

Plagiarism in Colombian Universities – Regulatory Aspects

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Abstract

Plagiarism has been a phenomenon on which various investigations have been carried out, some of them general and others more specific, trying to measure its existence in specific areas of knowledge. Although plagiarism is legally a crime, the analysis of this phenomenon must go beyond the position from the law, and necessarily transcend to the academic field. In this sense, the role of universities is of vital importance because it is in their bosom where the greatest opportunities for students not to respect copyright take place, either because they do not know the scope of this action or because it is the easiest and fastest way to fulfill the academic commitments of their training process. This research seeks, through an exploratory analysis, to establish the position of universities in Colombia, both from the regulatory aspect and from the implications that plagiarism has in the process of training professionals in this country. For this purpose, the official databases of the Ministry of National Education and the contents published by the institutions in their web pages were used, which, in most cases, are public access.

Keywords: plagiarism, academic fraud, universities in Colombia, student regulation, university plagiarism.

Introduction

Plagiarism has become one of the most frequent forms of academic fraud in universities and higher education institutions around the world, making an even greater impact on areas other than academia, such as politics and economics, with resignation or dismissal of important dignitaries of different governments, in different parts of the world.

One of the elements that best favors the commission of plagiarism is the technological development, and with it, the facility to access not only academic content that is available on the web, regardless of the author, the language or the magazine in which it has been published, this in the case of being a scientific document.

Free online translators offer the option of translating texts from one language into another, eliminating the possibility of detecting the highest number of cases of plagiarism, despite the existence of specialized programs that establish the percentage of equivalence between one text and another, or others that have been previously published.

Thus, plagiarism is a phenomenon that must be combated not only by academic institutions but all, seeking its eradication, in this specific case, from classrooms.

This research seeks to establish the regulatory mechanisms that have been developed by institutions of higher education in Colombia, through their student regulations, verifying the existence of plagiarism as one of the disciplinary offenses, the seriousness thereof, the possible sanction, and other elements that are related to committing plagiarism.

In order to collect the information, we benefited from the databases of universities and university, technological, and technical institutions that report to the National Higher Education Information System in Colombia (SNIES by its abbreviation in Spanish), currently active with programs in one or more of the levels of training mentioned before.

With the information raised, it was established if the level of the institution or its location generates a differentiation in the characterization of plagiarism and in the way it is prevented and punished.

The document, at the beginning, presents the definition of plagiarism, its manifestations, the causes that promote it, and some measures that are taken by higher education institutions for its prevention. Subsequently, the structuring of the educational system in Colombia is briefly described with a basic characterization of the institutions that are part of it, after that, the methodology and findings are presented, to end with the conclusions of this work.

1. General Aspects

Plagiarism is a practice that dates back to the 5th century B.C., when in poetry contests, existing works were presented in the library of Alexandria whose authorship was attributed simultaneously to several authors. Ever since it is a crime that, for the time, was considered a robbery and punished according to the regulations existing in that period (Iribarne and Retondo 1981).

Many times, despite not having the express intention of committing plagiarism, this practice can be incurred due to the lack of knowledge of all those facts that are considered plagiarism.

Thus, for Giron (2008) plagiarism is configured when (i) a person takes words, phrases, or ideas that have been written or expressed by others without a clear mention of their origin, (ii) a person presents a work done by other people as its own, regardless of whether it is a matter of form or substance, (iii) a part of a speech is copied, or (iv) a model or part of it is copied in order to reproduce it or use it without prior consent of its creator.

In this sense, plagiarism does not have a certain extension or percentage in order to be considered as a crime or a misconduct, in the case of educational institutions. Just by one sentence, in a book or complete document, can be considered as plagiarism and this can lead to the sanctions that are stipulated in the applicable regulation.

2. Manifestations of plagiarism

Beyond the practices described above, plagiarism has other forms of manifestation, depending on the form, the method, or the purpose (Soto 2012).

According to the form, plagiarism can be manifested as self-plagiarism, when the author presents a document or part of a document as unpublished in front of a different crowd. Although, this form of plagiarism does not result in the moral or economic affectation of the author, it can affect the rights of use and commercialization from those who own them (Imran 2010), even though, according to Balbuena (2003) this practice does not necessarily have to be considered a crime or a misconduct.

Secondly, there is false authorship, a modality that prescribes as plagiarism the inclusion of a person whose participation in the preparation of a document has not been produced, either by paying or hiring someone to write an article and then presenting it as somebody else's own, or by the inclusion of co-authors as recognition, gratitude, or convenience (Imran 2010).

A third modality, considered by Imran (2010), is the double presentation of the same document to different evaluators seeking to increase the possibilities of publishing a scientific document. In this case, the evidence of plagiarism is configured before the possibility of acceptance of the document in two different magazines, events, or institutions, which would cause a variant of auto-plagiarism.

Finally, and despite the fact that in the imaginary we consider that plagiarism occurs on written documents, there are other works, protected by copyright, which can be copied or stolen. Designs, plans, or source codes (total or partial), must have prior authorization of use by the creator or original author, because these, in a generalized manner, have economic implications that may directly affect that original author.

Now, by the method, one of the forms of manifestation of plagiarism is through the traditional "copy - paste", the most common of all, a practice that is facilitated by the possibility of accessing a number of existing documents on the Internet, of massive use in the academic world, especially by students who seek to fulfill their commitments more quickly, without the rigor of research that these tasks demand.

Other forms of plagiarism are paraphrasing, a modality whereby students try generate greater elaboration in the writing by changing the order of the words without losing the style that is used by the original author. Likewise, avoiding a citation, except in the case where the information is in the public domain; or including it despite not being an accurate source, with the aim of simulating a higher academic weight to a writing, constitute another form of plagiarism (Imran 2010).

Finally, the manipulation or falsification of data is another of the forms of academic fraud, either in order to hide the plagiarism or give a wrong image of academic depth.

From the perspective of the purpose, there are several causes that lead to the commission of a misconduct, the intentional one and the one in which there is no will to commit it (Park 2003; Bugeja 2001). Plagiarism is not always a deliberate act, carried out in bad faith; it can occur due to confusion in the query of the original source or by a paraphrase that does not remain very close to the original text, without any of them reducing the consequences of the act committed. On the other hand, when there is intentionality in the commission of plagiarism, McCuen (2008) states that this is not the product of a one-step action, it is made from a negative stimulus from the perspective of poor performance, the search for alternatives to overcome this situation, and the explicit decision to commit the plagiarism.

3. Causes for the commission of plagiarism in the academic field

Plagiarism in higher education institutions is an action whose causes can be analyzed from four different points of view: from the perspective of the student, from the perspective of the teacher, from the factors that are attributable to the educational system, and from the cultural factors of a society in general.

A student plagiarizes for the search of better grades, laziness, lack of time dedicated to academic activities and compliance with the commitments derived from the courses taken, accessibility to content on the Internet, and lack of knowledge about the citation protocols and referencing inherent in the presentation of written works (Dordoy 2012).

For their part, Devlin and Gray (2007) consider that plagiarism occurs as a consequence of external pressures, personal factors, deficiencies in the teaching-learning process, also because of the erroneous conception that plagiarism is an allowed action, and by the inability of some to present quality work.

According to Dawson (2004), students consider that there are other causes of plagiarism: the high number of papers and exams that are scheduled for a class, the excessive difficulty to perform some work, the lack of rigor and depth in the reading of the works, the non-follow-up in the works to be presented, and the requirement for purely theoretical works.

The responsibility for plagiarism lies not only in the actions of the student to commit it, but in the teachers who are also a cause for the students to make the decision of plagiarizing, although this does not exonerate the responsibility of whom actually commits it. Sureda, Comas, and Morey (2009) state that teachers promote plagiarism, unconsciously, when they do not properly supervise the work in class, the review of class work is superficial and poorly reasoned, the objectives of the work and the expectations that are generated by its realization are not clear but naive, and they

do not make an exhaustive revision of the material delivered by the students; they repeat the same work each academic period or just define a moment of contact at the end of the process of preparing the documents.

The education system also generates conditions for the commission of academic fraud. The loss of closeness in the teacher-student relationship due to the overpopulation in the classroom and the impersonalization of the teaching-learning process is one of the most evident causes. In this respect, Underwood and Szabo (2003) argue that a better relationship between teacher and student considerably reduces the risk of committing plagiarism. The change in the evaluation models has also influenced the increase in fraud, moving from the closed book exam to the assessment of class work has resulted in the student feeling free to use all possible means to get the best result.

On the other hand, the system has changed in such a way that training for work is now preferred over the development of the ability to learn, therefore, it is not surprising that students have a much more creative, innovative, and dynamic attitude in environments different to the academic, in which no greater effort is required in this regard (Rollnick et al. 2008).

The university has also changed its mentality. For the sake of its preservation and growth, it has modified the perspective from which the student is seen: from being a subject in training it has passed to the role of client-consumer, turning into a person who is able to demand the provision of the service in the conditions that he perceives that must be provided, even deviating the university's own objectives, giving a much more important role to the degree than to knowledge (Marcus 1999).

The factories of works or the purchase-sale of the same are an undeniable fact in our educational system that takes place as a result of the factors mentioned before.

Although there are factors that are attributable to the natural actors of the process (students, teachers, and educational system), there are also factors that are attributable to the social context. The conception, adopted by the society as its own that everything on the Internet belongs to everyone and has no owner or author, helps in the anonymous dissemination of a lot of information that has been produced by someone and uploaded to the network (Sureda et al. 2009); the proliferation of multitasking people who are able to see and do different things at the same time, a generation called "videoclip" by Funes (2005), with an extension in the spectrum of action but with great limitations in the depth of the task.

Phenomena such as corruption have favored the environment for the commission of plagiarism with facts that are very well-known in the business, artistic, political, and even economic world. Some cases of plagiarism take us to the large industry that conducts industrial espionage, journalists who literally copy fragments of documents written by their sources, politicians who promote legislative initiatives, doctoral theses of government officials, manipulation of financial statements of companies as their own in order to present desirable but not real situations, piracy in products of recognized brands, even teachers who appropriate the ideas of their students for their writing and research.

The legal devices that have been used to get out of situations of fraud, the softness of the sentence that are imposed or even the lack of it are factors that show impunity or lightness of punishment as a consequence of fraud, a fact that allows risks to be assumed with greater recklessness on the part of those who commit fraud or plagiarism.

4. Measures to combat plagiarism

The regulations in some countries such as the United States, Canada, the United Kingdom, and Australia have focused on the detection of plagiarism through the use of increasingly sophisticated computer programs in the development of ethical codes and prevention programs aimed primarily at students (Sureda et al. 2009).

There is no knowledge of programs that are much more ambitious and attack the problem in its different roots, which explains why plagiarism continues to exist and instead of decreasing, it has a permanent tendency towards increasing.

From the universities, the regulation is not explicit to assume the plagiarism as a problem in the training process, the lack of clarity in the law puts the teacher who detects the plagiarism in front of the dilemma of the denunciation and an excessive wear by the cumbersome procedures that this generates, and the possibility of taking mitigating measures whose scope does not go beyond the classroom.

5. The higher education system in Colombia

5.1. Normativity and classification of higher education institutions

Higher education in Colombia is governed by Law 30 of 1992. It states that education is a public service that can be provided by state entities or by individuals, giving autonomy to the institutions that provide it and classifying them according to the level of training they teach.

In Colombia, there are three types of institutions: technical-professional institutions, which are able to offer programs that train the student to work in occupations of an operational and instrumental nature, with a high level of specialization in the development of their tasks, without this implying that some humanistic aspects of the level of training can not be developed; university institutions or technological schools, which can offer training programs in occupations, professions, or disciplines at a technological level, and technological specialization; and finally the universities, institutions that are recognized by their criteria of universality and are distinguished from the previous ones on the account of the conduction of scientific or technological research, the academic formation in professions or disciplines, and the production, development, and transmission of knowledge and of the universal and national culture.

According to the National Higher Education Information System in Colombia (SNIES by its abbreviation in Spanish) (2019), there are 550 records corresponding to 314 higher education institutions in Colombia, from which 16 institutions appear to be inactive and a total of 298 active.

In agreement with what was expressed initially, the service is provided by government and private institutions. In this regard, out of the 298 active institutions, 86 are public and 212 private.

Public institutions are classified according to their dependence on a government level, for this reason there are national, departmental, and municipal institutions. From the national order there are 47 institutions, from the departmental order 28, and from the municipal order 11.

Due to the level of training they teach, in Colombia we can find 87 universities, 135 that have the character of a university institution and technological school, 48 technological institutions, and 28 technical-professional institutions.

5.2. The accreditation system of high quality

Law 30 of 1992 also contemplates that there must be an Integrated System of Quality Management that seeks for the institutions and the programs they teach to comply with quality standards that are mandatory and that give the possibility for a program to be taught, or volunteers that serve to determine if a program or institution is offered with excellence, in such a way that it can become a national and international reference.

In general, the accreditation can be obtained by a particular program or by an institution. Out of the total of existing institutions in the SNIES, 52 have achieved high quality institutional accreditation.

6. Methodology

For the analysis, we used the existing database in the SNIES, official page of the Ministry of Education of Colombia, which consolidates the information of higher education institutions in the country. The system yielded 550 records corresponding to 314 institutions from which 298 are active as shown in this database.

Once the information was refined, the student regulations of all the institutions were consulted through their web pages, achieving a coverage of 275, the information of the remaining 23 could not be obtained because their regulations are not considered of public domain or they are considered to contain confidential or sensitive information for the institution.

With the documents consulted, it was explicitly established if there is a characterization of the misconducts, if plagiarism is considered as a disciplinary misconduct, what type of misconduct it is, what sanction is imposed, and if there is a disciplinary process that is properly described in the student regulations that is included with the information from the conditions of the institution, such as the level of training it runs, its status as private or public, if it has institutional accreditation, and its operating time.

7. Findings

The first analysis was carried out with the classification by level of training provided by the institution. Table 1 shows the classification of the misconducts in the student regulations and their correspondence with that level.

Table 1. Classification of plagiarism as a misconduct according to the level of training provided by the institution.

	Low	Major	Very Serious	Unspecified
Technical-Professional Institution	0%	15%	7%	78%
Technological Institution	5%	32%	9%	55%
University Institution	1%	32%	15%	52%
University	0%	31%	21%	48%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

It can be observed in Table 1 that the higher the level of education, the higher the level of definition of the nature of the misconduct, as well as the severity of the misconduct. While in the universities 48% do not specify the seriousness of the plagiarism as a misconduct, in the technical-professional institutions this percentage is 78%. For 52% of the universities, plagiarism is a major and very serious misconduct, a percentage that barely reaches 22% in the lowest level of education.

Similar to the previously expressed situation happens with the sanction to plagiarism. Table 2 shows the penalty that plagiarism has according to the level of the institution.

Table 2. Penalty imposed on plagiarism according to the level of training provided by the institution.

	Expulsion	Suspension	Conditional Enrolment	Annotation in the Academic Record	Score of Zero	Unspecified Penalty	Unspecified
Technical-Professional Institution	7%	11%	0%	7%	15%	0%	59%
Technological Institution	9%	9%	5%	7%	11%	2%	57%
University Institution	12%	12%	6%	8%	11%	3%	48%
University	18%	11%	6%	8%	15%	3%	40%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

The penalty imposed on plagiarism is much harder in universities than in the other levels of institution. While 29% of them impose expulsion or temporary suspension of the student, this percentage drops to 24% in university institutions, and to 18% in technological and technical-professional institutions. On the other hand, penalties with less rigor have similar percentages of application in institutions, regardless of their level.

Table 3 shows the classification of the seriousness of the misconduct of dependent plagiarism whether or not the institution has institutional accreditation of high quality. In this sense, one can see that the institutions that have such accreditation evaluate plagiarism more rigorously and consider it as a major or very serious misconduct in 69%, a

percentage that in non-accredited institutions is only 40%. The fact that the seriousness of the misconduct is not specified allows a degree of subjectivity in the person or group of people who evaluate it, and with this, there is no possibility of unifying the penalty to be imposed.

Table 3. Classification of plagiarism as a misconduct according to the obtention of institutional accreditation of high quality.

	Low	Major	Very Serious	Unspecified
Accredited	2%	44%	25%	29%
Non-accredited	1%	27%	13%	59%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

As in the previous case, table 4 shows the rigor of the penalty depending on whether the institution has institutional accreditation of high quality or not. It is evident that there is greater rigor in the penalty imposed by accredited institutions, plagiarism is punished with expulsion or suspension in 42%, a percentage that is reduced to 19% in those institutions that do not have accreditation. As with the gradation of plagiarism as a misconduct, an unspecified penalty leaves it up to whomever judges the scope of the sanction, leaving it in a very subjective field.

Table 4. Penalty imposed on plagiarism according to the obtention of institutional accreditation of high quality.

	Expulsion	Suspension	Conditional Enrolment	Annotation in the Academic Record	Score of Zero	Unspecified Penalty	Unspecified
Accredited	29%	13%	10%	13%	13%	2%	19%
Non-accredited	9%	10%	4%	6%	13%	47%	11%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

Table 5 shows the classification of plagiarism depending on whether the institution is public or private. In this case, even when the difference is not as marked, public institutions are less rigorous in the gradation of plagiarism as a misconduct as they establish that, in a 42%, plagiarism is a major or very serious offense compared to a 47% that the private ones establish.

Table 5. Classification of plagiarism as a misconduct according to the sector to which the institution belongs.

	Low	Major	Very Serious	Unspecified
Official	3%	26%	16%	56%
Private	1%	32%	15%	53%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

Regarding the punishment imposed on plagiarism, Table 6 shows that the official institutions are more rigorous, 18% of these institutions punish plagiarism with expulsion, while private institutions such punishment reaches up only to 10%.

Table 6. Penalty imposed on plagiarism according to the sector to which the institution belongs.

	Expulsion	Suspension	Conditional Enrolment	Annotation in the Academic Record	Score of Zero	Unspecified Penalty	Unspecified
Official	18%	13%	10%	13%	13%	2%	19%
Private	10%	10%	4%	6%	13%	47%	11%

Official	18%	10%	1%	12%	13%	3%	43%
Private	10%	12%	6%	6%	13%	3%	51%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

On the other hand, it is well known that the oldest institutions consider that plagiarism is a misconduct with a high level of severity, above those that have less time in the market, as shown in Table 7. While the institutions with more than 40 years of existence consider that plagiarism is a major or very serious misconduct in 64%, this percentage decreases according to seniority to 42%, 34%, and 26% inasmuch as the institution has been fewer years in operation.

Table 7. Classification of plagiarism as a misconduct according to the institution's seniority.

	Low	Major	Very Serious	Unspecified
Less than 10 years	0%	26%	0%	76%
Between 10 and 20 years	2%	27%	7%	53%
Between 20 and 40 years	1%	26%	16%	53%
More than 40 years	1%	40%	24%	48%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

Similarly, Table 8 shows that the institutions with greater seniority are harder with the punishment, the percentage of those that consider expulsion as the appropriate punishment for plagiarism decreases considerably from 18%, passing to 13%, and 9%, reaching 0% in those that have been offering higher education programs for a few years.

Table 8. Penalty imposed on plagiarism according to the institution's seniority.

	Expulsion	Suspension	Conditional Enrolment	Annotation in the Academic Record	Score of Zero	Unspecified Penalty	Unspecified
Less than 10 years	0%	7%	3%	10%	3%	0%	76%
Between 10 and 20 years	9%	15%	9%	9%	6%	0%	53%
Between 20 and 40 years	13%	15%	4%	5%	17%	2%	44%
More than 40 years	18%	7%	5%	9%	13%	5%	43%

Source. Prepared by the authors based on the information taken from the SNIES and the web pages of each of the institutions under analysis.

8. Conclusions

The results of this research show that plagiarism has a different treatment depending on the conditions of higher education institutions. There are significant differences according to the level of training they provide, the fact of having or not institutional accreditation of high quality, the public or private sector to which they belong to, and the seniority of the institution.

As an important conclusion, it was found that in a high percentage, institutions have not defined the seriousness of plagiarism as a misconduct or the sanction that it entails. Thus, this vagueness leads to a high level of subjectivity in the assessment of the level of the misconduct and in the punishment to be imposed, with the aggravating circumstance

that, in the same institution, the people who judge the misconducts are not always the same because the case is judged by a specific faculty or program without institutional guidelines for the decision to be made.

In their same process of maturation, which leads to more seniority, institutions change the level of training in their natural development, and seek for the adjustment to high quality standards, making them more demanding in the valuation of plagiarism as a misconduct and in the scope of the punishment, being a high percentage those that contemplate the highest sanctions for the commission of plagiarism: the student's temporary suspension and the expulsion.

This study deserves to continue in two stages, the following stage where one should inquire about the existence of plagiarism prevention plans such as awareness campaigns, outreach programs, etc., that are institutionally developed by the institutions that are the object of the analysis, and another stage in which the institutions establish the amount of plagiarism detected, the management given to it, and the sanction imposed in the case it happens.

Similarly, the analysis of these same variables in other countries can be very important insofar as it allows to establish comparisons that can be analyzed in light of the social conditions of each place in which the study is carried out.

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Biographies

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Gerardo Avendaño has experience in the industry in the production and quality area, as well as in personnel and group work management. Author of scientific publications such as books, articles in Q1 indexed journals, and software; he is also a full-time Professor at the EAN University, and has been classified as a Senior Researcher before Colciencias. Professor Avendaño holds a postdoctoral degree in Statistical Process Control SPC from Penn State University (State College - United States, 2007), a Ph. D degree from Universidad Politécnica de Valencia (Valencia - Spain, 2004). He is a Specialist in Advanced Statistical Methods for the Improvement of Productivity and Quality from Universidad Politécnica de Valencia (Valencia – Spain, 2001), Specialist in Production Engineering of the Universidad Distrital Francisco José de Caldas (Bogotá - Colombia, 1998), and Chemical Engineer from The National University of Colombia (1994).

Laura Marcela Patiño G. is a business administrator with a master's degree in organizational management, with extensive experience in the services sector where she served as Manager of Andean Countries in Neurovirtual and other companies where her contributions were made in the marketing and Logistics area's, currently working as a research teacher at the Cafam University Foundation, and part time professor at the UNAD and LCI Bogotá.