A Plagiarism Primer

Applicable Excerpts from the Pace University School of Law Honor Code

19. “Plagiarism” means the use or close imitation of the language or thoughts of another (x) without proper attribution or acknowledgment or (y) any attribution at all, and is further illustrated by the examples in Part II.B.2.

B. PLAGIARISM

1. It is a violation of the Honor Code for any student enrolled in or attending classes at the Law School to engage in conduct that constitutes plagiarism.

2. Plagiarism includes, but is not limited to, the following:
   a. Improper Attribution and Acknowledgment: It is plagiarism to fail to indicate by quotation marks or indentation all material taken from any outside source. Students must cite the outside source and acknowledge, by specific page citation, all facts or ideas obtained from an outside source.
   b. Use of Ideas of Another Without Attribution: Plagiarism includes not only the unattributed use of written language or ideas originated by another person, but also the unattributed use of unwritten ideas or oral expression originated by another person. Students who discuss problems among themselves should be careful not to share or appropriate another’s work product or idiosyncratic forms of expressing particular ideas or concepts. All contributions of other individuals to the work must be acknowledged. The attribution requirement presumptively applies to all assignments and take-home examinations. Attribution of another’s ideas or language is not required when there is an explicit exemption of the attribution requirement by the person assigning the written work, when the student is writing an in-class final examination or when the person assigning the written work has explicitly exempted the assignment or examination from the attribution requirement.

3. Any close parallel to an outside source without attribution raises a rebuttable presumption of plagiarism.

C. RESPONSIBILITIES OF MEMBERS OF THE LAW SCHOOL COMMUNITY

1. Duty to Report. Membership in the academic community imposes both an obligation to comply with its rules and the responsibility to assist in the enforcement of these rules. To that end, each Member of the Academic Community has an affirmative duty to report any credible information, knowledge or reasonable belief that a violation of the Honor Code has occurred.
Further illustrations of plagiarism:\(^1\)

All of the following are considered plagiarism:

- turning in someone else’s work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see discussion of “fair use” rules below)

Specific ways plagiarism applies to work done at Pace Energy & Climate Center:

In many instances, work you do at PECC will not take the form of schoolwork. It may not be handed in for a grade, your name may not appear on the finished product, and it may not include your original ideas. For example, you may be asked to conduct Internet research on a topic and summarize your findings. It is important to understand that the material you produce may eventually be incorporated into a paper or publication that represents PECC or our Client. When conducting this type of research, you must cite your sources and present ideas in your own words (or in quotes). This is true even when the source is a public entity, such as a branch of federal or state government. When in doubt, it is best to cite the source.

Plagiarism FAQs\(^2\)

Q. Do I have to cite sources for every fact I use?

A. No. You do not have to cite sources for facts that are not the result of unique individual research. Facts that are readily available from numerous sources and generally known to the public are considered “common knowledge,” and are not protected by copyright laws. You can use these facts liberally in your paper without citing authors. If you are unsure whether or not a fact is common knowledge, you should probably cite your source just to be safe.

Q. If I change the words, do I still have to cite the source?

A. Changing only the words of an original source is NOT sufficient to prevent plagiarism. You must cite a source whenever you borrow ideas as well as words.

Q. If I cite the source, can I still be accused of plagiarism?

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\(^1\) From “Plagiarism.org” [http://www.plagiarism.org/learning_center/what_is_plagiarism.html](http://www.plagiarism.org/learning_center/what_is_plagiarism.html).

A. You are allowed to borrow ideas or phrases from other sources provided you cite them properly and your usage is consistent with the guidelines set by fair use laws. As a rule, however, you should be careful about borrowing too liberally -- if the case can be made that your work consists predominantly of someone else’s words or ideas, you may still be susceptible to charges of plagiarism. Also, if you follow the words of a source too closely, and do not use quotation marks, it can be considered plagiarism even if you cite the source.

Q. Does intention matter?

A. Ignorance of the law is never an excuse. So even if you did not realize you were plagiarizing, you may still be found guilty. However, there are different punishments for willful infringement, or deliberate plagiarism, and innocent infringement, or accidental plagiarism. To distinguish between these, courts recognize what is called the good faith defense. If you can demonstrate, based on the amount you borrowed and the way you have incorporated it in your own work, that reasonably believed what you did was fair use, chances are that your sentence will be lessened substantially.

Q. What is “fair use,” anyway?

A. The United States government has established rough guidelines for determining the nature and amount of work that may be “borrowed” without explicit written consent. These are called “fair use” laws, because they try to establish whether certain uses of original material are reasonable. The laws themselves are vague and complicated. Below we have condensed them into some rubrics you can apply to help determine the fairness of any given usage.

**The nature of your use.**

If you have merely copied something, it is unlikely to be considered fair use. But if the material has been transformed in an original way through interpretation, analysis, etc., it is more likely to be considered “fair use.”

**The amount you’ve used.**

The more you’ve “borrowed,” the less likely it is to be considered fair use. What percentage of your work is “borrowed” material? What percentage of the original did you use? The lower the better.

**The effect of your use on the original**

If you are creating a work that competes with the original in its own market, and may do the original author economic harm, any substantial borrowing is unlikely to be considered fair use. The more the content of your work or its target audience differs from that of the original, the better.