Plagiarism and university disciplinary policy – Organizational pragmatism and the teacher's role

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ABSTRACT

The present paper explores how academic procedures for sanctioning plagiarism are perceived to affect and be affected by pedagogical practices, and how these insights help us to conceptually address university-internal juridical challenges. Taking pedagogic scholarship as starting point, the paper thematically explores how pragmatic, professional and juridical perspectives, including at the local level, challenge central disciplinary policies. It is concluded that, while organizational aspects affect the ways we teach academic integrity, teaching conditions have repercussions also for the ways in which – and the extent to which – we at all report or sanction breaches. In concrete terms, "failing or shaming" bears implications reaching beyond the progression of individual students or development of particular curricula.

KEY WORDS

Plagiarism, academic dishonesty, academic integrity, policy enforcement, disciplinary proceedings, accountability, intertextuality, Law & Pedagogy

1. Introduction

> *When students fail to comply honestly with an assignment,*
> *the whole pedagogical process breaks down.*
>
> Alice Drum, 1986

The topic of this work is University procedures for sanctioning student plagiarism, an instance of administrative decision-making bordering on the juridical – i.e. a fundamentally pedagogical matter is handled first administratively, then by a quasi-judicial committee. This has recently led to controversy in the Swedish courts of appeal.[1] That said, the present paper focuses on the internal – both procedural and pedagogical sides – of university plagiarism policy enforcement, whereas the judicial appeals stage falls outside its scope.

Why, then, is a paper needed on University plagiarism policy? A starting point is a professional experience that *disciplinary routines can affect pedagogical aspects of teaching, and vice versa.* Pedagogic scholarship focuses mainly on one side of plagiarism policy: the pedagogy of teaching academic integrity and policies for preventing plagiarism (e.g. Howard 1995, 788f), as opposed to sanctioning it after the event. Particularly the issue of intent versus negligence bears implications for hands-on course practices. Although such matters are touched upon in various pedagogic contexts (as will be seen below); mainly preventative aspects are then covered. What is lacking, however, is a conceptual approach to plagiarism enforcement *ex post* that integrates not only pedagogic perspectives, but also organizational and procedural ones. The present article accordingly takes existing pedagogic scholarship as its starting point, albeit adding aspects of it that are absent in the scholarship, and abording them from a perspective lecturer and lawyer.[2]

2. Design

Plagiarism policy enforcement needs to be addressed from a pedagogic perspective, for both scholarly and concrete pedagogic reasons. Particularly the operational sides of this contention are based on personal workplace observations. The considers how plagiarism policy enforcement procedure is perceived (in the scholarship) to affect and be affected by pedagogical practices and how these insights help us to conceptually address University-internal juridical challenges. Specifically, the article addresses the questions as to how pedagogy is affected by university disciplinary procedures, and – vice versa – how our pedagogic circumstances affect plagiarism policy enforcement.

The research question is approached and developed based on existing relevant scholarship, not to test existing theory but to explore and develop under-developed threads of it (see e.g. Esaiasson et al 2017). The approach is elected in the spirit of Buranen and Roy's suggestion (in specific reference to academic discourse on plagiarism) that we "examine our own assumptions and lay bare the misconceptions and fuzzy definitions that derive from a dearth of inquiry into the nature of the beast that we want to tame" (1999 xix). The article is structured so as to address the research problem methodologically, using the scholarship as funnel for synthetization.

Following the introductory sections, **Chapter 3** describes how existing scholarship has approached student plagiarism conceptually, preventatively and – albeit to a limited extent – punitively. The chapter serves to corroborate the knowledge gap mentioned in the introduction, but also to provide terminology for the rest of the paper. This provides a *definitional starting point and conceptual framework* for what will ensue.

Chapter 4 next embarks on three thematic explorations – *organization, student/teacher accountability and author/reader attributability*, inspired by the academic discourse but adding perspectives beyond the didactical; viz. pragmatic and juridical angles (cf. Olsen-Lundh, 2012).

Chapter 5 closes the circle by responding to the first element of the research question, namely *how pedagogy is understood to be affected by disciplinary procedures*. The proposed response takes into account both the covered pedagogical scholarship and the thematic perspectives. The chapter also examines the other side of the coin; i.e. *how our pedagogic circumstances conversely affect plagiarism policy enforcement*.

Finally, **chapter 6** considers the implications of the present paper for future research.

3. Prospective and retrospective plagiarism policy

The present chapter focusses on a few classic and high-impact works as points of departure for approaching basic issues at stake in plagiarism and for identifying points of controversy and aspects that appear practically or conceptually problematic, including for the reason of being insufficiently covered in the scholarship. The chapter starts widely and definitionally (**section 3.1**); zooming in on student plagiarism prevention policy (**3.2**); and last considering *ex post* disciplinary policies (**3.3**). This represents a definitional starting point and conceptual framework for next (in **chapter 4**) exploring thematic outposts of plagiarism sanctioning.

3.1 Conceptualizing plagiarism

The term plagiarism is considered to cover a range of activities from false authorship to prohibited collaboration. A proposed rule of thumb is that any work sent in by students is presumed to actually be written by said submitter, "unless otherwise labelled" (Whitaker 1993, 509), meaning that referencing and authorship representation, as usual, become pivotal.

For the present purposes, the term cheating denotes wider breaches of academic integrity, including e.g. exam "cheat sheets", whereas plagiarism will be reserved for authorship misrepresentation that runs against local policy; cf. Margaret Price in reference to the applicable definition at her American university: "the act of representing someone else's intellectual or expressive work as if it were your own" (2002).[3]

Plagiarism is difficult to backdate as academic challenge – cheating as such remains endemic to competitive and professional branches of society (cf Blair 2009, 162f), while specifically academic plagiarism is itself not a historical constant (Drum 1986; White 1965). Academic integrity has meant different things in different times, but also in different contemporary contexts (Howard 1995, 789f). New technologies have not only made plagiarism easier to effectuate (and to discover) in the contemporary age, but has also made the problem more visible and therefore granted the topic increased attention (Blair 2009, 161; Purdy 2005, 275).

Conveying uniform standards is rendered particularly difficult by the circumstance that students receive contradicting signals, not only emanating from different cultures but also throughout a single educational track. We are on the one hand, according to e.g. Whitaker, from an early age taught that authority is more important than ideas. On the other hand, it is successively reinforced, and increasingly so as we advance in our degrees, that own or owned ideas form the foundations for all autonomous work (Whitaker 1993, 509). For this reason, also originality is culturally, academically and geographically variant (Thompson 2006, 251), it being difficult for students in many categories to differentiate when it is appropriate, or not, to simply recount others' ideas (Whitaker 1993, 509). This gets gradually easier over time, which has been explained by recourse to academic experience (Karlsson 2019), but also by analytical maturity, seeing as plagiarism can sometimes arise from not understanding the invoked work well enough to quote it: "from incomplete digestion of the ideas of another person." (Whitaker 1993, 512).

What are then the more innocent guises of plagiarism, as opposed to the purposive kind? A variety of rationalizations are given in the scholarship; from the assumption that the substitution of synonyms is sufficient to ensure authenticity (Drum 1986, 242; Howard 1995, 788f) to difficulties distinguishing common goods from facts in need of reference (Whitaker 1993, 512); a matter which is also context-ridden insofar that it differs between academic fields and audiences (Price 2002).

A handful of strategies for preventing also "accidental" plagiarism have been proposed; for instance, "dry runs" based on a simple task, following a detailed, guided example given by a teacher (Drum 1986, 242). Early intervention has been particularly endorsed; one simple solution being to introduce and instruct on accepted practices at an early educational stage – i.e. before students have a chance to start making mistakes and then successively entrenching incorrect practices (Whitaker 1993, 509). Proposed solutions have however also been paired with their own problems, one being that we as pedagogues take shortcuts by presenting academic integrity standards as "fixed and absolute", whereas notions of academic integrity are fluid, to say the least (Price 2002, 89; Howard 1995, 793).

3.2 Preventative academic integrity

Having covered definitional preliminaries, how does the academic debate run with respect to formal plagiarism policy? Cheré Blair epitomized the progression of the scholarly topic as multifaceted, alas bordering on muddy:

> Figuring out ways to "catch" plagiarist-students and even finding ways to develop assignments in the hope of preventing plagiarism, while worthwhile pursuits, are not enough, as many who are writing about the muddy, even problematic notions of intellectual property, textual ownership and academic integrity have revealed. (2009, 159)

The same way as academic integrity teachings have been accused of double standards, so have official academic integrity policies. Disseminated policy applicable to student work is for instance not always adhered to by faculty staff (Price 2002, 88f), especially when it comes to detailed rules like requiring authors to go to the source as opposed to attributing secondary merit (Roig 2015, 34, 37), or when it comes to replicating or reproducing our own research, which is for some reason not always accepted of students whereas it is common academic practice (see Shafer 2011).[4]

Margaret Price has pinpointed drawbacks of written formal plagiarism policies, including their time perspectives being at odds with the pedagogical mandate of the university as an institution. Formal policies are at once pragmatic/punitive and theoretical/future-directed;

> No wonder, then, that we hesitate to open plagiarism for questioning, when our responsibilities include not only teaching but also punishment. As a teacher, I want to offer my students a safe and well-defined space from which to operate. (Price 2002, 89-90)

My take on this is that policies' additional instrumental retrospection makes them hard to brace with pedagogical institutions' fundamentally prospective pedagogical mission, which needs to operate in some sort of sanctuary for learning moments.

Another contradiction is the prevalence of inflexible policies based on a single authentic authorship assumption in a pedagogic world filled with group collaborations and the likes (Price 2002). Contemporary and poststructuralist views take issue with the notion of autonomous authorship to begin with, i.e. in juxtaposition with such policies:

> Informing composition studies are the textual values of individualistic authorship, which culminate in a juridical stance toward all the textual strategies that have come to be labelled as plagiarism. (Howard 1995, 793)

Bringing together by now established criticisms of double standards with a more modern challenge of intertextuality, Celia Thompson has concluded that students' negotiations with teachers on ownership represents a power struggle on inherently unequal grounds (2006, 257f). Having interviewed a range of students from different fields, she reminds that by writing supposedly autonomous texts, students are not only having their work reviewed, but also their identities as "'legitimate' academic writers" (Thompson, 2006, 258). Similar ideas will be surveyed further in section 4.2 below.

3.3 Sanctioning plagiarism *ex post*

Drummond Rennie, editor of *Journal of the American Medical Association*, famously wrote "The bottom line is, if we don't take a stand on plagiarism, what the hell *do* we take a stand on?" (cited in e.g. Howard 1995, 793 and Howard 1999). And as per Alice Drum (1986, 241), classic arguments against plagiarism rely on the ethics of misappropriation. In contradiction with this, e.g. Howard has challenged the assumption of plagiarism as immoral and of punishment for it as an academic obligation: "prosecution of plagiarism, in [Drummond's] description, is the last line of defense for academic standards" (Howard 1995, 793). Her challenges rely on intertextuality and flaws in the prevailing construction of the autonomous author, to be explored in section 4.3 below. Other scholars joining her camp have suggested that the sanctioning of plagiarism should not be carried out formally, juridically and centrally; instead, teachers should deal with it at first instance (Drum 1986, 243).

Scholarly criticisms of the formal sanctioning track have been based on various weaknesses in infringement procedure documents. There have been instances where disciplinary guidelines lack author credits and references – in and of itself in breach of academic etiquette and teaching policy (Price 2002, 100). Plagiarism policies also have difficulties defining and justifying the standard of pursuable or punishable infringement; particularly when it comes to the distinction between requisites of intent and negligence.

> Some students don't appreciate academic textual values and therefore deliberately submit work that is not their own; others don't understand academic citation conventions and therefore plagiarize inadvertently. (Howard 1995, 788f)

Unintentional plagiarism is thus legally problematic; intent vs negligence being more the gebit of courts than of university administrations.[5] University policies hence prescribe work-arounds for the requisite of intent, anticipating and attempting to avoid having to *ex post* differentiate intentional from unintentional plagiarism:

> A curious habit of plagiarism policies is the announcement to readers that possession of the document is tantamount to absorption of its meaning… "Now that you have received this notice, you cannot plead ignorance." (Price 2002, 102; quoting her own University of Michigan's online plagiarism memo.)

For the purpose of establishing intent, it is important to take into account not only what has been objectively written, credited or disseminated, but also subjective motives. Howard has gone so far as suggesting that plagiarism can be more or less excused by reasons like ignorance and immaturity within one's field, and that even intentional plagiarism can in principle be vindicated by motives beyond personal gain, such as reform, protest or activism (1995, 798).

Plagiarism should moreover be dealt with disparately, not only depending on intent and motives, but also with different force depending on what kind of breach it is (cf. Howard's distinction between insufficient citation, excessive repetition, and fraud, 2000):

> Fraud? Let's go right on getting angry about it. Handing in a paper that somebody else wrote is as bad as falsifying a transcript or hiring a test-taker: It thwarts two of the academy's most basic functions–to teach and to certify intellectual accomplishment. And then let's deal with everything else as issues of pedagogy… (Howard, 2000, 488)

Howard finds University policies too punitive; suggesting instead use of e.g. "patchworking" as a valuable pedagogical tool. Patchworking means pasting various other authors' work into a single document and then massaging the text until there are no longer more than e.g. three consecutively quoted words; a practice that has become successively easier with modern digital bibliographic resources (see e.g. Blair 2009), and in many ways facilitates early-stage learning. Penalizing patchworking instead of legitimizing or even functionalizing it is one example of how University policies can be accused of constraining pedagogy instead of fueling it (Howard 1995, 789): "Those regulations, however, typically describe plagiarism in all its forms as a problem for adjudication, and this generalization leaves teachers little space for pedagogic alternatives."

4. Discussion – between organization, enforcement, and accountability

The forthcoming sections embark on three thematic explorations, inspired by the academic discourse thus far considered, yet adding perspectives beyond those pedagogical. The sections shift from organizational aspects to more juridical ones: In **section 4.1,** a professional-pragmatic angle takes account also of the individual economic premise of distributing worktime between pedagogic tasks, amongst which combatting plagiarism is supposed to figure. After that, a set of attributability-related challenges are addressed; in **section 4.2**, the accountability of teachers versus students, and in **section 4.3**, the responsibility of author versus reader.

4.1 Organizational pragmatism

A finding based on chapter 3 above is that while there has been much focus on how to teach and communicate with students about plagiarism, this scholarship is based on a presumption that there is room in the course budgets etc. for additional engagement. Yet, as has become clear in particularly social sciences studies of the educational sector, success and efficiency cannot be disconnected from resource-related factors. Without delving into this vast literature (see further e.g. Alvehus et al 2017; Sahlin 2016), let us bring from it to the present context something intuitive and tangible: both plagiarism pedagogy and sanctioning take time (e.g. Drum, 1986, 243). Budgetary conditions can be limiting not only with respect to room for classroom plagiarism measures, but also in the way of time allocated to evaluations, grading and personal feedback; even the use of available digital resources, e.g. for assessing text originality.

Besides time, there are also basic organizational factors in the way academia manages and supports plagiarism procedures themselves, that might facilitate or hamper both plagiarism pedagogy and sanctioning. As noted by Drum (1986, 243):

> Professors, only too aware of the difficulties of dealing with bureaucracy, may be more inclined to confer with a student than to involve themselves in the time-consuming procedure of reporting plagiarism.

Besides an abstract expectation that sanctioning will probably be cumbersome and unpleasant, the extent to which teaching staff knows exactly what plagiarism reporting entails and how to go about it from start to finish is unclear. Some of us might have a relative grasp of applicable procedure and know at least how to figure out what to do.[6] Although for instance as of recently, the author's own department has streamlined the process, procedural clarity seems to otherwise be an exception to the general rule that internal disciplinary proceedings tend to be unwieldly, administrative support on offer varies and the time needed is difficult to overview. Taken together with lack of incentive, we might flunk rather than report (which was in fact one of the reasons for the reform carried out at the workplace of the author; the School of Public Administration of the Gothenburg University).

As already seen in chapter 3 above, pedagogic scholarship is not unanimous as to which of two approaches – flunking vs reporting – is preferable. However, leaving aside the former – which we may call decentralized pragmatic track – the formal central disciplinary track is often encouraged. With respect to the latter reporting track, procedural requirements might render the "lesson" less fruitful to students, as compared to what Drum calls the "pedagogic" or pragmatic track:

> it can, also, be argued that legalistic punishments have not proved particularly effective, and that they necessitate extensive protections for the student and increasing complications for the professor who attempts to prove plagiarism (1986, 243).

What is, then, the relevance of resulting legal criteria towards the present section relating to organizational pragmatism? Increased legal certainty means increased bureaucracy, with its pros and cons (e.g. Sahlin 2016, 6). If we are to handle individual cases better, we might handle plagiarism cases as a collective worse. In other words, if a single case takes longer to process, less instances will be reported, which would then render disciplinary efforts as a whole less effective (see Bartholdsson, Holm & Östlund 2018).

4.2 Accountability of students and teachers

Pedagogic scholars have asked whether it is really necessarily or exclusively students' fault that they don't get the policies. As above indicated, policies are often at best complex, sometimes self-contradictory (as in the example of collaborative composition) and didactically represent a moving target, at worst by holding student work to a different standard than "real" authority (Howard 1995, 795f).

It has been proposed that accountability should to a greater extent be shared between student and teacher (Price 2002, 104; Howard 1995, 788), since student failures can be considered tokens of teaching failures (Drum 1986, 242). This activates the dubious notion of disciplining one person for another person's failure. E.g. Drum has recommended "a holistic approach, a recognition that plagiarism involves a student, an instructor, and the structure within which the

two interact" (1986, 242). Price likewise advocates "adjudicating" by differentiating between serious and amenable plagiarism (2002). These are respectively to be pursued in different tracks, taking into account also that responsibility and attributability for infringements might be shared between student and pedagogue.

> Without omitting the emphasis that plagiarism is a serious matter, our policies can indicate to students that learning to avoid plagiarism is a process of learning conventions and customs, not an instantaneous event. We can then hold students responsible for their part in learning these conventions. Further, and not incidentally, we can hold ourselves as teachers responsible for doing our part as well (Price 2002, 104).

As argued in section 4.1 above, budgetary conditions for teaching can affect how plagiarism is dealt with prospectively and retrospectively. The implications however reach still further – what was above denoted pragmatic-organizational aspects can also affect the accountability of teachers and students. As in any professional hierarchical setting, the allocation of resources has implications for responsibility and accountability. If worktime as resource is limited beyond a point, teachers can neither enforce academic integrity policy effectively nor, necessarily, themselves maintain appropriate academic integrity standards. This might offer one rationalization for the double standards highlighted in the literature (e.g. Price 2002, 88f).

In addition, there are legal considerations that might help teachers put themselves in students' shoes; either that, or perhaps understand better why a difference of standard is needed. Plagiarism is in Sweden regulated distinctly for academic purposes, viz. through disciplinary decisions that can ultimately be appealed to administrative courts (e.g. § 21 Law on Research Misconduct); whereas in order to fall under public prosecution, the legal requisites of fraud or false assurance must be met. Moreover, in the guise of teachers, we fall under the protective label of employees and civil servants, meaning that for labor law and liability purposes, we are only exceptionally held accountable for professional negligence (§ 14 of the Swedish Law on Public Functionaries; Chapter 20, § 1 Criminal Code). Removing public servants' personal responsibility for minor offences is in line with the view that the public authority carries the operational responsibility, and that overall accountability must also be sought higher up, at managerial and political level.

Yet, as researchers (in addition to teachers), are we acting in our professional or personal guise? If we are here acting in our professional one, does pay or temporality of work contract draw the line? What about when teachers take courses in the role as students (Trigwell 2001, 65)? Considering the regulation as a whole to some extent explains why university teachers cannot be held legally responsible for their students' work. Whether a higher or lower academic integrity standard is legally applicable and justifiable with respect to our own research products, than to our students' is another matter; hopefully to be addressed in future research.

4.3 Author-reader attributability

Another aspect of attributability is its allocation with reader versus writer – i.e. intertextuality. If plagiarism is inherently contextual, subjective and volatile; what greater a clash than between intended plagiarism attributable to author on the one hand, and reader-experienced plagiarism, on the other?

Howard has for instance contended that "[t]he] meaning of a text does not, in fact, reside in the text, but in the interplay of text, intertext(s), writer, social context–and reader" (1995, 798). Many foundational definitions of plagiarism refer not only to the literal text of a submitted manuscript, but also to how it is presumed to have been originally intended to influence the reader.

For instance, the meaning of plagiarism proposed for the present article was in section 3.1 based on an assumption that anything not specifically attributed to others is by default considered autonomous work ("unless otherwise labelled"; Whitaker 1993, 509). Pursuant to such a definition, it becomes impossible to distinguish between on the one hand unequivocal plagiarism wedged by author onto paper, and on the other hand an opaque manipulation of how a text is to be received and perceived, or what thoughts or expectations it evokes. Paraphrasing Linda Hutecheon, Howard has suggested that "plagiarism occurs only in the reader's interpretation, when visible sources become signs of plagiarism, and influences yield to 'intertextual' echoes" (Howard 1995, 798).

For the purposes of a utile, short and generic definition of plagiarism, one might evoke elements of misrepresentation that reach the reader in the form of a misconception or gap between what the writer actually meant to convey, and what the reader thinks that the former meant to disclose, or conceal. This definition cannot avoid the agency of the reader, because plagiarism would then arise only when a reader becomes cognizant of having walked into a writer's mind-trap (which not all readers will even do or be aware of having done). In effect, we can really only pursue plagiarism that is advanced enough to successfully trick some readers but not sneaky enough to trick everyone. And if it was transparent enough to trick nobody, it was perhaps only a serious attempt under the circumstance that the author was not – by the reader or ultimately the adjudicator – deemed individually capable of sophisticated manipulation.

When push comes to shove, though, can really intent be discerned from the perspective of a projection of the reader, as opposed to the actual writer? Matters of intent and attributability are, particularly in view of this latter matter of proof, challenging to say the least. It is perhaps therefore unsurprising that intent is difficult to adjudicate, both in terms of internal regulation and its local application.

There is also a competence issue with respect to these assessments; they approach the juridical if not perhaps even the judicial sphere. In concrete terms, although universities might have lawyers on their administrative staff, internal policy-making is rarely reserved for jurists. For instance, at the university of the author, this is instead a management task.[7]

5. Conclusion: How plagiarism sanctioning affects pedagogy and vice versa

In 1986, Alice Drum accused the academic community of being singularly fixated on legalistic matters more than pedagogy (242):

> In our conferences with students suspected of plagiarism, we carefully point out the legal and
> ethical implications of what they have done, but we neglect to mention the pedagogical

implications of what they have not done – completed an assignment. As the continuing practice of plagiarism testifies, this emphasis on the legalistic rather than the pedagogical consequences of plagiarism has proved an ineffectual way of dealing with the problem.

If this might have been true of the professional debate of the time, this does not appear to be the case of pedagogic literature up until today. On the contrary, focus appears to have turned towards the pedagogic sides, to the point that perhaps the legal sides are currently deserving of renewed attention. Hence this paper, in which a research gap has been substantiated with respect to the implications, pedagogical and otherwise, of internal administrative policies for penalizing plagiarism.

The present exploration has shown that the quasi-juridical aspects at the core of this paper are pedagogically relevant; also in day-to-day teaching. Literature is specifically lacking on how the formal, procedural setup affects activities ancillary to teaching – from student administration, to teaching, evaluations, giving feedback, and quotidian communication with students about these matters. For instance, if a university teacher is aware that the internal procedure requires proving *ex post* a certain level of negligence or intent, exams would need to be structured in certain ways; like making them closed-book, spelling out in exam instructions what is considered cheating, avoiding groupwork or changing its premises, perhaps even recording instructions and interaction with students for documentation purposes. If a pedagogue chooses to file a plagiarism report, the load of it might take time from teaching preparations and from allocated time for individually communicating with students, which might by extension fetter the latter's engagement with the course and thus their learning.

To be sure, it is not here contended that the above elements of the teaching job are not academically explored; merely that there is a gap with respect to the influence of university-internal formal regulation upon them. In other words, they represent everyday examples of *official policy affecting teaching and evaluating*. On the other hand, certain aspects of *teaching conditions might affect sanctioning procedure*. If, in as the latter example, teachers were to deem the formal procedure "too cumbersome" to follow, they might choose their own "enforcement" methods, like failing or shaming a student (see Drum 1986, 243). This would then represent an example of primarily organizational premises undermining effective or efficient policy enforcement or implementation (cf. May & Winter 2007).

Even though there are contextual dialects of plagiarism policy, current and individualistically informed notions discipline all policy and subsequent action. Responding pedagogically in addition to juridically, as suggested by Drum (1986, 242f) is ostensibly sometimes made impossible by "juridical" policies in force (Howard 1995, 797). According to Howard, not even if there are contextual nuances overlooked by the policy do university enforcement procedures necessarily allow backtracking, because of collegial cross-discipline and stagnation (1995).[8]

Still, failing or shaming respectively convey somewhat contradictory pedagogical signals that the students will bring forward into their academic formation, demonstrating more chains of causality than the above sketched two-way street. Drum has insisted that "we should, also, admit that students may learn more from a second chance to complete an assignment than from an automatic failure in a course" (1986, 243). Howard goes so far as arguing that teachers might be

internally coerced into "anti-pedagogical responses" for which students pay the price (Howard 1995, 797). This link from central disciplinary policy to local pedagogy, over to local policy enforcement and onwards to the wider pedagogical aspect of student knowledge and skill retention adds complexity to the topic of this paper, begging further research.

6. Outlook

I initially intended to focus this paper on how institutional and decentralized economic incentives in practice affected the way teachers enforce university framework disciplinary policies – i.e. post factum penalization. The hope was to learn whether university teaching life (including administrative frameworks and economic incentives) could accommodate due process requirements in internal plagiarism proceedings. These matters remain of continued interest for future research, since enforcement can be – and has been – described as an answer to pedagogic failures. If we cannot enforce our framework, our students (including future teachers and researchers) will entrench, or worse, disseminate bad practices throughout any career path (Howard 1995).

Psychosocial aspects, such as teachers' loss of pedagogical authority, are also at stake, as well as the defining pedagogic mission of academic institutions – to teach for the future or to punish for the past (cf Price 2002). The ability to enforce is ancillary to the ability to teach: If time resources at our individual disposal do not allow us to do all sides of our job, then we will as teachers have to make unavoidable choices in which administrative priorities such as policy enforcement will come at the expense of pedagogical efforts, and vice versa. Such are the reasons for addressing this as well in the pedagogical literature, albeit perhaps in an interdisciplinary manner.

In this vein, a suggestion for the future is research that would meld the legal field more clearly into the pedagogics topic of academic integrity. This proposition refers to what legal requirements must be met by internal university policies for sanctioning plagiarism; what they translate to in practice, and whether Swedish and for that matter European academic and administrative disciplinary procedures meet these standards (cf. Supreme Court of Sweden, Ö 2019-21)? Such projects would readily lend themselves to empirical and legal case-studies tracing administrative proceedings starting at e.g. Swedish university levels and then wandering through the administrative and criminal courts.

Acknowledgments

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Notes

[1] Hovrätten för västra Sverige, mål nr B178-2.

[2] See e.g. Olsen-Lundh (2012) on the specificities of teaching law with implications for use of the traditional pedagogic toolbox, and Blair (2009, 161f) on law student plagiarism.

[3] I.e. University of Michigan; with a similar wording example from University of Massachusetts, p. 93.

[4] https://www.dagensjuridik.se/nyheter/inte-fusk-nar-student-plagierade-sig-sjalv-avstangning-upphavs/ visited 2022-04-13.

[5] E.g. Howard describes all punitive aspects as "juridical"; nevertheless, elements of juridical assessments can be made by the university or its committees, whereas evaluations of criminal intent or negligence is "too juridical" for these fora.

[6] A consolidated overview of e.g. the policy applicable at the University of Gothenburg can be found at https://medarbetarportalen.gu.se/organisation/juridik/disciplinarenden 2021-12-12; https://studentportal.gu.se/studiemiljo-regler/disciplinarenden?skipSSOCheck=true&referer=https%3A%2F%2Fwww.google.com%2F, 2021-12-12.

[7] In the case of the Gothenburg University, applicable instructions were authored by the Grants and Innovations office, see Styrdokument dnr V 2017/670, whereas individual cases are administrated by the Vice Chancellor's Office: https://medarbetarportalen.gu.se/Organisation/Organisation+and+Structure/Central_University_Administration/Vice-Chancellor%27s+Office+/ visited 2021-12-12.

[8] This is, albeit with some hesitation, my reading of Howard 1995, 795. See, further, Sahlin 2016, 9 on intra-academic loyalty and discipline.