

FRAMING PLAGIARISM AND COPYRIGHT IN COLLEGE CLASSROOMS

SYNOPSIS

This project starts with the observation that college classrooms are sites of contention where students and faculty negotiate competing discourses of intellectual property. It examines how teachers and students understand one aspect of intellectual property—plagiarism—through the discourses of another aspect of intellectual property—copyright. And vice versa, it examines how copyright is understood through plagiarism. This is not a disinterested study of intellectual property (IP) discourses. Like many teacher-scholars in composition studies, I am concerned that instructors and university administrators predominantly approach plagiarism through a rhetoric of fear and punishment that has negative implications for student learners. As a teacher of writing, I am committed to identifying alternatives to the current reductive and problematic approach to plagiarism. While compositionists have pointed to the rise of new media composing as an opportunity to reframe plagiarism through copy-left conceptions of IP and while many compositionists are ideologically invested in this change, as of yet we have no studies that provide a systematic analysis of how copyright and its connections to plagiarism are currently being conceptualized in college classrooms. My study provides a descriptive and multilayered account of how copyright and plagiarism are currently framed in four key educational sites at Washington State University: first-year composition courses, general education courses, upper-level courses in the major, and instructional library sessions. This study enters into larger debates over intellectual property because it argues for a specific conception of intellectual property, one that is sensitive to the social aspects of information use that are largely ignored in both legal, economic-based discourses of copyright and in the dominant plagiarism paradigm.

FRAMING RESEARCH QUESTIONS

For over the last two decades, scholars in Composition Studies (Howard, 1999, 2000, 2007) and in second language studies (Pennycook, 1996; Flowerdew and Li, 2007) have critiqued the dominant discourse of plagiarism and sought out alternatives. Some scholars have suggested that copyright, which has gained importance in education as students compose in digital environments, presents an opportunity for positively reframing discourses of plagiarism. These scholars have turned to alternative models of intellectual property from the “copy-left,” which challenge the dominant discourse’s emphasis on Romantic authorship and its blindnesses to the social, cultural, and ethical aspects of information ownership.

However, these investigations into how issues of copyright present an opportunity for reframing plagiarism have been largely speculative and anecdotal rather than grounded in empirical data and systematic research methods. The current scholarship often takes the form of an argument for teaching copyright and fair use in the writing classroom or anecdotal accounts of how the authors sought to challenge the dominant narratives of IP within their individual courses. As of yet, none of this literature has presented a multi-site study of how students and instructors are already conceptualizing the relationship between copyright and plagiarism. A comparative inquiry into how copyright and plagiarism are framed in college classrooms is important considering the disparity between composition theory and practice as well as the differences in disciplinary values and pedagogical practices between writing instructors, faculty across the curriculum, and instructional librarians. These differences suggest that the pedagogy advocated in the literature by composition scholars is not representative of the pedagogy that is enacted in the majority of college classrooms. Although a handful of teacher-scholars across the country are working actively to reframe plagiarism in their classes through copy-left approaches to intellectual property, we cannot take this as evidence of widespread discursive change. Moving towards such discursive change requires a deeper understanding of how the concepts of IP are currently being mobilized in a range of educational sites in higher education.

This study begins the work of systematically examining these intellectual property discourses. The guiding questions of the project are these: How are conceptions of intellectual property negotiated in college classrooms through the terms of plagiarism and copyright? What are the implications of this negotiation for student learners? To be more specific, how do instructors frame copyright and plagiarism to students? How do they present the connection between copyright and plagiarism? How do students approach these conceptions and engage with them as composers of both traditional and new media¹ texts?

PROJECT DESCRIPTION

In order to examine how instructors and students negotiate their understanding of intellectual property through the relationships between plagiarism and copyright, I investigate four educational contexts at Washington State University: first-year writing courses, general education courses, upper-level writing in the major courses, and library instruction sessions.

This project seeks to understand how plagiarism and copyright are “framed” or narrated in these four educational contexts through detailed ethnographic study. Such an understanding will provide the descriptive data needed for the ongoing project of reframing intellectual property discourses. The project focuses on narrative and framing because, on the most basic level, stories and their dominant frames shape how we know

¹ The meaning of “new media” is disputed within composition studies. In this proposal I use the term to designate any text that communicates through other modes beyond the written word alone. Examples of new media texts include photo-journals, posters, apps, videos, and podcasts. See Lauer (2012) for a comprehensive discussion of the terminology used for naming new/digital/multimodal/multimedia texts.

the world around us and therefore how we act upon it. Through reframing stories that are circulated in the public imagination, we can open up the possibility of both discursive and material change.

The institution under study, Washington State University, is a large, land grant university with multiple campuses across the state and additional online degree programs. For this purposes of this project, I focus on the largest campus in Pullman, which is located in rural Eastern Washington. The undergraduate curriculum at Washington State University was designed to provide structured opportunities for students to develop as writers before graduation: a required first-year composition course introduces students to academic writing, the “writing-rich” general education curriculum provides additional opportunities to practice writing in the first two years of study, and the two required Writing-in-the-Major courses focus on professional and disciplinary writing practices within students’ particular area of specialization. Library instruction sessions support these multiple writing experiences. As part of their first-year composition course, students participate in at least one library orientation led by an instructional librarian. Additionally, the library offers a range of resources and instructional sessions to faculty who teach general education and Writing-in-the-major courses. I have selected these four educational contexts (first-year writing, general education courses, Writing-in-the-Major courses, and library instruction sessions) because learning in these sites explicitly emphasizes writing and source use, and therefore students and instructors here are likely to engage with issues of plagiarism and copyright.

Although Washington State University’s structured writing curriculum makes it an ideal location to study how students and faculty negotiate discourses of plagiarism and copyright, this institution is not representative of educational contexts in higher education. Because the majority of composition research has focused narrowly on undergraduate writing in four-year universities, I find this caveat even more important to foreground here. Writing instruction at other institutions varies greatly due to student population and the institution’s resources in terms of instructional faculty, class size, faculty development and compensation, and student support services. Two-year colleges, for example, may not have the resources available to provide students with in-depth writing instruction beyond the introductory writing course.

IMPORTANCE AND TIMELINESS OF THIS RESEARCH

Teacher and student negotiations of information use and ownership through the framing of plagiarism and copyright speaks to timely issues such as 1) calls for shifting pedagogical approaches to plagiarism, 2) the rise of new media composing, and 3) contested theories of intellectual property.

a. Pedagogical approaches to plagiarism

Instructors and university administrators approach plagiarism primarily through the rhetoric of fear and punishment. Compositionists Adler-Kassner, Anson, and Howard (2008) argue that media coverage of plagiarism perpetuates a narrative that defines students as either “duplicitous cheats or naïve innocents” (p. 231). Through analyzing

news stories the authors show how this narrative aligns education with prevention, detection, and punishment rather than teaching and portrays technology as an enabler for students' loose moral behavior. Furthermore, the authors suggest that attempts to reframe this problematic narrative by offering pedagogical solutions are unsuccessful because they merely present a rehashing of the same story: "Invoking 'better ways to prevent plagiarism' serves only to strengthen the assumption that students are looking to plagiarize" (p. 235). This dilemma attests to the difficulty of reframing the plagiarism narrative due to its very pervasiveness and its dominant hold on the public imagination.

However, the dominant narrative of plagiarism is deeply entrenched not only in the public imagination but also in the academic and professional culture of higher education. At stake in these plagiarism narratives is students' potential for achievement. The high penalties of course failure or even expulsion that accusations of academic dishonesty carry can have profound impact on students' lives. Being found "guilty" of plagiarism can potentially lead to a student dropping out of school, not qualifying for a desired major, or allotting additional time and money toward obtaining a degree. The rhetoric of plagiarism that positions teachers as police and students as criminals leads to the unintended function of plagiarism policing acting as a gatekeeping instrument. As Howard (1999) has pointed out, this rhetoric leads to penalizing students who do not arrive in college with certain literacy experiences and rewarding those who do. In addition to positioning teachers as gatekeepers rather than advocates for student success and advancement, the prevent-and-police approach to plagiarism has additional negative pedagogical implications for students: it glosses over the diversity of values and practices surrounding source use both in and outside of academia, fails to prepare to students to use sources effectively in future writing contexts, and reinforces power hierarchies between students, teachers, and administrators (Price, 2002; Marsh, 2007; Zwagerman, 2008).

Over the last two decades, scholars in composition and second language studies have sought out viable alternatives to the current plagiarism paradigm. Working within composition studies, Howard (1999) insisted on the distinction between intentional and unintentional plagiarism and later (2000) called for abandoning the term "plagiarism" altogether. Based on his experiences teaching at a Hong Kong university, second language specialist Pennycook (1996) insists that plagiarism is linked to multiple complex factors such as language learning, memory, and ideologies of authorship. Accounting for these complexities requires a "flexible" rather than "dogmatic" pedagogical approach. Other second language scholars have sought alternative terms to talk about plagiarism without calling up its unwanted moral connotations. These alternative terms include *textual plagiarism* as opposed to *prototypical plagiarism* (Pecorari, 2003), *textual borrowing* (Casanave, 2004), *language re-use* (Flowerdew and Li, 2007), as well as *transgressive* and *non-transgressive intertextuality* (Chandrasoma, Thompson, and Pennycook, 2004). As these last authors suggest, "textual borrowing cannot be adequately dealt with either in terms of detection and prevention, or of simply teaching the correct citation practices, because it is centrally concerned with questions of language, identity, education, and knowledge" (172). The concept of transgressive and non-transgressive intertextuality provides a vocabulary for exploring those questions in a way that the term "plagiarism" obstructs.

Building on this scholarship's commitment to creating viable alternatives to the current plagiarism paradigm, this project is engaged in the work of reframing the dominant conception of plagiarism to make room for more effective and theoretically-sound teaching practices.

b. New media composing

More recently, discussions of plagiarism within composition studies have intersected with a growing interest in "new media" writing. Advocates of new media writing claim that in disciplines across the university, the conception of "writing" is expanding from a limited notion of words on a page to include other mediums of communication beyond the linguistic (Yancey, 2004; Wysocki, 2004). Students now "compose" texts with images, audio, and video. New media scholars in composition and literacy studies insist that these new writing practices call for writing teachers to reconceptualize and revise their pedagogies.

One change that has followed from the rise of new media composing is a pedagogical interest in issues of copyright and fair use. Web 2.0 technologies have made it easier for students to use existing digital materials to create new texts and to share their own texts with others online. Consequently, it has become more common for teachers to discuss copyright and fair use with students in addition to (or alongside) plagiarism.² In response to this trend, recent scholarship has explored connections between copyright and plagiarism in the context of the writing classroom. Responding to the "copyright crisis" brought on by Napster, DeVoss and Porter (2006) argue that public debates over filesharing and intellectual property should challenge writing teachers to reconceive their notions of rhetorical delivery and opt out of a punitive approach to plagiarism in favor of encouraging a "positive ethic" of collaboration and fair use. In their consideration of remix—another discursive practice in digital composing—Johnson-Eilola and Selber (2007) urge teachers to disrupt the traditional authorship/plagiarism binary by asking students use existing materials to solve problems. Building upon scholarship that has complicated and problematized the concept of plagiarism, Rife (2007) insists that teachers have a responsibility to help students gain a "metacognitive awareness of fair use" and a familiarity with the complexities of copyright law. These new pedagogical goals, she argues, will serve students by helping them "understand

² Although plagiarism and copyright both fall under the rubric of intellectual property because they are both concerned with the circulation of information (and thus operate through similar ideologies of "ownership"), they also have important differences. First, plagiarism is defined and regulated through cultural mores, while the regulation of copyrighted material is enacted through government law. Even though a student "accused" of plagiarism may be required to present her "case" at a "hearing" and may subsequently be "sentenced" for an academic infraction, plagiarism is an ethical matter, not a legal one. Copyright, on the other hand, is both legal and ethical. Secondly, the concept of plagiarism is grounded in the belief that in order to maintain academic or professional integrity, the writer should give "credit" to her original sources. Ideas and language can be freely circulated as long the writer provides proper attribution. In contrast, copyright is not concerned with attribution: if an individual uploads a clip of a film copyrighted by Pixar Studios online she is still in violation of copyright law regardless of whether she gives Pixar Studios credit for owning that video. Finally, copyright only protects expressions, not ideas. Plagiarism protects both expressions *and* ideas. Although the boundary between "idea" and "expression" is blurry, the following example illustrates this abstract distinction: a movie plot cannot be copyrighted but may be "plagiarized" by another director. The specific "expression" of that plot (i.e. the visual and audio embodiment of that plot) *can* be copyrighted.

the economic, legal, and social issues surrounding information use” (p. 171). Similarly, DeVoss (2010) shows how copyright issues are important for the types of writing students do in professional contexts, and identifies ways that teachers can attend to intellectual property issues in their classrooms.

This project contributes to new media scholarship on the intersections of plagiarism and copyright by providing descriptive data about how these concepts are currently being mobilized in a variety of educational sites within higher education. This descriptive mapping provides compositionists and other educators with a deeper understanding of the discursive features of intellectual property discourses, and will thus serve as a resource for future projects invested in supporting, challenging, or reframing particular discourses of copyright and plagiarism.

c. Contested theories of intellectual property

As the new media scholarship surveyed above makes clear, composition has long been invested in public debates over intellectual property issues. After helping to establish an official committee on intellectual property within the field’s leading professional association (CCCC) in 1994, Andrea Lunsford and Susan West published “Intellectual Property and Composition Studies” in 1996. In this seminal article, the authors point to the field of composition’s “silent complicity in the shrinking of the intellectual commons” (p. 387). The authors examine how the terms of copyright in the United States have shifted to prioritize exclusive ownership over public access to information. They maintain that compositionists, both in their professional activities and in the writing classroom, unconsciously perpetuate the traditional notions of authorship as autonomous and knowledge (along with the language that articulates that knowledge) as a commodity to be owned. In their words, composition studies has a “deep and abiding investment in knowledge as a product to be traded in the academic marketplace” (p. 397). Lunsford and West look to poststructuralist theorists such as Derrida and Foucault as well as the cultural shifts of the digital revolution as starting points for critiquing and resisting this commodification of knowledge.

As Lunsford and West suggest, how we approach intellectual property in classrooms informs—and is informed by—larger societal negotiations of intellectual property that occur in other contexts (i.e. negotiations which are not necessarily motivated by a concern with education in particular and which have been taken up in disciplines other than composition). As such, this project is very much in conversation with intellectual property discourses writ large.

For example, my project speaks to investigations into the ideologies and values that structure intellectual property discourses. In *Shamans, Software, and Spleens: Law and the Construction of Information Society* (1996) James Boyle critiques current approaches to intellectual property theory in legal studies because these approaches are almost exclusively based in microeconomics. Mainstream economic analyses, he argues, are insufficient because they take up a “commodity perspective” that narrowly focuses on the “optimal level of production” (p. 37). Because of this narrow focus on profit, economic analyses tend to obscure or ignore entirely the social and political aspects of intellectual property issues. Boyle sets out to offer an alternative approach, which he calls a “critical social theory of intellectual property.” Throughout the book he reveals

the ideological tensions within current understandings of information regulation and the public domain, and investigates how the romantic conception of authorship has been used to reconcile these tensions.

Although Boyle focuses mainly on legal issues, his discussion of intellectual property (IP) suggests that the ideologies of authorship that underlie the dominant conception of plagiarism are at work in other manifestations of IP as well. In other words, plagiarism and other forms of IP function ideologically through similar conceptual systems and hierarchies. Because they are based in similar conceptual systems (or what I have been calling “frames”), dominant approaches to legal IP concerns and to plagiarism share particular shortcomings. Just as legal scholars tend to deemphasize or ignore the social and political aspects of IP, so too do traditional dogmatic understandings of plagiarism neglect the social and cultural work of plagiarism. Because the IP issues of copyright and fair use are now more overtly contested from a range of academic and extra-academic locations (e.g. the copy-left movements and the establishment of the creative commons, legal cases currently setting precedents for fair use), changing attitudes about copyright may bring discursive change to how teachers and students conceptualize plagiarism. At the same time, work done in college classrooms to reframe narratives about authorship and plagiarism might help change larger public debates over other intellectual property issues. Since IP issues like plagiarism and copyright share similar frames, a shift in one domain could open up the avenues for change in another.

While Boyle’s “critical social theory of intellectual property” illuminates the ideological frames that already structure dominant narratives of IP, Rosemary Coombe’s (1998) notion of the “ethics of contingency” provides an alternative frame for thinking about IP issues—one that emphasizes the importance of cultural and historical context when considering property rights. Following Coombe’s consideration of intellectual property disputes as tied to colonialism, disenfranchisement, and questions of identity formation, the “ethics of contingency” is concerned with the “emergence and expression of alterity” (p. 298). Put differently, if intellectual property is to support a dialogic democracy, it cannot be grounded in universalist principals (e.g. Romantic authorship, universal access to cultural forms), but should instead foreground relationships of power and the connection between cultural signifiers and identity. The “ethics of contingency” proposes an alternative frame for considering plagiarism because it provides room for dynamic rather than static definitions and opens up space to challenge the traditional identity roles assigned to students and teachers in the dominant plagiarism narrative.

However, shifting the framing of intellectual property towards an “ethics of contingency” is difficult because, as Boyle points out, the ideology of Romantic authorship is pervasive. Coleman’s (2013) ethnographic study of how free/open-source software hackers recode the meaning of intellectual property through concepts of free speech provides a framework for considering how reframing pervasive narratives might take place. Based on field work conducted in San Francisco in the early 2000s, Coleman shows how hackers have cultivated a legal consciousness and participated in the negotiation of intellectual property rights:

Because hackers challenge one strain of legal jurisprudence, intellectual property, by drawing on and reformulating ideals from another one, free speech, the arena

of F/OSS makes palpable the tensions between two of the most cherished liberal precepts—both of which have undergone a significant deepening and widening in recent decades... As such, free software hackers not only reveal a long-standing tension within liberal legal rights but also offer a targeted critique of the neoliberal drive to make property out of almost anything, including software. (p. 3-4)

Coleman's analysis of hackers "recoding" the meaning of IP through the concept of free speech provides a blueprint for how the meaning of plagiarism might be reframed through concepts of copyright and fair use. In particular, the inflexible, black-and-white conception of plagiarism (at least in the dominant narrative) is incongruous with the dominant discourse around fair use and copyright, concepts which are more overtly sites of contention and flux. Although plagiarism and copyright both operate through the notion of Romantic authorship, the controversies within copyright law point to fractures within the ideologies of IP. It may be possible to take advantage of these ideological fractures in order to recode/reframe plagiarism.

In mapping out discourses of plagiarism and copyright in college classrooms, this project will contribute to larger debates over contested theories of intellectual property by locating fractures or frame conflicts within discourses of plagiarism and copyright. In locating these points of contradiction and conflict, this project will help lay the groundwork for later exploration of how these points of contention can be used in service of positively reframing intellectual property discourses.

RESEARCH DESIGN AND IMPLEMENTATION

This study's research methods combine ethnography and discourse analysis. The study will take place over two years and will involve four stages: 1) course selection, 2) course observation and data collection, 3) data analysis, and 4) dissemination of findings.

Course selection will require contacting instructors and conducting interviews to assess if their course meets the following criteria: First, all courses must include assignments that ask students to produce both traditional research-based written papers *and* projects that use images, video, and/or audio. In other words, the concepts of both plagiarism and copyright should be relevant to the course assignments. Secondly, the course should include at least "some" discussion of copyright and plagiarism. Third, instructors of selected courses must be willing to grant me access to course materials, share student work, and participate in a minimum of two one-hour interviews. My goal is to locate at least two courses (or sessions) in each of the four educational contexts: first-year writing, general education, Writing-in-the-major courses, and library instruction sessions. Ideally, a total of eight courses will be selected for study.

Course observations and data collection will take place over a period of two semesters. In order to grant sufficient time to generate a rich description of each course, the study will only focus on four courses per semester. The sources of data will include course materials, such as plagiarism statements, handouts, and assignment sheets; notes from class observations; recorded interviews with individual students, focus groups, and instructors; as well as copies of student work.

Once the data is collected, I will use discourse analysis to code these materials and identify patterns in how the narratives of copyright, plagiarism, and intellectual property function in these classrooms. I will make several passes through the materials, focusing on instances that are connected to source use, plagiarism, fair use, or copyright. I will use key terms, metaphors, and linguistic features to identify a set of discourse identifiers or “frames” for talking about intellectual property. I will then go back and code all the materials based on this set of discourse identifiers. Once coded, I will look for patterns between the courses under examination and draw conclusions based on my findings.

Finally, I will present the findings of this study to instructors and faculty at the local institution as well as to scholars in composition studies. The presentation to instructors and faculty will take the form of a faculty development workshop open to all instructional faculty at Washington State University. The workshop will begin with an overview of the project’s goals, a discussion of the findings and their implications for teaching, and will then explore pedagogical responses to these research findings. A summary of the findings will be published as a monthly report on the CCCC Intellectual Property Committee’s public website. I will also present this research at conferences in composition studies and pursue publication in *Computers and Composition*.

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I was planning on including a discussion of "organic intellectuals" in my proposal, but I just don't see how to fit it in without making it seem forced. Do I really need Gramsci to show that the framing of plagiarism and copyright in educational contexts is important? And I just can't shake my belief that the vast majority of educators in higher education are *traditional intellectuals*, not *organic ones*. Many educators (in composition especially but certainly not exclusively) may *strive* to be organic intellectuals, but that doesn't mean we *are*.

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