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 you to eliminate plagiarism and to promote academic integrity, the Faculty has compiled the guidelines below. The purpose of the guidelines is to assist you to identify and deal scrupulously with sources and to guide you in how to avoid plagiarism.

These guidelines should be read together with the SU Policy on Plagiarism (in support of academic integrity) (Senate: 1 December 2016) (“SU Policy on Plagiarism”) and its annexures and related documentation available at http://www0.sun.ac.za/research/policies-and-guidelines.html.

2 Avoiding plagiarism: General guidelines and examples

Plagiarism constitutes the misappropriation and misrepresentation of the ideas, work and words of someone else by passing it off as your own. It furthermore includes the inappropriate re-use of your own work, which was previously presented, marked or published, without proper referencing and transparent indication and justification explaining such use. This is referred to as self-plagiarism or text recycling. 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 it is your own, previously presented, marked or published work, cite and explain use; and
- if in doubt, cite.

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

(1) summarise or paraphrase idea(s) or words which originated from someone else, whether that is in the form of books, journals, statutes, judgments, websites, academic research (such as theses and dissertations), reports, case studies, class notes, course materials, PowerPoint 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;

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1 “The use of the ideas or material of others without acknowledgement, or the re-use of one’s own previously evaluated or published material without acknowledgement (self-plagiarism).”

(3) use verbatim portions from your own, previously presented, marked or published work. You are furthermore not allowed to use the content of any essay / research paper of any previous, current or future year of study without the prior consent of your lecturer;

(4) 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 (that is, 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 11 of the SU Policy on Plagiarism (the plagiarism declaration) 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”.

Example (failing to quote):

<table>
<thead>
<tr>
<th>Excerpt from original source:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>


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.

or

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.¹

Footnote:


[<strike>note that even if the highlighted text is footnoted, it is still incorrectly referenced without quotation marks.]<br/>

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”.¹
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.


**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 indicate that it is your own translation. Although translated, it is still not your idea and the source must 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 [eie vertaling]

**Footnote:**

C. Paraphrasing

When you restate the content of a source(s) (that is, 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 (that is, 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 and the source should therefore be cited. This would definitely be a case of where in doubt, you must 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.

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. inserting quotation marks and footnotes). This form of plagiarism is often referred to as “patchwork” or “remix”.

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.7

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
This could include, inter alia, footnotes that contain false or non-existent references, for example, URL’s of websites, authors, sources, page numbers, etcetera and also constitute 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 pretense 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.

### Recommendations and techniques on how to avoid plagiarism

1. **Planning your assignment / research paper**
   - 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 to plan how you will incorporate these sources into your assignment / essay / research paper.

2. **Take notes**
   - 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. **Do not copy and paste**
   - 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.

4. **Save sources**
   - 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.

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

6. **Err on the side of caution**
   - 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.

7. **Translations**
   - When you translate a source, remember to reference the source and to add [my translation] after the translated text.

8. **Ask for help**
   - 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!

Do not be surprised if, by following these guidelines strictly, very little of your research appears to be “original”, in that most of your sentences are followed by footnotes. This is perfectly acceptable on undergraduate level. What is being assessed in your written research is not so much whether you can come up with completely new and original insights, but rather whether you are able to use and combine existing sources to form a compelling, clear and well-substantiated legal argument.