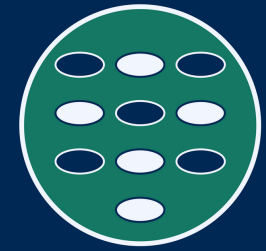


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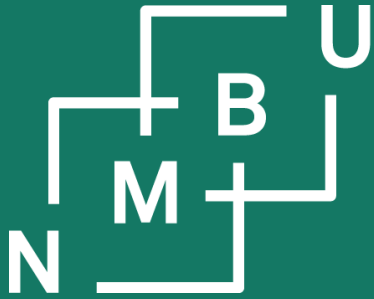
Digitalisering på Ås

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Data science seminar

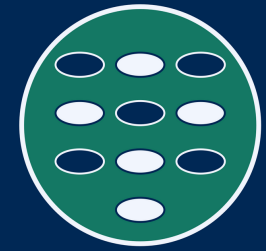
4 Research ethics and impact

4.1 Plagiarism and copyright



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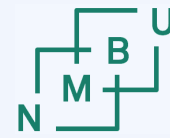
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4 Ethics and impact

4.1 Plagiarism and copyright



Scenario

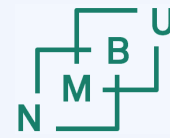
What is the issue here? What would you do in the role of person A?

- Example: *A* publishes an opinion piece on a streaming platform, under a license that does not permit commercial reuse. *B* has a monetized channel on that platform and publishes a reaction video that consists of *A*'s content and *B*'s trivial reactions. *B* does not obscure *A*'s authorship.

Plagiarism and copyright are different

It is possible to commit a **copyright infringement** without plagiarism.

- Example: *A* publishes an opinion piece on a streaming platform, under a license that does not permit commercial reuse. *B* has a monetized channel on that platform and publishes a reaction video that consists of *A*'s content and *B*'s trivial reactions. *B* does not obscure *A*'s authorship.
- Copyright infringement is a matter of **penal law** (strafferett) following åndverksloven §§ 79 and 80. It is a matter of **civil law** (privatrett), specially liability (erstatningsansvar), following åndverksloven § 81.
- You have the right to fair use for citation (sitatrett) of others' material:
 - As part of the public debate, including academic discussions, you can use direct quotes and reproduce part of others' work verbatim.
 - In the example, *B*'s use of *A*'s material would be legitimate if *B* was engaging in a genuine, non-trivial way with the original content.
 - The right to fair use for citation is grounded in åndverksloven § 29.



Plagiarism and copyright are different

Next scenario:

- Example: *A* hires *B* as a contractor to write technical documentation for *A*'s code. The contract clarifies that *A* owns the documentation. *A* publishes a paper in a scientific journal. Part of the documentation is included as an Appendix. It is not mentioned that *B* wrote that text.

Plagiarism and copyright are different

It is possible to commit **plagiarism** without a copyright infringement.

- Example: *A* hires *B* as a contractor to write technical documentation for *A*'s code. The contract clarifies that *A* owns the documentation. *A* publishes a paper in a scientific journal. Part of the documentation is included as an Appendix. It is not mentioned that *B* wrote that text.
- Depending on circumstances, plagiarism may be completely legal.
 - The above is probably illegal by being in violation of the terms and conditions of the journal's publisher, with whom *A* has a contract. But if there is no such contract, it is legal, but it is still plagiarism. Irrespective, it is no copyright violation, since *A* owns the copyright.
 - *A* can sell the code and documentation to *C* without mentioning *B*.
- Primarily, plagiarism is a matter of research ethics, not the law. Norway, however, also has a law specifically about research ethics. Forskningsetikkloven § 8 mentions¹ plagiarism as form of "uredelighet."

¹Unfortunately, the law only mentions plagiarism, but does not define it.

Plagiarism as academic misconduct (“fusk”)

It is possible to commit **plagiarism** without a copyright infringement.

- Example: *A* hires *B* as a contractor to write technical documentation for *A*'s code. The contract clarifies that *A* owns the documentation. *A* publishes a paper in a scientific journal. Part of the documentation is included as an Appendix. It is not mentioned that *B* wrote that text.
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 - *A* can sell the code and documentation to *C* without mentioning *B*.
- Primarily, plagiarism is a matter of research ethics, not the law.
- Plagiarism in an **examination** setting is a case of misconduct (**fusk**). It is regulated as a matter of administrative law (forvaltningsrett).

NMBU's rules on academic misconduct

The relevant document is called "Retningslinjer - behandling av mistanke om fusk eller annen uredelig opptreden ved NMBU" (last changed in June 2015).

Defines fusk as "enhver handling som sikter mot å gi studenten et uberettiget studieresultat eller et uberettiget fortrinn ved evaluering av studieprestasjon".

The legal basis for this is given in **universitets- og høyskoleloven (uhl.)**:

- uhl. § 4-7 (1) b states that exam results etc. can be annulled in case of fusk or an attempt at fusk.
- uhl. § 4-8 (3) states that whoever acts as described in § 4-7 (1) *or contributes to it* can be expelled (utestengt) for up to one year.
- No definition of "fusk" is given in the law. The word is just used as is.

It is interesting that the law assumes that "har forsøkt å fuske" is different from "har fusket," as it mentions both separately. NMBU however gives a definition according to which the attempt to "fusk" already is a "fusk."

NMBU's rules on academic misconduct

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Defines **fusk** as "enhver handling som sikter mot å gi studenten et uberettiget studieresultat eller et uberettiget fortrinn ved evaluering av studieprestasjon". This definition under point 3.1 is only followed by "examples" under point 3.2:

«[...] f. Fusk kan bestå i at en innlevert oppgave er **utarbeidet av en annen person** enn den som står oppført som eksaminand.

g. **Plagiat er fusk.** Eksempler på plagiering: Gjengivelse eller sitater fra bøker, artikler, internettsider, **egne eller andres oppgaver**, bruk av bilder, grafer o.l. **uten kildehenvisning, sitattegn eller annen tilkjennegivelse i teksten/bildet/tegningen som viser hvor materialet er hentet fra.**»

It seems that point 3.2 is only intended as an illustration of point 3.1.

What even is plagiarism? → NMBU

Plagiarism detectors help detect misconduct. But they don't define plagiarism.

OK, but what is plagiarism then, really?

Even NMBU's retningslinjer om fusk 3.1g do not define plagiarism either. They only seem to give a list of examples.

*g. **Plagiat er fusk.** Eksempler på plagiering: Gjengivelse eller sitater fra bøker, artikler, internettsider, egne eller andres oppgaver, bruk av bilder, grafer o.l. uten kildehenvisning, sitattegn eller annen tilkjennegivelse i teksten/bildet/tegningen som viser hvor materialet er hentet fra.»*

Unfortunately, this is not intended and cannot be used as a definition of what exactly does and does not constitute plagiarism.

What even is plagiarism? → NMBU

Plagiarism detectors help detect misconduct. But they don't define plagiarism.

- You can have no similarity at the text level, but still commit plagiarism.
 - “I have to rewrite or paraphrase the text” (maybe using ChatGPT?).
 - No! Others' academic works don't become yours by paraphrasing.
- High similarity scores in no way mean that plagiarism really occurred.
 - Maybe you are using a form or template that many are using.
- Even exactly identical texts can be legitimate, distinct from plagiarism, and not requiring direct quotation marks or even a citation.
 - Example: *A* uses *B*'s text to learn Norwegian, taking over many Norwegian idioms from *B*'s text. None of the scientific content is taken from *B*, and *A*'s work is on a different topic. *B*'s work was only used as a language learning resource. It does not need to be cited.

NMBU's plagiarism detector is called “**O**original.” Do not use it to “find out if you committed plagiarism.” This does not make sense. You already know.

What even is plagiarism? → NMBU

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 - **Example:** By algebraic transformations, you deduce an equation that others using the same theoretical framework also have found.

What even is plagiarism? → UHR

UHR: Universitets- og høgskolerådet¹ (2012)

UHR's first definition: «Hva er plagiering? Meget forenklet kan vi si at **å plagiere er å presentere andres arbeid, herunder tanker og ideer, som sitt eget.**»

However, UHR does not continue to rely on this “very simplified” definition.

The same report goes on to write: «**Studenten kan også plagiere seg selv**: Når studenten helt eller delvis bruker egne tidligere innleverte arbeider i nye innleveringer, uten å oppgi det, kalles det gjerne **selvplagiering.**»

This is followed by a list of six examples for plagiarism. The sixth one is “self-plagiarism,” which is then subsumed under plagiarism. However, no new, better definition of plagiarism is given instead of the first “very simplified” one.

UHR therefore, unfortunately, gives an inconsistent account of plagiarism in its position paper on that very topic.

¹UHR, *Plagiering i universitets- og høgskolesektoren: Felles problem, felles ansvar*, 2012.

What even is plagiarism? → FEK



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Project RINO: Research Integrity in Norway¹ (2018)

The RINO project was carried out by *Dei nasjonale forskningsetiske komiteane (FEK)* in collaboration with UiB and HVL. It was centered on research integrity as the opposite of “forgery, fabrication, and plagiarism” (FFP).

Plagiarism is defined in this project by: **“Å fremstille andres arbeid (ideer, materiale, tekst) som sitt eget ved å utelate henvisning til opphavskilden”**.¹

Their report¹ finds that 98.5% of Norwegian research institutions’ employees regard plagiarism, as defined above, as “very problematic” or “quite problematic.”

¹J. Hjellbrekke et al., *Etikk og integritet i forskning: Resultater fra en landsomfattende undersøkelse*, 2018.

What even is plagiarism? → FEK



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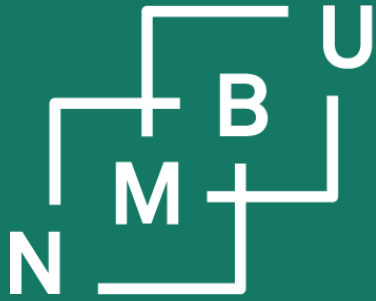
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Research ethics guidelines for natural science and technology² (2015)

These guidelines,² developed by the NENT committee (part of FEK), assert: **«Å plagiere innebærer å framstille andres ideer eller forskning som sitt eget.»**

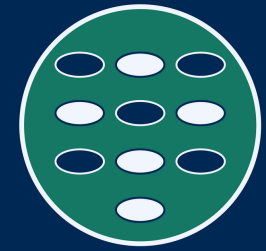
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²NENT, *Forskningsetiske retningslinjer for naturvitenskap og teknologi*, FEK, 2015.



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4 Research ethics and impact

4.1 Plagiarism and copyright