

BEYOND LITERARY THEFT - SELECTED ASPECTS OF THE CONTEMPORARY DEBATE ON ACADEMIC PLAGIARISM IN SLOVENIA

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Abstract:

When seeking the most effective response to plagiarism in an academic community, academic institutions need to re-examine their founding mission and core values. Traditionally among them is the constant striving of members of the academic community towards academic excellence. Excellence presupposes high quality creative works produced within the institution that comply with pre-set standards. Written academic works are partially based on the original ideas and concepts of academic authors and necessarily also on the accumulated knowledge encompassed by previous creative works. Academic excellence requires a clear distinction between these two categories and directs members of the community towards intellectual honesty when using the works of other authors.

The problem of academic plagiarism is age-old. However, in our contemporary, technologically advanced society, which challenges some of the core principles of the (legal) protection of creative works (such as originality and copying), plagiarism is gaining new meanings. Academic institutions throughout the world are being challenged to either re-examine or establish new mechanisms for the monitoring and prevention of plagiarism. As autonomous teaching institutions, universities have two decisive functions. Firstly, they independently determine their internal standards and regulations related to the quality of written works produced within their community. Secondly, as part of managing the learning process, academic institutions instruct and teach the members of their community about the (mis)use of creative works.

The responses of academic institutions to the problem of plagiarism are diverse and address general problems as well as nation/institution-specific issues. In Slovene academic institutions this debate is relatively new and the first anti-plagiarism guidelines are being drafted.

Keywords: academic plagiarism, authors' rights, information society, management of learning

1. INTRODUCTION

At a university in Slovenia a committee supervising a student's dissertation, consisting of a mentor and two professors, examined a portion of the text, which was, in the opinion of the three academics, copied from two different student papers, but the authors' names and sources were not listed. The dissertation was composed of copy-pasted paragraphs and only a few original, connecting parts of the text. When confronted with the accusation of plagiarism and summoned for a meeting, the student came to the meeting with an attorney. The academics became confused. They were not prepared to discuss the legal aspects of the issue raised by the lawyer. Traditionally, cases of student plagiarism, when detected prior to graduation, had been dealt with within the institution, preferably between the student and mentor or relevant commission. Serious violations were taken in front of the Disciplinary Board. According to the lawyer, his client had not been instructed to write an original text. The relevant rules of the institution only required that the student do the work individually. The student also did not understand that copying parts of a written work and pasting it into a dissertation, without attributing it to the actual author, could constitute a serious offence. Most certainly, the student had not intended to commit plagiarism. And finally, are not the mentor and the institution partially responsible for the student's lack of awareness of plagiarism issues?

In contemporary Slovene academic communities, the questions and dilemmas described in the hypothetical example above occur increasingly frequently, especially to the members of the faculty who are directly involved in the mentoring of student work. Until recently, Slovene higher education institutions had not systematically addressed the problem of plagiarism, at least not with such consistency and determination as their Anglo-Saxon counterparts. The increasing number of detected instances of plagiarism in student papers, the general perception of plagiarism among students as an acceptable and common practice, the use of plagiarism-detecting software technologies, and several other factors have contributed to a more systematic response to academic plagiarism.

This article presents a number of selected key dilemmas that have been raised in the formation of mechanisms for monitoring and preventing student plagiarism at a higher education institution in Slovenia, i.e. the University of Primorska – Faculty of Management Koper. For a better understanding of the theoretical background, it firstly introduces plagiarism as a concept that derives from the ethical domain and then explains its legal aspects within the relevant legal framework.

2. THE MEANING OF PLAGIARISM

2.1. Plagiarism as a controversial ethical category

Plagiarism entails a violation of a historical ethical standard which originates in the early seventeen century and derives from the Latin word *plagiarius*. The first meaning of the word was kidnapper or plunderer, but from early on the term was also used in the sense of a literary thief (Soanes & Stevenson, 2003, p. 1344; Harper, 2001-2008).

Even though there is common agreement on the general meaning of the term, there is no uniform definition of plagiarism. The Oxford Dictionary of English defines it as the practice of taking someone else's work or ideas and presenting them as one's own (Soanes & Stevenson, 2003, p. 1344). However, certain professional associations and societies have tailored their own, more detailed definitions which reflect their type of work and the specific needs that have developed in search of higher professional standards related to the monitoring and prevention of plagiarism. These are common in science, literature, journalism, and academia.

Two main elements of the definition of plagiarism appear to be persistent throughout history¹ and across different disciplines:

- the misrepresentation of another person's creative work, especially a written text, as being that of the plagiarist's, and
- a lack of attribution to the genuine creator.

Apart from these two elements, some others are frequently added:

- the act of copying,
- bad faith or covertness,
- acquiring an unearned advantage,
- intentional verbal fraud, etc.²

In her study on plagiarism, entitled *Pragmatic Plagiarism: Authorship, Profit, and Power*, Randall observes that the basic elements which constitute the definition of plagiarism are fairly stable, but the scope of the practices it encompasses is constantly changing (Randall, 2001, p. xiv).

Many issues concerning plagiarism remain open and are subject to interpretation by different authors, readers, professional associations, legal experts, etc., who frequently determine their own, autonomous definition of the term. It must not be overlooked that, as an ethical standard, identifying plagiarism first and foremost requires a judgement made by a reader. This might be a reason why works of plagiarism continue to be a subject of controversy. Randall's observes that, historically, the conflict surrounding plagiarism derives from a discourse between two fundamental arguments:

- the concept that human creativity is essentially repetitive, which suggests the inevitability of plagiarism, and
- notions of intellectual property, originality, and individual authenticity, which promote a distinction between what existed before and novel creations.

Plagiarism can therefore be understood as "[...] a conjunction of social, political, aesthetic, and cultural norms and presuppositions that motivate accusations or disculpations [of it]" (Randall, 2001, p. 4).

¹ Randall argues that there is considerable historic consistency in the definition of plagiarism. She describes it as "surprisingly stable over time" (Randall, 2001, pp. xiv, 4 and 14–20).

² For a detailed study of the definition of plagiarism, see M. Randall, 2001, Introduction: What is Plagiarism?, pp. 3–20.

2.2. Legal aspects of plagiarism: focus on the infringing act?

Where should plagiarism be placed within the legal framework and which aspects of plagiarism should be regulated by law? As explained above, plagiarism is closely related to creativity, authorship, and originality, all of which also have an important role in intellectual property law, or, more precisely, in authors' rights law. For Wyburn and MacPhail this is the main reason why copyright (or authors' rights) and plagiarism are often confused and that the correlation between them is misunderstood (Wyburn & MacPhail, 2006, p. 75). Plagiarism concerns an ethical rather than a legal standard; therefore the law regulates only certain aspects of plagiarism.³

Contemporary legal framework focuses on the protection of creative work which is infringed on and, within such, on the creator of the work whose rights are violated, but only indirectly on the plagiarist. However, the focus of protection has shifted over the centuries. More than 200 years ago plagiarism was seen foremost as a wrongdoing of a "(non)-author" directed against a personality of creator (Randall, 2001, p. 18). The fundamental difference between the modern and ancient understandings of plagiarism is consequently partial omission of a notion of personality (of the plagiarist and of the creator).⁴ Randall further explains that today the focus on written texts is necessary because text is the evidence of the act of plagiarising. The violating act (and the plagiarising text as evidence thereof) has become the central point of the contemporary understanding of plagiarism (Randall, 2001, p. 18). But how is that reflected in the legal regulation of plagiarism? Is the authorial agency disappearing?

The field of law that regulates the notion of creation, together with the subject creating the work (the creator) and the object created (the creative work) is intellectual property law. In practice, the majority of plagiarised material, especially in academia, is written text, which (as an object of protection) falls within the scope of copyright or authors' rights, a subcategory of modern intellectual property law. The author's interest in his work is crucial for the justification of the author's right.⁵ The author's right is a monopoly over the use of the creative work, which affects the whole society. By granting authors the right over their creation, the law is preventing public at large to unlimited access and use of creative works. The society would favour and benefit from free use and access to the work. Authors' rights to a large extent prevent such use. In the case of plagiarism, author has the right to claim paternity of a work and prevent the plagiarist from being identified as an author. Therefore the author as the subject of the legal protection is not disregarded as irrelevant even in cases of academic plagiarism.

³ These are typically a notion of copying and a failure to attribute authorship as suggested by Alexander in her comparison between copyright infringement and plagiarism (Alexander, 2010, p. 10–11).

⁴ The omission is not complete since a moral component of the author's right protects the author in the relation to his work and thereof aspects of his personality that are integrated in the work.

⁵ In her study on interrelation between the copyright and the public interest, Gillian Davies reviews main underlying reasons for the justification of the copyright and discusses their contemporary relevance. The justifications extend from the argument that the creator of the work, who invested his personality in the work, has an exclusive natural right of property in the result of his labor, to the principle that the copyright is a just reward for author's labour, that copyright has to be granted to stimulate creativity of the authors and that the society at large benefits from the creations of the authors (Davies, 2002, Ch. 2).

Speaking more broadly, especially when considering various manifestations of plagiarism in written academic works, plagiarism could also extend to the realm of personality rights, especially in relation to the use of a person's name with regard to a written work.

Plagiarism as a violation of the right of attribution

The right of attribution or the right to claim paternity of a work is one of the internationally protected moral rights of the author. Authors' moral rights are private legal rights founded on the relationship between the creator (subject) and his creative output (object) (Adeney, 2006, p. 2). They protect the non-economic interests that the creator may have obtained during the creative process. Moral rights have diverse meanings in different legal cultures (Adeney, 2006, pp. 1–2). The dissimilarity between national laws based on common law and those based on civil law traditions is in certain aspects (among them is the understanding and protection of moral rights) considerable, which can also be observed in the perception of plagiarism in the two systems. Plagiarism has historically been seen as a form of literary theft. Theft presumes the notion of property. This conception of plagiarism is closer to legal systems based on copyright, which, as described by Alexander, create a property in creative products (Alexander, 2010, p. 5). In continental legal systems, which lean on the German conception of *Urheberrecht* (the author's right), authors' rights were theoretically based on non-property rights. Today, this can still be recognized in their incapability to be fully transferred, while such transfer is typical for tangible forms of property. Authors' rights, however, is now assimilated into a natural-law notion of property (Adeney, 2006, p. 224).

A significant level of unification of moral rights was achieved under the umbrella of the Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention)⁶. Even though there has been concern for the recognition of the authorship of creative works since the times of ancient Greece and the Roman Empire, international agreement on the content of the right was not reached before the Rome Revision Conference in 1928 (Colston & Middleton, 2006, p. 249). The conference resulted in the drafting of a new Article 6*bis*, which encompassed the right to claim authorship of the work.⁷ However, this right does not directly address the problem of the false attribution of authorship. The relevant part of the text of the article only reads as follows: "[...] the author shall have the right to claim authorship of the work [...]"⁸. In an analysis of the history and formation of authors' moral rights, Adeney emphasizes that the issue of false attribution was evidently not discussed during the Berne Convention debates, but then suggests that convention drafting is broad enough to protect against the use of another's name on the author's work (Adeney, 2006, p. 117). This particular question is significant for a discussion on plagiarism, as today a majority of plagiarizing material, in particular in academia, is created by taking (copying and pasting) another author's work and signing it with a false name (the plagiarist's).

However, the main legal source for dealing with specific questions related to plagiarism in a particular country is the national legislation. The Slovene Copyright and Related Rights Act (CRRRA) is based on the civil law tradition and leans on the German monist doctrine of authors'

⁶ The Republic of Slovenia is a contracting party to the Berne Convention, which entered into force in 1991.

⁷ In contemporary English this right is also named the right of attribution or paternity.

⁸ The Berne Convention, Article 6*bis*/1.

rights. In Slovene copyright law authors' rights are understood as a single right in which there is a link between the moral and economic interests of the author. Article 18 of CRRA gives the author the right to the recognition of his authorship of the work. The author can determine whether the work is to be given an authorial designation and which designation is to be used. In a commentary on the CRRA, Trampuž specifically affirms that this right gives the creator the authority to prevent others from assigning their names to his work (Trampuž, Oman & Zupančič, 1997, p. 76). Such is consistent with the definition of plagiarism, but does not necessarily include all practices that are encompassed by a contemporary understanding of plagiarism, as will be discussed further below. The focus of protection within the right to the recognition of authorship is the interest of the author to claim paternity of the work. A potential violator, a plagiarist, is, in the scope of this right, understood as someone that has misrepresented the origin of the work and prevented the original author from being identified.

Plagiarism as a violation of other authors' rights

When plagiarizing, the plagiarist in a large number of plagiarizing practices directly violates the right to the recognition of authorship. However, there are also other authors' rights that might be violated by such. These are commonly the right of reproduction and the right to make alterations. The plagiarist often makes an unauthorized copy of the work, which is not covered by permitted uses. He omits the author's name and the original source of the text and signs the work with his name. The right to make alterations can be violated when the plagiarist not just copies, but also partially modifies the work, without the permission of the author and beyond the scope of permitted alterations.

Plagiarism that is not a violation of authors' rights

It should be noted, however, that not every plagiarizing practice constitutes an infringement of authors' rights. As discussed above, plagiarism encompasses a variety of practices that change over time, while authors' rights protect a creative work against certain, precisely defined misappropriations, within a geographical territory and for a limited period of time.

Works for which the author's rights have expired can be plagiarized the same way as any other protected works, but such plagiarism is not a violation of the author's rights. After a limited period of 70 years from the author's death, creative works enter the public domain.⁹ They can be used freely, as part of the common cultural heritage. Under Slovene law, the termination of protection relates to a moral and an economic component of the right, including the right to the recognition of authorship (Trampuž et al., 1997, p. 174). How should cases of plagiarism of such creative works be understood and how can they be sanctioned? Trampuž and other commentators on the CRRA suggest the use of public criticism or the system for the preservation and protection of cultural heritage (Trampuž et al., 1997, p. 174). Would such reaction suffice for academic plagiarism? This dilemma will be further discussed in the second part of this article, which focuses on the role of academic institutions and their management in the monitoring and prevention of plagiarism within the academic community.

⁹ CRRA, Article 59.

Ideas are not protected under the CRRA,¹⁰ which means that they can be plagiarized without infringing authors' rights. Even though ideas are in their essence creative, they have to be materialized in the form of a specific creative work, which at the moment of creation becomes an object of protection under authors' rights law.¹¹ Consequently, immaterialized ideas can be plagiarized without misappropriation of the author's rights. On the other hand, unpublished works are protected at the moment of creation and plagiarizing such works would be a violation of the author's rights.

Probably the most controversial category within the authors' rights regime that relates to academic plagiarism are permitted uses, in particular citations. Even though the limitations and exceptions to authors' rights/copyright are diverse in different national laws, some general categories constantly appear (Sterling, 2003, p. 435). One of these is quotation. The CRRA¹² precisely directs that text inserted into another work has to be attributed to the original author by mentioning the author's name and the source of the text (the original work) if the authorship and source of the quoted text is indicated in the original work quoted. Commentators on the CRRA emphasize that the purpose of citation is "an intellectual confrontation" or "communication between two creative works" (Trampuž et al., 1997, p. 156). The citation must be justified by such purpose (Davies, 2002, p. 278). The citation is included in the new work to illustrate, challenge, confirm or reject thoughts, ideas, concepts, etc., expressed in the new text. The inclusion of the cited text in the work has to be essential and necessary for a correct understanding of the new work. An understanding of these notions is crucial for the distinction between a citation (a permitted use) and plagiarism. A citation is included in a written work for the specific purpose described above. It is clearly separated from the other text. It is attributed to the author of the cited text and its origin is specified. On the contrary, plagiarism is by its nature concealed in the text, the name of the author and the source of the text is fully or partially omitted. Furthermore, the plagiarized text is not included in the text as an intellectual confrontation. Rather, the plagiarized text is positioned in the work as original text. This by definition constitutes a violation of the author's right to recognition of his authorship of the (uncited) quoted part of his text, the right of reproduction and, if the text is also improperly altered, the right to alteration.

What if plagiarism is committed with the (in)direct approval of the author of the plagiarized text? In the monist conception of the author's right, moral right can not be transferred to another person during author's lifetime (lat. *inter vivos*).¹³ The essential part, the nucleus of the author's moral right (in legal theory frequently named "the core of the right") remains permanently in his possession, mainly due to the fact that it is strictly personal in nature. However, certain exceptions and alternations need to be possible. Too strict understanding could lead to overprotection of the author, even against his own will, as is repeatedly emphasized by German legal theory and courts (Adeney, 2006, pp. 270–274; Trampuž et al., 1997, pp. 179–185).

¹⁰ CRRA, Article 9.

¹¹ CRRA, Article 14. Article 14 states that the author's rights belong to the author by the mere fact of creating the work.

¹² CRRA, Article 51/2.

¹³ CRRA, Article 70/1.

Even though the core of the right to the recognition of the authorship can't be waived, author might to certain extent consent to the infringing act. Within the scope of the right to the recognition of authorship, the author has the authority to decide on the designation of his creative work. He can, for instance, sign the work with his name or surname, with a pseudonym, or he might decide to remain anonymous. However, an anonymous designation does not mean that the author has renounced his rights related to the work, even though it is often argued that the right to request anonymity is in the final effect very close to the waiver (Adeney, 2006, p. 274). It only means that the author is temporary or permanently not asserting his rights. The author's request for anonymity can at any time be revoked.

The author can also decide not to object if another person signed the work or even release or pardon plagiarist, hence limiting the possibility of the legal action. This however doesn't necessarily guarantee that plagiarist will not face other consequences of the possible revelation of the plagiarism, especially in the professional field.

Can an author consent in advance to the encroachment upon his moral rights, especially to the right to the recognition of the authorship? If such act involves the alienation of the core of the right, it would be impermissible (Adeney, 2006, p. 272). The legally binding agreement not to be named on a work is only possible if this is implied by the nature of the creative work and the conventions of the specific trade (Adeney, 2006, p. 273).¹⁴ There are, however, no such established customs in the case of academic writing. On the contrary, the academic creative works aim at intellectual honesty and accurate attribution of the creative works that were used in the process of the creation to other authors.

Plagiarism as a violation of personality rights

The situation when a person wants to object to his name being used in relation to another person's work exceeds the protection enjoyed under (moral) authors' rights. As discussed above, an author's moral rights protects the author in relation to his creative output. In this case, on the contrary, a person's name is used in relation to a creative work which is not his. Therefore, the focus of protection is the person's name and not the creative work. Objections related to the misappropriation of a person's name under Slovene law derive from general personality rights protected by the Constitution.¹⁵

2.3. Standardization and punishability as specific aspects of academic plagiarism

One more issue needs to be addressed before turning to current matters related to academic plagiarism in Slovenia. Is academic plagiarism different than other types of plagiarism? What are its particularities?

Traditionally, certain standards and regulations to which the problem of plagiarism can be subjected prevail in academic institutions, even if particular academic institutions have never

¹⁴ This for instance involves the practices such as ghostwriting. A ghostwriter is a professional writer who is hired to create a text on the basis of the thoughts, expressions and ideas, expressed by another person, to whom the text is subsequently attributed.

¹⁵ Constitution of the Republic of Slovenia, Article 35.

adopted policies, regulations, or guidelines that specifically address plagiarism. To ensure the quality of written works created within the academic community, academic institutions generally autonomously adopt a set of principles and rules. These are applied to the works of students as well as the teaching and research staff. Within the scope of students' written works, the rules primarily relate to bachelor's, master's, and doctoral theses and occasionally also to other works created in the course of studies. Such a set of standards typically includes guidelines for accurate naming and documenting of the sources of the concepts, ideas, or text that students use in their papers. Most often, a certain level of originality or individuality in works is required. Therefore, some standards related to plagiarism are generally present within academia.

Consequently, similar can be said regarding punishment. In general, plagiarism is hard to punish, particularly if it is not at the same time a violation of a law. In academia, punishments are available and can be applied when the rules of the institution are not followed.

3. PURSUING THE APPROPRIATE RESPONSE TO PLAGIARISM IN SLOVENE HIGHER EDUCATION INSTITUTIONS

Historically, the problem of plagiarism has drawn the attention of Slovene higher education institutions and the administrators thereof when individual cases were detected within the academic community. In recent years, however, it has become a reoccurring subject of informal academic debates, which has resulted in enhanced monitoring and prevention of plagiarism in a few Slovene higher education institutions. This section will focus on selected dilemmas, problems, and questions that were raised in the process of the adoption of anti-plagiarism guidelines at the Faculty of Management Koper of the University of Primorska.

3.1. The reasons for the adoption of guidelines

Most often there is a specific situation or a set of events that creates the need for an academic institution to examine its position and response to unwanted practices within the community. However, in the case of plagiarism, the reasons for the adoption of new standards or regulations appear to be somewhat broader. In the particular (hypothetical) case described at the beginning of this article, the academic staff who confronted a student with evidence of plagiarism in his paper became aware that the student did not perceive his actions as being severely wrong or as a practice that should be seriously disciplined.

Traditionally, re-use of the creative works and copying has been, to a certain extent, a necessary part of academic life. However, in our contemporary, technologically advanced society, it is significantly simpler and faster to copy a written text. Modern technology also offers a range of anti-plagiarism software, i.e. computer programmes that can track the source of a text or examine the similarity between written works. Today, it is much easier to commit plagiarism in a student paper or scientific article, but it is also fairly simple to identify these actions.¹⁶ In an environment of such universal and significant changes, notions such as originality, individuality, sharing, and

¹⁶ Several public revelations of academic plagiarism in the creative works that were published years ago indicate that even these works are now being re-examined, especially if the author is well known to the public (for example politician).

re-use are gaining new meanings and understandings. Traditionally, academic institutions aim to be actively engaged in the social and cultural environment and are consequently affected by these changes.¹⁷ What therefore is the most appropriate response of academic institutions to new situation?

If the problem is based on the modern technology, should the response be technological? When plagiarism becomes too frequent, especially if it involves a large number of students, it puts pressure on academic institutions (Wyburn & MacPhail, 2005, p. 88). It appears that the use of anti-plagiarism software has become a necessity.¹⁸ Commercial anti-plagiarism software has been available to the individual faculties of the University of Primorska for some time. The extent of student plagiarism within the institution became much more apparent after regular use of such software. However, such tracking technology and its findings only raised new questions and dilemmas regarding understanding, detecting, and punishing plagiarism. Consequently, this led to the realization that issues related to plagiarism need to be addressed systematically, beginning with the formulation of quality standards and the drafting of anti-plagiarism guidelines.

3.2. The objectives of anti-plagiarism activities

The high occurrence of plagiarism in the academic community affects the level of individual or original thoughts, ideas, and reflections expressed in written works and to some degree reduces the learning and creative process to repetition and copy/pasting. During the drafting of the guidelines it was recognized that the immediate objective of the anti-plagiarising activities need to address this problem. However, the level of quality of written academic works depends on several factors and guidelines for the prevention of plagiarism are only one of the tools that can be used to enhance it. Anti-plagiarism guidelines need to be in line with other regulations related to written academic works, such as the use of citations, bibliographies, accurate referencing, etc. Furthermore, they need to be systematically placed amongst other existing policies, regulations, and guidelines related to the intellectual property produced at university.¹⁹ Prior to the adoption of its anti-plagiarism guidelines, the Faculty of Management Koper adopted rules related to written student works produced in the process of studying.

The medium- and long-term objectives of the guidelines are broader. Among them is concern for the reputation, credibility, and excellence of the institution in the eyes of the public and in academia. Academic excellence is in part based on the quality of written works that are produced

¹⁷ The gap between what academics perceive to be ethically acceptable and legal norms in the field of copyright is growing. In the article *Infringement Nation: Copyright Reform and the Law/Norm Gap* Tehranian constructs an imaginary professor and explains how he systematically infringes on copyrights while performing the routine tasks of an average academic scholar in the USA (Tehranian, 2007, pp. 537–550).

¹⁸ However, from the viewpoint of author's rights even the use of anti-plagiarism software in academic institutions is not entirely unproblematic practice. In an article entitled *The Intersection of Copyright and Plagiarism and the Monitoring of Student Work by Educational Institutions*, Wyburn and MacPhail (2006, pp. 73–92) bring up several problematic issues related to possible copyright infringements.

¹⁹ The anti-plagiarism guidelines are typically categorized as a policy related to procedures for the identification, assessment, and protection of intellectual property produced in a university setting, as indicated by Monotti and Ricketson, who concisely analysed the importance of such policies and their correlations. (See Monotti & Ricketson, 2003, p. 301).

within the academic community. When the quality of such works is questioned, especially if there is a calculation related to plagiarism, a shadow falls on the whole institution. Even though there might be legal consequences, it appears that the negative effect on the professional careers and institution's reputation prevail.

Academic institutions produce a large amount of written work. It is therefore in the interest of academia to nurture the value of such works, especially the original ideas, thoughts, concepts, etc., that are expressed in them. Part of this process is to give the recognition to the academic authors. Vast proportion of the academic authors are not motivated to publish their works exclusively by financial reward, but rather to share their ideas, receive recognition, be promoted in the workplace etc. (Davies, 2002, pp. 247–249). Another important aspect is to educate the members of the academic community with regard to the relevance of these works and their proper use, also in the scope of their legal protection. It is necessary for the members of academic community to know about authors' rights simply because they all create protected works (Monotti & Ricketson, 2003, p. 384).

While drafting the guidelines concerns were expressed in relation to the issue of a higher level of control over the use of written works and the level of intellectual honesty of authors within the academic community. The objective of the monitoring and prevention of plagiarism is not primarily to discipline every occurrence of plagiarism within the academic community and also not to discredit the person (student or academic staff) who committed such act.

3.3. Formulation of quality standards

Which plagiaristic practices does the institution want to prevent? How can they be identified? Due to the complexity surrounding the definition of plagiarism, the guidelines needed to establish an unambiguous definition of the term. Plagiarism was defined as misrepresentation of another person's creative work by omitting attribution to the genuine creator. This rather broad definition of the term is only partially consistent with the protection of authors' rights. It includes creative works in the public domain, but excludes ideas (since it presupposes the existence of a materialized creative work).

In the process of the formation of the definition, the question of the relevance of the plagiarist's intent to misappropriate the original work was raised. What if plagiarism is committed without a desire or will to plagiarise, for instance that a member of the academic community copies part of the text and simply forgets to properly cite it? The question of intent needs to be addressed since authors accused of plagiarism usually claim lack of intent (Bast & Samuels, 2008, p. 783). In the case of academic plagiarism, the focus of the definition is not on the personality of the original creator, but rather the violating act and the plagiarising text as evidence and consequence of such act. As indicated above, the objective of monitoring and preventive activities is predominantly concern for academic excellence in written works created within the institution. Unintentional plagiarism affects this and other objectives the same way as intentional plagiarism. Therefore the lack of plagiarist's intent is to some extent less significant and cannot be the focal part of the definition.

Can plagiarism be more or less relevant, especially considering its possible consequences and the effect on the objectives? Academic plagiarism emerges in different forms. In some cases it is just

a sentence or a paragraph, in others the entire text. It appears in written works of different levels of importance, for instance in short seminar papers as well as in degree theses or dissertations. The part of the text that is not plagiarised can either stand on its own and be fairly individual or have no significant meaning. In the light of the potential effect of plagiarism on the objectives of the guidelines, some forms of plagiarism can be more relevant than others. Therefore, it is useful for the academic institution to have ready-made tools for the assessment of the relevance of the particular plagiarising practice. Such assessment is also needed for application of the appropriate punishment.

3.4. Anti-plagiarism activities in practice – mentoring process and awareness raising as central points of prevention

Academic institutions have an important teaching role. In the scope of this mission, they need to develop a response to plagiarising practices that allow members of the academic community to gradually reach the level of the expected quality of written works. The adoption of relevant guidelines is only a starting point, which needs to be followed by awareness raising activities.

Mentors, who are typically senior members of the academic community, have the most accurate insight into the creative processes of students. Consequently, the mentoring process can be the focal point for the prevention of plagiarism in written works. The mentor needs to provide the student with relevant information related to quality standards in written academic works. The mentor's role is also to provide guidelines, give advice, etc. Mentors can be a key factor in the prevention and monitoring of plagiarism within the institution, but they have to be properly trained and perform their tasks adequately.

However, the anti-plagiarism activities concern broader academic community and trainings need to be provided and adjusted to different target groups: students, administrative staff, teaching staff, researchers etc.

4. CONCLUSION

One of the most important activities for the promotion of excellence in an academic institution is concern for the quality of its creative works. To a very significant degree, knowledge is communicated through written academic texts, especially scientific and other articles, books, textbooks, etc. Furthermore, the learning process involves the practice of academic writing, primarily within a supervised mentoring process. Quality presupposes a certain level of authenticity or individuality of expressed thoughts as well as an intellectual dialogue or confrontation with previously existing knowledge. Plagiaristic practises diffuse the line between these two categories.

In contemporary society, which to a large degree is defined by rapid technological advances, the line between the original and the existing is already very unclear. The practice of copying and pasting has become integrated into our everyday life. Creative works can easily be downloaded, re-used, and shared. With this have come also new values and a new morality which is communicated mainly through younger generations. They take one or more creative works, alter them, and create something different.

Such changes pose a challenge for modern academic institutions. As places of knowledge and learning, they need to promote and nurture creativity. It seems that today much more effort has to be invested in seeking the proper response to plagiarism. Even though plagiarism entails the violation of a historical moral standard, it entered the modern world relatively unaltered. Academic institutions need to send an unambiguous signal to their faculty members with regard to acceptable and undesirable practices. Anti-plagiarism activities have to be performed with a clear focus on the objectives, otherwise they can turn into a quixotic fight against every existing copy-pasted written text within the academic community.

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