



Plagiarism

part of the

TU Graz Statute

SA 91000 PLAG 150E-01

The senate of Graz University of Technology agreed the part on Plagiarism of the TU Graz statute in its present form in the meeting dated 21 June 2021 on a proposal by the rectorate.

This part of the statute shall come into effect on 1 October 2021.

(Please note: The English version of this document is a courtesy translation. Only the German version is legally binding.)

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Preamble

The statute part on plagiarism only regulates the aspect of study law, i.e. scientific work in studies and student supervision, and specifically through the execution of § 19 para. 2a UG (in German: *Universitätsgesetz* or the Universities Act). In general, this statute part refers to the existing “Guidelines on Safeguarding Good Scientific Practice” of TU Graz.

Regarding the jointly established studies ("cooperative studies"), the responsibility assigned in matters of study law and the determination of applicable statutes are aspects regulated by the ordinances of the Rectorate according to § 54e para. 3 UG.

I. General information / Definitions

Following the "Guidelines for Good Scientific Practice" created by the Austrian Agency for Scientific Integrity (OeAWI) (the OeAWI GSP Guidelines)¹, scientific misconduct occurs when standards of good scientific practice are violated intentionally, knowingly, or through gross negligence.

Scientific misconduct encompasses, in particular, the invention of data, the falsification of data, plagiarism and ghost-writing. This misconduct may also occur in connection with artistic work, but only if one can conclusively exclude the possibility that the referenced discovery of data, falsification of data, or plagiarism is an artistic intervention.

§ 1. Scientific misconduct, plagiarism

According to § 51 para. 2 line 3 UG, plagiarism occurs when texts, content, or ideas are adopted and presented as one's own. In particular, this includes the appropriation and use of text passages, theories, hypotheses, findings, or data by copying this material in a direct, paraphrased, or translated form without appropriately acknowledging and citing the source and the authors. Depending on the discipline, this may also include the unacknowledged adoption of, e.g. designs, constructions, circuits, diagrams, mathematical derivations and proofs, models, structures, manufacturing and analytical processes, algorithms, architectures, source codes and other approaches, which may also have been derived from available technical solutions through "reverse engineering" or "porting". In order to distinguish in individual cases whether serious or slight acts of plagiarism have occurred, the following specific aspects must be taken into account: The number of copies in absolute terms and in relation to the entire work; acts of copying entire trains of thought or only individual formulations; planned and systematic copying (with intent) or merely taking advantage of an opportunity; "sloppy quotations"; concealments/translations; repetition of the scientific misconduct in the

¹ <https://oeawi.at/>

same course or work. The plagiarism must occur in a substantial part of the content and/or have an impact on the overall conclusion of the work.

In addition, self-plagiarism occurs when a work that has been assessed or published by the author is reused without appropriate acknowledgement (e.g. by means of a citation, disclosure of multiple use, identification of the author's own work and the work of others²). Translation plagiarism occurs when a text is translated from a foreign language and passed off as one's own work, i.e. used without citing the original source.

When assessing whether plagiarism has occurred, and particularly in cases that date further back in the past, it is necessary to refer to the procedures (e.g. citation rules) that were followed in the relevant scientific community at the time as a basis.

§ 2. Scientific misconduct, falsification of performance

According to § 51 para. 2 line 32 UG, one can conclude that the falsification of scientific or artistic performance has occurred if someone has used unauthorised aids or made unauthorised use of another person when preparing a written paper or taking an examination or when preparing an artistic work. This conclusion is also reached if data and results are invented or falsified. This also applies to the preparation of practical, experimental, or constructive work (including software). The term "fraudulent performance in examinations" is understood to include, in particular, the use of unauthorised aids ("cheating") and participation in examinations under a false identity.

Submissions refer to written, practical, experimental, or constructive work (including software) that are submitted for assessment in the context of courses. A bachelor's thesis is, according to § 51 para. 2 line 7 UG, an independent written or artistic work that has to be submitted as part of a course.

² In order to avoid plagiarism when preparing doctoral theses with reference to jointly pre-published works, the doctoral candidate must emphasise his/her own contribution to these pre-publications, and the results contributed by the co-authors must be identified accordingly.

II. Good Scientific Practice in the Degree Programme

§ 3. The responsibilities of students to ensure good scientific practice

(1) Obligation to safeguard good scientific practice

All students are obliged to safeguard good scientific practice. The "Guidelines for Good Scientific Practice" from the Austrian Agency for Scientific Integrity (OeAWI) (OeAWI GSP Guidelines) as well as the "Guidelines on Safeguarding Good Scientific Practice" of TU Graz.

(2) Backup and storage of underlying data

All raw data upon which a scientific or artistic thesis are based should be stored by the author in his/her own interest. The respective scientific institution is responsible for backing up and storing data that are essential for publications (§ 4 TU Graz "Guidelines on Safeguarding Good Scientific Practice").

(3) Declaration to safeguard good scientific practice

Each time they submit a written seminar paper, bachelor's thesis, or scientific and artistic work, students must declare in writing (obligatory and standardised) that they have carried out their work in accordance with good scientific practice. If necessary, this can also be done by selecting corresponding checkboxes when uploading such submissions to electronic submission systems.

III. Academic Misconduct in the Degree Programme and Related Consequences

§ 4. Consequences of plagiarism and other forms of falsifying academic performance with respect to seminar papers and submissions, bachelor's theses, as well as academic and artistic work performed in courses

If academic misconduct is detected in seminar papers, submissions, bachelor's theses and academic and artistic work submitted in courses, the following shall apply:

1. If evidence of academic misconduct is found before the work is submitted, the course instructor must inform the student of the academic misconduct and the related consequences under study law if the work is handed in without revision.
2. If evidence of academic misconduct is found when the work is submitted, for example, by uploading and analysing the work with plagiarism software, or after the submission and during the assessment, the work or course will be assigned the grade "U" (in German: *ungültig aufgrund von Täuschung*), invalid

on grounds of falsification. This submission is counted towards the number of permissible examination attempts (i.e. negative examination attempt).

3. If evidence of academic misconduct is found **after the assessment is made**, the grade will be declared null and void, and the submission will be counted towards the number of permissible examination attempts (i.e. negative examination attempt).
4. If evidence of serious academic misconduct is found **after graduation**, the grade assigned will be declared null and void. The TU Graz Commission for Scientific Integrity and Ethics has to be involved and review the case beforehand. The academic degree awarded will be revoked by the officer responsible for study matters. If a subsequent degree programme has been successfully completed based on the completion of this degree programme, this academic degree must also be revoked by the officer responsible for study matters.

§ 5. Consequences of plagiarism and other forms of falsifying scientific performance in final theses (scientific and artistic work)

If scientific misconduct is established in the context of a thesis, the following shall apply:

1. If evidence of academic misconduct is found **before the written work is submitted**, the supervisor must inform the student of the academic misconduct and the related consequences under study law if the work is submitted without revision. In serious cases, the supervisor may refuse further supervision of the current topic or withdraw their supervision altogether. The student may have to choose a new topic and a new supervisor.
2. If evidence of scientific misconduct is found **when the work is submitted** or, if applicable, when the work is uploaded and analysed with plagiarism software or **after the work is submitted and during the assessment**, the written work will be assigned the grade of "U" (in German: *ungültig aufgrund von Täuschung*), invalid on grounds of falsification. In serious cases, the supervisor may refuse to provide further supervision for the current topic or withdraw their supervision altogether. The student may have to choose a new topic and a new supervisor.

If evidence of extensive plagiarism is found, the student can be excluded from the degree programme for up to two semesters. The TU Graz Commission for Scientific Integrity and Ethics has to be involved and review the case beforehand. The exclusion begins in the semester following the semester in which the scientific misconduct is established. The exclusion is imposed by a decision of the Rectorate.

3. If evidence of academic misconduct is found **after the assessment**, the grade assigned to the written work will be declared null and void. In cases of serious

misconduct, the supervisor can refuse to supervise the student with the current topic again. The student may have to choose a new topic and a new supervisor. If extensive plagiarism is established, the student can be excluded from the degree programme for up to two semesters. The TU Graz Commission for Scientific Integrity and Ethics has to be involved and review the case beforehand. The exclusion begins in the semester following the semester in which the scientific misconduct is established. The exclusion is imposed by a decision of the Rectorate.

4. If proof of serious scientific misconduct is presented **after graduation**, the assigned grade will be declared null and void and the academic degree will be revoked. The TU Graz Commission for Scientific Integrity and Ethics has to be involved and review the case beforehand. If a subsequent degree programme has been successfully completed based on the completion of this degree programme, this academic degree must also be revoked by the officer responsible for study matters.

§ 6. Procedure followed to investigate scientific misconduct

(1) Procedure followed for seminar papers and submissions, bachelor's theses as well as scientific and artistic work submitted in the context of courses

If scientific misconduct is suspected for seminar papers and submissions, bachelor's theses, as well as scientific and artistic work submitted in the context of courses, the course instructor must determine the extent of the scientific misconduct and follow a fair and impartial procedure to do so. During this procedure, the instructor should explore all available and reasonable means of investigating the facts. Random checks are permissible if the students have been informed of this possibility in advance and if the random selection process is fair, i.e. without giving the appearance of discriminating against particular groups of persons. The student concerned must be granted a fair hearing, i.e. they should be confronted with information about the incident and given the opportunity to make a statement. The officer responsible for study matters (Dean of Studies) can be consulted during the investigation of the academic misconduct.

Every negative evaluation of scientific misconduct must be reported to the Dean of Studies responsible for the degree programme, and a copy of this evaluation must be submitted to the office of the TU Graz Commission for Scientific Integrity and Ethics for documentation purposes.

(2) Procedure regarding final theses

1. Regarding final theses (scientific and artistic diploma and master's theses as well as dissertations), the supervisor must determine the extent of scientific misconduct if it is discovered during the supervision phase or before the announcement of the assessment. During this determination, he/she must follow a fair and impartial procedure.

The officer responsible for study matters (Dean of Studies) may be called upon to investigate cases of suspected academic misconduct.

Every negative evaluation of scientific misconduct must be reported to the Dean of Studies responsible for the degree programme, and a copy of this evaluation must be submitted to the office of the TU Graz Commission for Scientific Integrity and Ethics for documentation purposes.

The supervisor must document the determination of academic misconduct and provide the student with a written explanation.

2. If evidence of academic misconduct is discovered after the assessment has been made or after the student has completed his/her studies, the officer responsible for study matters determine the extent of academic misconduct and use a fair and impartial procedure to do so.

The Rectorate publicizes its decision regarding an exclusion from studies for the duration of up to two semesters by issuing an official notification. The TU Graz Commission for Scientific Integrity and Ethics must be involved in the case beforehand.

(3) Fair and impartial procedure

A fair and impartial procedure is described as a procedure in which no conflicts of interest exist, no influence is exerted by third parties, the student concerned is given the opportunity to express him/herself, communication is transparent and honest, a person in a position of trust can be consulted, relevant processes are documented, and decisions are made and justified impartially.

§ 7. Dealing with the falsification of performance in examinations (fraudulent performance in examinations / use of unauthorised aids and participation in examinations under another person's identity)

Falsifying performance in examinations (lecture examinations or partial course requirements in the context of courses with continual assessment, such as written examinations/tests/oral examinations).

(1) During an examination, if the performance in an examination is falsified (and in particular by using unauthorised aids or participating in the examination under another person's identity) or if an attempt to carry out such an act is observed, this will be interpreted as equivalent to terminating the examination (i.e. in the sense of § 26 para. 7 Statute part Legal Regulations for Academic Affairs). The grade "U" (in German: *ungültig aufgrund von Täuschung*), invalid on grounds of falsification, will subsequently be assigned. This assessment will be counted towards the permissible number of examinations. The unauthorised aids should be – if at all possible – seized as evidence during the examination.³ The course instructor or the invigilator must make a note on the examination form or in the examination record about the type and use of the

³ Technical devices such as calculators, mobile phones, smartwatches, etc. are not seized in the event of unlawful use; a note is made by the examination supervisor about the device used and the incident.

unauthorised aids. The student must be informed of the consequences of their actions under the study law. The Dean of Studies responsible for the degree programme, as the officer responsible for study matters, must be informed of the negative assessment.

(2) If the student participates in the examination under another person's identity (and in particular with a forged student ID), the ID must be seized, and the identity of the person who was actually present must be clarified if possible. The course instructor or the invigilator must make a note on the examination form or in the examination record about the attendance under a false identity. The person present must be informed that further measures will follow (legal consequences and possible criminal penalties). The Dean of Studies responsible for the study programme, as the officer responsible for study matters, must be informed. He/she has to summon the students involved to a meeting. The facts of the case will be recorded in the file(s) of the student(s) involved. The Dean of Studies is obliged to inform the student who was registered for the examination that further measures will be applied (consequences under study law and possible criminal penalties). The grade "U" (in German: *ungültig aufgrund von Täuschung*), invalid on grounds of falsification, will subsequently be assigned for the student who was duly registered for the examination. If the student does not respond to the summons of the officer responsible for study matters and attend an interview, the consequences will be explained in writing. The officer responsible for study matters will forward the facts relevant to criminal proceedings to the organisational unit responsible for the administration of study matters at TU Graz⁴ for examination and in the event that a criminal complaint is filed (if applicable, forgery of documents⁵, forgery of specially protected documents⁶, use of foreign identity cards, fraud, as well as the perpetration of and contribution to a criminal offence⁷, or the attempt to commit a criminal offence⁸).

(3) If a student repeatedly fails an exam that is conducted in the form of a single examination (in particular a lecture examination), the course instructor may ban access to the examination and only allow the student to take the examination again after a period of four months. Para. 3 does not apply to courses with continual assessment.

§ 8. Further consequences

If misconduct as described in § 4 or § 7 is established during a written examination or submission, the course director may arrange for an oral examination for the student concerned when they register for their next examination.

⁴ Currently organisational unit *Registrar's Office*.

⁵ The examination form must qualify as a formal document; performing an examination for another person falls under the offence of document forgery.

⁶ A student ID or official photo ID qualifies as a public document.

⁷ § 12 of the StGB (in German: *Strafgesetzbuch*) or Criminal Code: "*Not only the immediate perpetrator commits the punishable act, but also anyone who directs another to perform it or who otherwise contributes to its performance.*"

⁸ § 15 para. 1 of the StGB (in German: *Strafgesetzbuch*) or Criminal Code: "*The penalties assessed for intentional acts apply not only to the final act but also to the attempt and to any participation in such an attempt.*"

§ 9. Legal protection

If the student believes that the sanctions levied are unjustified, he/she has the possibility to file an application to review the assessment and annul the grade assignment of "U" (in German: *ungültig aufgrund von Täuschung*), invalid on grounds of falsification, and request that an official decision be made by the officer responsible for study matters (i.e. the Dean of Studies responsible for the study programme). This application must be filed by the deadline described in § 79 para. 1 UG. The officer responsible for study matters has to freely decide, while taking into account the results of the review, whether evidence should be interpreted as proven or not (§ 45 para. 2 AVG (in German: *Allgemeines Verwaltungsverfahrensgesetz*), which refers to the principle of free evaluation of evidence in administrative proceedings). If the circumstances that speak in favour of and against the student are assigned equal weight after the review of the evidence, the decision shall be made in favour of the student (i.e. if any doubt exists). It is possible to file an appeal against the official decision.

IV. Safeguarding Good Academic Practice While Providing “Student Support”

§ 10. General responsibilities of teachers

As part of their teaching responsibilities, all teachers are obliged to ensure – insofar as possible and appropriate – that their students safeguard good scientific practice. The "Guidelines for Good Scientific Practice" from the Austrian Agency for Scientific Integrity (OeAWI) (OeAWI GSP Guidelines) as well as the TU Graz "Guidelines on Safeguarding Good Scientific Practice" provide a basis for this.

§ 11. Preventive measures

(1) General preventive measures to prevent scientific misconduct

1. Students should be taught the guidelines of good scientific practice as part of their studies.
2. The guidelines of good scientific practice should be published in a suitable place (and in particular on the TU Graz website), enabling all students and employees to become familiar with them. References can be made to these guidelines (in courses, in information sheets for theses, etc.). The TU Graz "Guidelines on Safeguarding Good Scientific Practice" as well as the "Guidelines for Good Scientific Practice" from the Austrian Agency for Scientific Integrity (OeAWI) (OeAWI GSP Guidelines) serve as a university-wide basis for such measures.

(2) General preventive measures to prevent students from falsifying their performance in examinations ("cheating on exams")

1. The list of aids permitted for the examination must be published in a suitable place and in sufficiently good time to enable the student to prepare for the examination. In addition, the instructor/invigilator must refer to this list during each examination.
2. In order to prevent examinations from being performed under false identities, an identity check (at least by random sampling) must be carried out at the beginning of or during each examination.

§ 12. Conduct while supervising students regarding seminar papers, submissions, bachelor's theses as well as final theses (scientific and artistic work)

(1) Instructing students how to practice scientific honesty

Students should be taught the guidelines of good scientific practice, depending on how these are anchored in the curriculum. The extent of the instruction depends on how the courses on scientific work are anchored in the curriculum.

When writing seminar papers, bachelor's theses and scientific and artistic works, the supervisor must explicitly instruct the student how to safeguard good scientific practice.

(2) Correctly instructing the students

The students should be guided and encouraged by the course instructors to safeguard good scientific practice (see the OeAWI GWP Guidelines as well as the TU Graz "Guidelines on Safeguarding Good Scientific Practice").

(3) Working with data and results that are collected or compiled as part of written seminar work, bachelor's theses as well as final theses (scientific and artistic work).

When working with data and results, the copyright and patent regulations must be observed and, if necessary, the usage rights must be clarified (see the TU Graz Guidelines for the Commercial Exploitation of Results from Research and Development, which is currently only available in German: *Richtlinie für die wirtschaftliche Verwertung von Ergebnissen aus Forschung und Entwicklung*).

(4) Safeguarding the ethical justifiability of research projects in accordance with the guidelines for good scientific practice

You can file a request for the evaluation of the ethical acceptability of a research project with the body responsible for ethical evaluation at TU Graz (see the TU Graz Guidelines on Safeguarding Good Scientific Practice).

V. Entry into force

§ 13. Entry into force and expiration

This statute part shall enter into force on 1 October 2021. At the same time, § 27 (referring to the use of unauthorised aids in examinations) of the statute part on Legal Regulations for Academic Affairs published in the University Gazette on 4 July 2018, Issue 19 (No. 326), and the regulations concerning study law described in § 9 of the “Guidelines on Safeguarding Good Scientific Practice” at TU Graz, as published in the University Gazette on 16 August 2017, Issue 22 (No. 394), shall expire.