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STELLENBOSCH UNIVERSITY PROCEDURE FOR THE INVESTIGATION AND MANAGEMENT OF ALLEGATIONS OF PLAGIARISM

This Procedure sets out how allegations of plagiarism must be investigated and dealt with, in accordance with the *SU Policy on Plagiarism (in support of academic integrity)*, referred to as "the Policy".

1 PREAMBLE

- 1.1 SU is committed to being inclusive, innovative and future-focused as set out in its Institutional Strategy and Intent: "...the Stellenbosch experience delivers thought leaders that have a better insight into world issues, an innovative unlocking of creative abilities to solve problems, and an encouragement of meaningful action to serve society through knowledge. This all happens in a context of transforming SU to be future-fit and globally competitive." This perspective includes, by definition, any academic activity or research conducted at SU.
- 1.2 Allegations of plagiarism are a serious matter; hence the investigation thereof must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
- 1.3 This Procedure sets out appropriate steps as prescribed by SU's *Procedure regarding disciplinary action against staff* and *The Disciplinary Code for Students of Stellenbosch University*, as and when needed.
- 1.4 This Procedure must ensure that all persons involved in the investigation of such allegations act with the utmost integrity and sensitivity at all times.

2 APPLICATION

This Procedure is aimed at:

- 2.1 Investigation and decision-making, i.e. determining as a first step if plagiarism has occurred *prima facie*.
- 2.2 Disciplinary measures, i.e. determining the necessary disciplinary measures that must be taken in cases where the Respondent is found guilty, in accordance with SU's applicable disciplinary codes.

3 DEFINITIONS

- 3.1 **The concepts of "plagiarism", "self-plagiarism or text recycling" and "academic activity" are defined in 'the Policy'.**
- 3.2 **"Complainant"** means any person making allegations and/or disclosures of plagiarism, including protected disclosures, as set out in section 1 of the Protected Disclosures Act, 26 of 2000 ("**the Act**"), against 1 (one) or more Respondents.

- 3.3 **"This/the Procedure"** means the procedure set out in this document.
- 3.4 **"Protected disclosure"** means a disclosure made by a Complainant in accordance with section 9 of the Act.
- 3.5 **"Respondent"** means a person(s) against whom allegations or disclosures of plagiarism have been made and includes any person engaged in an academic activity of SU. Such persons may include a/an:
- 3.5.1 undergraduate student at SU;
 - 3.5.2 post-graduate student at SU;
 - 3.5.3 post-doctoral fellow of SU;
 - 3.5.4 visiting student; irrespective of his/her nationality;
 - 3.5.5 employee of SU, whether temporary or permanently employed at SU;
 - 3.5.6 person formerly in any of the categories above whose thesis and/or academic article(s) and/or other written work (documents created whilst the person was in the categories in question at SU) were published under the name of SU, and remains published under SU's name, whether locally or internationally.
 - 3.5.7 member as defined in the Policy.
- 3.6 **"RIO"** means a Research Integrity Officer, who shall be appointed in accordance with, and have the powers and functions as set out in the *Procedure for the Investigation of Allegations of Breach of Research Norms and Standards*.

4 PRINCIPLES

The following principles must form the foundation of an investigation into alleged plagiarism:

4.1 Fairness

- 4.1.1 The Respondent has a right to be informed of the allegations against him/her and is presumed innocent until a full investigation in accordance with both this Procedure and the disciplinary codes for staff or students, as the case may be, proves otherwise.
- 4.1.2 The Respondent has a right to be heard and to state his/her case in terms of the *audi alteram partem* principle;
- 4.1.3 The Respondent has a right to a due and fair process and must be allowed to ask questions; present information/evidence in his/her defence; seek advice or support from anyone of his/her choosing; and question or raise points about any information given by any witness. (If

the Respondent chooses to be supported by a legal representative, the case will automatically be referred to the Central Disciplinary Committee (CDC)).

4.2 Confidentiality

- 4.2.1 All facets of the investigation must be kept confidential, i.e. made available only to those with a direct involvement in the reporting and investigation of the matter as outlined in 4.2.3.
- 4.2.2 The Complainant's identity may only be disclosed to the Respondent if he/she has consented thereto in writing or orally during the investigation process. However, in instances where the Complainant is the Respondent's lecturer or supervisor, his/her identity will be apparent.
- 4.2.3 The Respondent's identity must not be disclosed before it has formally been decided that he/she is guilty of plagiarism, unless the Respondent has consented thereto in writing, and provided that the Respondent's identity may be disclosed to all the relevant parties in the investigation process including, where applicable, the Departmental Chairperson, the Dean, the Research Integrity Officer (RIO), the Director: Legal services, the Manager: Student Discipline, the Vice-Rector (Research, Innovation and Postgraduate Studies and/or Learning and Teaching) and person(s) formally delegated to handle such issues.
- 4.2.4 Should maintaining complete confidentiality of the Complainant/Respondent's identity throughout the entire process not be reasonably possible, the Complainant should be informed of this in writing if and when such a stage in the investigation process is reached.

4.3 Honesty and Integrity

- 4.3.1 Anyone asked to participate in this process must act with the utmost honesty, impartiality and objectivity at all times.
- 4.3.2 Any interests of any party involved in this process that may constitute a potential conflict of interest or conflict of commitment must be declared immediately.

4.4 Prevention of Prejudice

All parties involved in the investigation must take care to protect:

- 4.4.1 the Respondent(s) from frivolous, vexatious or malicious allegations of plagiarism;
- 4.4.2 the reputation of the Respondent(s) during the investigative process, particularly if the allegations are not confirmed;

- 4.4.3 the position and reputation of Complainants who make allegations in good faith, i.e. on the basis of *prima facie* supporting evidence that plagiarism has in fact occurred.

5 PROCEDURE

Allegations of plagiarism may occur in both the 'Learning and Teaching' and 'Research' contexts and can be made against a very broad range of individuals, from first year students to senior academic staff. The investigation and dealing with allegations of plagiarism may be approached differently depending on the academic status, knowledge and experience of the Respondent as outlined in the Policy.

If the allegation is made against an academic staff member, researcher or research group, *the Procedure for the Investigation of Allegations of Breach of Research Norms and Standards* should, unless there is good justification not to, be used in preference to this Procedure. In such a context plagiarism may be a marker for other wrongdoing including falsification or fabrication of data. The investigation process followed must take this into account. The above procedure involves a central process of formal peer investigation, facilitated by the Research Integrity Officer (RIO).

5.1 Students

- 5.1.1 The manager responsible for Student Discipline is available to provide advice regarding the implementation of this Procedure with respect to specific cases and can be consulted prior to the initiation of a complaint.
- 5.1.2 Less serious cases¹, as determined in accordance with the factors set out in the Policy, are dealt with at department or faculty level, where appropriate and according to internal faculty processes which must be approved by the Dean or Faculty Board and documented in writing for reporting purposes. Such processes must be fair and, in accordance with the developmental and remedial approach described in the

¹ Less serious cases may include first time offenders, more junior students, limited extent of plagiarism, negligence rather than blatant intent.

Policy, and should ideally provide an opportunity for discussion with the student prior to finalising the case and determining an outcome.²

- 5.1.3 More serious cases³, as determined in accordance with factors set out in the Policy, must be referred by the faculty to Student Discipline (Legal Services) for investigation in terms of the Student Disciplinary Code, unless a decision is taken to follow the **Procedure for the Investigation of allegations of breach of research norms and standards** instead of this Procedure
- 5.1.4 All instances of plagiarism that *prima facie* appear to be more serious must be documented in the form of a written complaint addressed to the Dean of the Faculty or his/her delegated authority (for example Department Chairperson or a faculty nominated 'Plagiarism Advisor' (s)).
- 5.1.5 In such cases the Complainant is usually not involved in the investigation in the capacity of investigator and decision maker, even if the Complainant is the student's tutor, lecturer or supervisor. However, the Complainant will be requested to furnish documentation in support of the allegation by the person(s) tasked with investigating the allegation.
- 5.1.6 The Dean of the Faculty or his/her delegated authority will ensure that the student is notified of the allegation in writing (e.g. via email) preferably within one week of receiving the written allegation.
- 5.1.7 The Dean of the Faculty or his/her delegated authority will usually appoint one or two additional persons to review the allegation.
- 5.1.8 The persons described in 5.1.7 will determine (1) if a finding of plagiarism can be upheld and (2) what the gravity of the plagiarism is, in accordance with the factors as set out in Section 7 of the Policy.
- 5.1.9 Faculties and their respective Departments must ensure that cases of plagiarism are dealt with in a consistent manner in each domain. Departments should maintain records of all cases where a written

² For example the Law Faculty process involves the student being notified of the allegation and agreeing to attend a meeting with the lecturer and Department Chair (or choosing to have his/her case referred to the Central Disciplinary Committee). At this meeting the student's perspective is considered. The student leaves the meeting and a final decision including a determination of remedial action is made. The student is then sent a letter that he/she is asked to sign, agreeing with the finding and the consequences thereof.

³ More serious cases may include repeat offenders, extensive evidence of plagiarism in a significant piece of work such as a thesis, post graduate students especially those at Masters and PhD level, academic staff, evidence of gross negligence or blatant intent, etcetera.

allegation of plagiarism was made and which were dealt with at departmental level. The outcome of each case, as well as the action that followed, should be documented and kept on record in the department concerned. In order to ensure that repeat offenders are identified, a brief report of all cases must be sent to the Legal Services Division at the end of each semester. Departmental chairpersons or persons described in 5.1.7 may request specific information from the Legal services Division, if appropriate or required for a departmental investigation. The Dean or his/her delegated authority should, from time to time, review the handling of cases at department and faculty level in order to effect changes to faculty procedures when and if necessary, to ensure consistency, and advise the Custodian of this Policy of issues or trends that require attention at university level.

- 5.1.10 In instances where the CDC determines that a case of plagiarism which was referred to them and Legal Services can actually appropriately be dealt with at departmental or faculty level, the CDC will retain jurisdiction and can then, at its discretion, either refer the case back to the department or faculty, or can conclude the matter and determine the final outcome.
- 5.1.11 In all cases where a finding of plagiarism is made against a student, some form of counselling or remedial training, in accordance with the above-mentioned internal faculty processes, should be provided and be documented. This process may be inappropriate for academic staff.
- 5.1.12 Students can be accused of self-plagiarism in some instances; for example if a large section of work submitted for an Honours degree is incorporated into a Master's thesis without any indication thereof. However in certain circumstances a student may justifiably submit very similar work for assessment; for example if a question is posed for an assignment and then repeated as an examine question. Lecturers should consider each case on its merits before making an allegation of self-plagiarism.

5.2 **Special Cases**

- 5.2.1 Thesis or dissertation by publication. If a student undertakes a thesis or dissertation by publication or publishes work from his/her research at any time during the process of conducting the research and obtaining a degree, allegations of text-recycling or self-plagiarism would normally be inappropriate. However, to avoid such allegations resulting from the now common use of text similarity software by

journals and examiners, there should be full transparency and appropriate referencing, for example a covering letter to a journal editor or a footnote in the text.

5.2.2 Examination of thesis. If an allegation of plagiarism is made by the examiner of a post-graduate research assignment or thesis, the examination process should be suspended immediately until such time as the investigation, as described above, is completed. Examiners and moderators who suspect plagiarism in a submitted work are responsible for immediately alerting the departmental chairperson of their suspicions. The allegation must be made in writing to the departmental chairperson and supporting documentation such as an indication of the plagiarised source or a Turnitin (or similar) report should be provided. Such an investigation should be completed with urgency and ideally within one month of its reporting (unless more time is clearly justifiable). All examiners should be immediately informed of the allegation and pending enquiry. If the allegation is not upheld, the examination process may continue. Written justification for this decision should be provided to all examiners. If the allegation is upheld, the investigation and disciplinary process, if applicable, should be fully concluded prior to a decision on the outcome of the thesis.

5.2.3 During or after graduation. Once a student has passed the examination process, his/her thesis is usually uploaded to SUNScholar and is thus in the public domain. If allegations of plagiarism are made at this point, (sometimes by external parties) investigating such allegations may require a special procedure, because the graduated student may no longer be a student subject to University discipline. The supervisor is often also implicated in such allegations, even if merely by association, and therefore the risks to reputation and potential negative consequences for individuals and the University are significant. Preferably the *Procedure for the investigation of allegations of breaches of research norms and standards* should be utilized in such cases, and a written complaint should be made to the Research Integrity Officer (RIO).

5.3 Staff members and other members (not SU students)

The process for receiving and investigating allegations of plagiarism against staff and other members should be processed in much the same way as allegations against students.

- 5.3.1 Such allegations should initially be dealt with by a faculty rather than through a departmental process, so as to ensure confidentiality and protection against potential harm to the Respondent, should the allegation not be upheld. In such cases a written complaint should be made to the Dean of the Faculty or a person nominated to receive such a complaint.
- 5.3.2 The Respondent should be notified of the allegation in writing preferably within one week of receiving the written allegation.
- 5.3.3 The Dean or nominated delegate should appoint a two or three person ad-hoc committee to investigate the allegation. Together they will determine (1) if a finding of plagiarism can be upheld and (2) the gravity of the plagiarism, according to the factors as set out in the Policy.
- 5.3.4 Less serious cases, as determined in accordance with the factors set out in the Policy, can be dealt with at department level, according to faculty processes. However, when academic staff, including post-doctoral fellows, are involved in allegations of plagiarism, the SU's developmental and remedial approach followed for students, is no longer applicable. Hence it is likely that the majority of such cases will be categorized as 'more serious', rather than 'less serious'
- 5.3.5 More serious cases, as determined in accordance with the factors set out in the Policy, must be dealt with at a central rather than faculty level. Two possible routes can be followed:
- 5.3.5.1 The case should usually be dealt with under the Staff Disciplinary Code, by the Division for Human Resources, after the preliminary faculty-level investigation has been concluded and a preliminary finding has been made.
- 5.3.5.2. A formal complaint can be made to the RIO who will then investigate the matter according to the *Procedure for the Investigation of allegations of breaches of research norms and standards*. This is the preferable route in a research context, or when there is a possibility that other forms of wrongdoing may have occurred simultaneously, such as data fabrication or falsification.

6. TIME PERIODS

- 6.1 Departments and faculties must attempt to conclude their investigation as quickly as possible and preferably within two weeks for investigations involving students and one month for investigations involving staff. Central disciplinary processes should be concluded according to the timelines outlined in this Procedure, but preferably within a maximum of two months.
- 6.2 The periods referred to in this Procedure may be extended by the Vice-Rector concerned or his/her delegated authority, or the Director: Legal Services, if he/she is of the opinion that valid reasons exist for such an extension. Should the time periods not be complied with, the above persons must justify the extension in writing to the Complainant and/or Respondent and/or other relevant party concerned. The Respondent shall have no claim whatsoever against the Legal Services Division or any other role-player, should the periods set out in this Procedure not be adhered to.

7. SAFEKEEPING OF RECORDS

- 7.1 All documents and digital recordings relating to an investigation of a more serious incident of plagiarism must be kept by the Legal Services Division to be dealt with further as required. The Respondent may request copies of the documents and/or recordings in writing and at his/her own cost.
- 7.2 These documents and/or recordings must be kept for a period of at least five (5) years after the announcement of the final decision by the Department, Faculty or the relevant Disciplinary Committee, as the case may be. The documents are confidential and will not be made available to any parties unless a written request for release of such documents is approved by the Vice-Rector (Research, Innovation and Postgraduate Studies) or the Vice-Rector (Learning and Teaching) as the case may be.
- 7.3 Faculties must develop their own processes for record keeping of cases of plagiarism dealt with at department or faculty level. These records should preferably be maintained by the Dean's office and must include⁴:
- 7.3.1 The written complaint
 - 7.3.2 The findings of the ad-hoc investigation process, with justification for decisions made

⁴ Faculties or departments may wish to develop their own short report template in order to facilitate this process.

7.3.3 Remedial action taken

7.4 Faculties are responsible for providing a brief report or list of concluded cases to the Legal Services Division (Student Discipline) at the end of each semester. The Legal Services Division (Student Discipline) shall report at least annually to the Custodian to raise issues pertaining to plagiarism including specific instances of plagiarism, trends, etc. referencing the reports received in this par. 7.4 and matters referred under par. 7.1.

8. APPEAL AND/OR REVIEW

Appeal procedures are documented in the applicable disciplinary codes.