning how you will incorporate these sources in your assignment / essay / research paper.

3.2 Take notes while conducting research and record your sources accurately and completely. You could even include notes to identify whether you intend to use a source verbatim or by paraphrasing so that you would remember to insert quotation marks in the case of verbatim use. This is very important!

3.3 Do not copy and paste any content from your research directly into your own assignment / essay / research paper. Rather make notes on a separate document and record the source accurately.

3.4 Where possible, print your sources so you can refer to it again later or save them in a folder on your computer using the author and title of the source as a file name.

3.5 Read your researched sources repeatedly until you understand it and how you want to use it in your own assignment / essay / research paper. Then, when you paraphrase or summarise, do so without referring back to the original source but remember to still acknowledge the source(s).

3.6 Err on the side of caution - when you are unsure whether an idea in your essay / research paper is your own or originated from a source you have read, rather cite the source.
3 7 Refrain from reading a fellow student’s (or previous year’s student’s) assignment / essay / research paper for “inspiration”.

3 8 Learn how to paraphrase properly.

3 9 When you translate a source, remember to reference the source and to add [my translation] after the translated text.

3 10 If you are unsure whether to reference a source, ask your lecturer, the lecturer’s assistant or a writing consultant.

3 11 Use Turnitin. It will identify those sections in your work where you have used sources from elsewhere and you can make sure that you have referenced those sections accurately.

Remember, avoiding plagiarism is not only about ensuring you uphold the ethical standards associated with academic research – doing things properly will make you a better researcher. Accurately citing and utilising varied sources in your research, adds substance and authority to your work. Academic research generates new and original ideas. You will only be able to generate those ideas by building on the work of others – the very thing that you have to reference!