

# Academic integrity and referencing: Whose responsibility is it?

**J. Dawn Marsh**

*Student Learning, Centre for Tertiary Teaching and Learning, University of Waikato, Hamilton 3240, New Zealand*

Email: [dawn.marsh@waikato.ac.nz](mailto:dawn.marsh@waikato.ac.nz)

**Jennifer Campion**

*Law Library, University of Waikato Library, Hamilton 3240, New Zealand*

Email: [jennifer.campion@waikato.ac.nz](mailto:jennifer.campion@waikato.ac.nz)

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When incidents of alleged plagiarism occur, the responsibility for maintaining and upholding academic integrity is often perceived to lie with students. Consequently, there may be insufficient recognition that faculty staff, learning advisors and librarians all contribute to educating students about the fundamental competencies and values of academic scholarship, including citation and referencing expectations. In this paper, we share insights gained from a collaboration aimed at raising the standard of student writing and embedding the core values and practices associated with academic integrity into a legal writing module contained within a compulsory first year law paper that focused on research skills. The collaboration arose as a result of a formal disciplinary process that sought to address the high incidence of alleged plagiarism in a second year law paper for which the first year paper was considered to be a sufficient foundation. This resulted in workshops and open educational resources being developed to address the learning needs of current and future students, specifically with regard to paraphrasing, summarising and quotation strategies. In this paper, we outline why new relationships and resources were created. We also explain how student feedback informed the development of videos and digital content that were shared via an open wiki to improve learning opportunities in a Bachelor of Laws degree programme.

**Key Words:** academic integrity; law students; learning development; legal education; plagiarism; referencing.

## 1. Introduction

Learning advisors differ from other academic staff in that they typically work with students from across a wide variety of subjects and disciplines, rather than within a more restricted area of content specialisation. Similarly, librarians are often generalists rather than specialists, although subject librarians tend to work more specifically with staff and students in particular disciplines. The boundaries between content knowledge and the acquisition of more generic and transversal academic, information and digital literacies have become increasingly blurred in tertiary education.

As a consequence, the role of assisting students to develop these capabilities, in order to successfully transition into tertiary study, has become both a shared responsibility and an increasingly grey area for both faculty staff and those providing centralised services for students.

The development of foundational disciplinary skills and knowledge should be addressed within the teaching of introductory courses at undergraduate level. Staff in centralised services, such as Student Learning and the library, often share responsibilities for aspects of this work, particularly instruction related to academic integrity, citation and referencing. This can, at times, lead to an inefficient duplication of services, or conversely to a situation where some students may 'fall through the cracks' because teachers and markers, particularly in more senior classes, may assume students 'should already know' something they have not yet been taught. Students may be presented with information related to academic integrity that is insufficient to scaffold them beyond their current levels of knowledge and ability. Furthermore, if they have not yet had sufficient opportunity to practise the skills they are presumed to have acquired in order to attain and retain this knowledge, they may well be unable to perform to the level that is required of them.

Academic integrity, which for the purposes of this paper refers to the avoidance of intentional, unintentional and self-plagiarism through correct citation and referencing practices, is considered an essential basic responsibility for students. Academic integrity related skills and values should therefore be developed early in a student's academic studies. However, at present, the responsibility for upholding academic integrity standards within universities appears to be chiefly placed upon the student (East, 2009). This is possibly because despite the more positive connotations of the term academic integrity, failure to maintain it gives rise to negatively viewed allegations of plagiarism (East, 2009; Gilliver-Brown & Ballinger, 2016, 2017). Yet, it has been argued that simply telling students that correct citation and referencing are required to avoid plagiarism, and that this is their responsibility, are inadequate in an environment where universities purport to be fostering academic integrity (East, 2009; East & Donnelly, 2012).

The literature tends to view plagiarism as the result of failure to follow guidelines, or as cheating (Fielden & Joyce, 2008). "Violators, in other words, consciously choose to ignore or simply do not comprehend the rules of citation and plagiarism" (Purdy, 2009, p. 73). Students are held responsible because they are considered to be either wilfully ignorant or dishonest. This construction of incorrect practice as 'misconduct' means students are held accountable for both their own behaviour and the reputation of their institution, and it is students who have tended to be blamed, both individually and collectively, for increases in rates of plagiarism (Robillard & Howard, 2008).

This approach fails to take into account the difficulties international students, who are actively sought by New Zealand universities, face in understanding academic integrity (Al-Shamaa, Brown, & Pranish, 2017; Velliaris & Breen, 2016; Velliaris, Willis, & Pierce, 2015). It is increasingly recognised that academic integrity is a concept rooted in a Western construction of intellectual property rights (Duff, Rogers, & Harris, 2006), which may be at odds with other cultural conceptions (Al-Shamaa et al., 2017). For example, students studying in New Zealand who are from other cultural backgrounds "may have been taught to not challenge the ideas of an expert" (Velliaris & Breen, 2016, p. 567). Replication without acknowledgement may also be considered an acceptable and respectful practice in their previous educational environments (Angelil-Carter, 2000; Burns, 1991; Handa & Power, 2005; Pennycook, 1994; Scollon, 1999). Studies have shown that many students do not understand plagiarism (Carroll, 2002) and are committing it inadvertently. Many are unable to recognise examples of plagiarism and do not yet understand how to paraphrase and cite sources appropriately (Marshall & Garry, 2006; Pecorari, 2003; Yeo, 2007). Academic integrity therefore needs to be recognised as a complex and multifaceted concept (Hallett, Woodley & Dixon, 2003; Hamilton, Hinton, & Hawkins, 2003) that is one not easily understood by students (Ashworth, Freewood, & Macdonald, 2003).

The discourse of misconduct seems premised on the presumption that when plagiarism occurs it reflects a failure of students' moral character, warranting a penalty, rather than a lack of educational experience for which educators and institutions are partially responsible. The often punitive misconduct-focused approach can obscure systemic or institutional failures that lead to academic misconduct (Bertram Gallant & Kalichman, 2011) and the important role faculty staff, learning advisors and librarians have in assisting students to understand how to meet academic integrity expectations and acquire the fundamental competencies and values of academic scholarship. Arguably, the responsibility of staff and institutions is heightened when students are actively recruited and enrolled from international backgrounds, as these students, unsurprisingly, may lack the cultural capital and academic foundation of domestic students and consequently require more transitional support (Al-Shamaa et al., 2017).

Conceptions of academic integrity as an institutional concern, rather than merely a student responsibility, have begun to emerge (Bertram, Gallant, & Kalichman, 2011; Velliari & Breen, 2016), particularly in response to academic audits which have "highlighted a lack of awareness of the existing resources and information about academic integrity issues on the part of both students and teaching staff" (Gilliver-Brown & Ballinger, 2017, p. 69). At the University of Waikato, a working group on academic integrity has been established to address concerns about lack of familiarity with the resources available to teach academic integrity, citation and referencing. It aims to shift the focus of intervention away from a punitive and disciplinary approach towards early intervention and preventative education (Gilliver-Brown & Ballinger, 2017). However, commitment to a centralised, institution-wide approach has been mixed, particularly among staff from disciplines such as law where professional accreditation and competencies are considered as important as academic skills. The use of a specific legal referencing style, which is not used elsewhere in the University, also creates a silo of specialised practice, which has historically lent itself to a more faculty-specific approach to teaching legal writing skills.

This paper outlines a collaboration between Student Learning and the Law Library to develop resources to support all law students to maintain their academic integrity and improve their legal writing. The paper describes an incidence of alleged plagiarism within Te Piringa Faculty of Law at the University of Waikato in 2016, although this misconduct incident is not the focus of the paper. The disciplinary process and the resulting intervention led to the development of a co-taught subject-specific workshop, during which an opportunity for further collaboration was recognised. This collaboration operated beyond the formal role expectations of the staff involved and aimed to benefit both staff and students. It led to the development of relationships and resources aimed at raising the standard of student writing, and recognised that responsibility for the development of academic integrity is shared. It also served to highlight the extent to which teaching and modelling academic integrity is a collaborative effort between faculty, library, and Student Learning staff, and illustrates how easily such commitments can be undermined by siloed practices in learning and teaching.

## **2. Academic Integrity at the University of Waikato**

The use of text-matching software, such as Turnitin (iParadigms, 2010), has afforded academic institutions the opportunity to more consistently detect instances of plagiarism and academic misconduct (Purdy, 2009), and to ensure that students acquire the ethical and scholarly practices expected of graduates and professionals. Unlike some other New Zealand universities, which prefer to deal with lower-level breaches of student misconduct regulations at the paper, department or faculty level (Massey University, 2016; University of Otago, 2015), the University of Waikato operates a centralised referral process intended to "detect and deter academic dishonesty" (Guthrie, 2009, p. 2). This process better enables staff to accurately assess whether the incident is a first-time or repeat violation enabling effective interventions or appropriate penalties to be applied. This institution-wide approach to detecting plagiarism and misconduct has, somewhat unfairly, led the University of Waikato to gain a reputation as being "top of [the] class at cheating"

(Wilson, 2014), as a higher proportion of students are formally censured for dishonesty offences than at any other New Zealand university (Carson, 2012; Pearl, 2013; Wilson, 2014).

At the University of Waikato, students who are alleged to have plagiarised by copying work from different sources without full and accurate referencing of source material are referred to a Student Discipline Committee (Swain & Guthrie, 2012). Students are then summoned to appear at a summary jurisdiction hearing to explain their alleged violation of section 8(2) of the Assessment Regulations 2016 (prohibiting plagiarism in assessment) (University of Waikato, 2016) and section 6(d) of the Student Discipline Regulations 2014 (breaching a regulation in the University Calendar) (University of Waikato, 2014). This hearing is often perceived as a very formal, punitive and frightening prospect, particularly for new students.

The reality is quite different. Students are invited to explain the series of events leading up to the submission of their assessment, and why they do or do not understand and accept that plagiarism and/or deliberate cheating have occurred. When plagiarism is found to be unintentional, the most common outcome is an acknowledgement by the Chairperson of the University's Student Discipline Committee that the student did not understand the expected standards of academic integrity or know how to reference the material used in their assessment appropriately. The student is then issued a formal written warning and required to meet one-to-one with a learning advisor from Student Learning to learn how to cite and reference correctly. Students are also strongly recommended to enrol in and complete a series of online academic integrity modules (Gilliver-Brown & Ballinger, 2016, 2017) and are provided links to referencing resources on the websites of the University of Waikato Library, Virtual Education Reference Desk, and Student Learning. Most students are also given the opportunity to revise and resubmit their work with a grade penalty that reflects the severity of the plagiarism that occurred in the original submission; this reduction is typically around ten to twenty percent of the original grade.

The approach taken by Student Learning staff when working with a student referred by the Student Discipline Committee is to focus on academic integrity and referencing as issues of honesty, respect and scholarly practice (Gilliver-Brown & Ballinger, 2016). The disciplinary referral process is treated as a serious but educative rather than punitive process, so as to invite further opportunities for students to develop academic skills, literacies and dispositions. Student Learning tutors also make a clear distinction between the values of academic integrity, and the skills involved in accurately following a referencing style guide with sufficient attention to detail. This is particularly important as, unlike many academic staff, students are often required to engage with more than one referencing system during their studies. They may, for example, use the *New Zealand Law Style Guide* (McLay, Murray, & Orpin, 2012) in law papers, the *Publication Manual of the American Psychological Association* (APA) (American Psychological Association, 2010) in education or psychology papers, and the *Modern Humanities Research Association Style Guide* (Modern Humanities Research Association, 2013) or *MLA Handbook* (Modern Language Association, 2016) if they take history or English, and other subjects also have their own preferred referencing systems. The multiplicity of referencing styles and expectations can lead to confusion about the 'mechanics' of punctuation, capitalisation, style and layout of quoted and paraphrased material. There may also be uncertainty about whether to cite within the text or in footnotes, or errors in the presentation of the reference list or bibliography, although the principles of academic integrity remain transferable between styles. Poor paraphrasing skills and lack of technical competence when citing and referencing are therefore seen as distinct and separate areas to address in a student consultation, in addition to any issues of deliberate dishonesty or cheating.

### 3. The 2016 plagiarism incident

In 2016, Turnitin originality reports were used by a marker in a second year law paper to identify unattributed or incorrectly attributed sections of text in the students' argumentative essay assignments. This led to one quarter of the students from this class (40/161) being referred to the Student

Discipline Committee and subsequently the majority of them (34) being referred to Student Learning for assistance with paraphrasing, in-text citation and referencing following the summary jurisdiction process. It was determined that these students had plagiarised unintentionally, as they had used “another person’s work in an assessment item without . . . full and accurate referencing,” thus constituting a breach of the Assessment Regulations (University of Waikato, 2016, s.3, para. 8). However, it was clear that the majority of instances were the result of unintentional plagiarism, involving not citing sources often enough, and not distinguishing clearly between quoted and paraphrased material. Inconsistent conformity with the prescriptions of the *New Zealand Law Style Guide* and the misapplication of style rules from other referencing systems (particularly APA) also appeared to have contributed to the high proportion of referrals by this marker from this cohort of students.

Like many other professional bodies, the New Zealand Law Society requires dishonesty or misconduct findings to be disclosed. For law students, a misconduct finding of this nature could therefore have the potential to affect them in any future application to be admitted as a barrister and solicitor of the High Court of New Zealand, as lawyers must be considered to be “of good character” (s.55.1.a) and to be “a fit a proper person” (s.55) to practice (Lawyers and Conveyancers Act 2006, N.Z.).

There were numerous problems identified in students’ work, including incorrect formatting of short and long quotations, lack of awareness that text can be omitted or amended within direct quotations, and a variety of mechanical errors in footnotes and bibliographies. These issues indicated the affected students were not consistently referencing in accordance with the *New Zealand Law Style Guide* despite having been introduced to this in their first year of study. They also seemed limited in their ability to summarise and paraphrase effectively even though these aspects of academic and legal writing had been addressed in the legal writing module that was part of a compulsory first year research skills paper in their first year of study. Ordinarily, in this situation, individual students would be referred by the Student Disciplinary Committee to meet one-to-one with a learning advisor. However, due to the volume and nature of referrals, it was determined that workshops would be more appropriate and efficient, as this number of individual appointments would overwhelm the Student Learning service. The senior tutor assigned to develop and run these workshops approached the Law Library to co-teach, as she was aware law subject librarians were involved in the legal writing module and had greater experience and familiarity with New Zealand law style.

It is important to recognise that while approximately one quarter of the class had problems with academic integrity and compliance with the style expectations outlined in *New Zealand Law Style Guide*, the remaining three quarters did not. Moreover, one incidence of this nature is not indicative of endemic failure to teach and model academic integrity, and it is significant that this issue had not arisen to this degree before, to our knowledge. However, what the situation did highlight is the siloed teaching practices Student Learning and library staff operated within, even though there are overlaps in the provision of services for students and clear benefits to be gained from continuing to work more closely together in the future. One reason is that subject librarians usually work with graduate students rather than undergraduates, although law librarians also have responsibility for, and involvement in, undergraduate teaching.

#### **4. Workshop preparation**

Student Learning had previously offered a number of generic paraphrasing, academic integrity and referencing workshops, as well as embedded workshops on a range of study skills, writing strategies, and academic skills and literacies. Learning advisors had also run embedded academic integrity and referencing workshops, particularly for cohorts of students from the Faculty of Education, Faculty of Science and Engineering, and to international students, but a workshop specifically for law students based on the *New Zealand Law Style Guide* had not been offered by

Student Learning staff before. This was because it was considered the responsibility of law librarians and academic staff to teach New Zealand law style, and additionally because there were no staff in Student Learning with specific responsibility or expertise in this area.

In order to address the 2016 plagiarism incident, a workshop was developed for this cohort of students to address the outcomes identified during the summary jurisdiction process. The emphasis was on the value and purpose of academic integrity, citation and referencing as scholarly practices, summarising and paraphrasing strategies, creating accurate footnote and bibliography entries, the selective use of direct quotation, and demonstrating understanding of critical engagement with academic texts in assessment. Skills related to legal database use, including locating the components required for footnote and bibliography entries, as well as peculiarities of particular New Zealand legal materials, were also included. A Student Learning advisor and three law librarians were involved in preparing this 90 minute workshop, which was offered twice. The workshops were led by a senior tutor from Student Learning and a law librarian, but a different law librarian was involved in each of the sessions. The content of the workshops covered some material that the students should have been familiar with from previous coursework, but contextualised it by providing practical tips and examples for the students to work through to clarify expectations and requirements for using quotations and paraphrasing appropriately in their assignments.

## **5. Roles and responsibilities**

Te Piringa Faculty of Law staff have a long history of collaborating with law librarians to foster critical and technological literacies in legal research and education (Havemann & Mackinnon, 2002). In addition to responding to reference desk and online inquiries, law librarians offer discipline-specific research skills and co-teach a ten-week online legal research skills programme, which is a core component of a compulsory first year law paper. These ten modules cover academic integrity and legal writing skills, but not academic writing skills more generally. The assessment of the modules takes the form of a weekly multi-choice, automatically marked quiz. The programme also refers law students to online Student Learning materials supporting academic integrity, but because these resources do not form part of the assessment, it is uncertain whether students consult them.

Traditionally, the Law Library has primarily focused on teaching law students research skills, and has had little direct involvement with Student Learning. In contrast, Student Learning provides students from all faculties with confidential learning development advice to assist them to succeed in their academic studies, but only sees a relatively small proportion of law students. Although there are considerable overlaps in the assistance learning advisors and subject librarians provide, and clear benefits to be gained from the pooling of knowledge that a collaboration of this kind enables, there had not previously been this degree of cooperation. This is surprising, as relations between librarians and learning advisors are generally regarded as constructive and positive, and staff from both areas have successfully worked together on the delivery of an academic skills development programme, WaiBoost (Johnson, Haines, & Gera, 2012; Marsh & Eastwood, 2017), and on other projects.

Anecdotally, it appears to be the case that learning advisors provide advice and assistance to fewer law students than do law subject librarians. It is possible for an undergraduate law student not to have any involvement with a learning advisor, or for a law student's only contact with Student Learning to be as a consequence of a referral from a law subject librarian, or a disciplinary intervention. The ability for learning advisors to engage with law students regarding critical writing and academic literacies may therefore be dependent on how successful rapport is built during disciplinary referral sessions. Anecdotally, it appears law students are more willing to seek help from lecturers, tutors and mentors (other law students who are further ahead in their degrees) within their faculty, or from law subject librarians, than from learning advisors. There are valid

reasons for students to prefer to consult subject specialists. Law is a professional as well as an academic discipline, and the requirements for the law syllabus are set not by the University but by the New Zealand Council of Legal Education. As many of the skills law teaches involve analysis of legal materials, there has been a tendency amongst law students to prefer the support they can receive from within the Faculty rather than use centralised services, which may be perceived to be too generic, despite the transferability of the academic skills and strategies that learning advisors impart.

## 6. The workshops

The workshop began by explaining to students that citation and referencing are core scholarly practices and should be considered a means to communicate who or what has influenced their thinking, so as to pass knowledge on to others and ‘join the academic conversation’. The placement of citations was then discussed, as many students had only placed footnotes at the end of paragraphs, assuming it would be clear this footnote applied to all the preceding sentences in the paragraph. They were advised to place footnotes at every point at which they referred to someone else’s idea, even if that meant repeating the same reference. Using language to indicate the same source was still being used was also discussed as an alternative to repeating references.

Students were then asked to practise footnote entries for a variety of common legal materials, including a statute, a reported case, a case from another jurisdiction, a book, a chapter in an edited book, an academic journal, and a media article. They were also advised to ‘reference as you go rather than reference at the end’, to reduce the risk of accidental omission, or being unable to remember or find the source. Examples from course materials were included to demonstrate that when they have been given incomplete or incorrectly referenced materials in class, they should not assume these are accurate. This provided an opportunity to demonstrate effective search strategies using the library catalogue and databases, such as LexisNexis New Zealand and Westlaw New Zealand, and enabled the subject librarian to demonstrate where to locate bibliographic details in database entries, as well as in both digital and physical materials.

The focus of the workshop then shifted to summarising, paraphrasing and quotation, as these were skills that many students had struggled with in their argumentative essays. The emphasis of the workshop was to discourage over-reliance on direct quotation, and communicate that paraphrasing and summarising were better writing practices than direct quotation to demonstrate one’s understanding of course content. The workshop included examples intended to illustrate occasions when direct quotation might be considered appropriate, such as for definitions, to clearly reflect legal principles and precedents, or to accurately present an idea that one might be intending to critique and discuss in further detail. Examples were also provided to show when one might want to abridge quotations through the use of ellipses (...), vary them for tense, tone or clarity using [square brackets]; or use [sic] to identify spelling or grammatical errors in original materials in accordance with the prescriptions specified in *New Zealand Law Style Guide*.

Part of the reason for the gap between students’ academic writing abilities and lecturers’ expectations is that the argumentative essay form is not a genre that is commonly used in assessments in law. Students at second year are much more familiar with writing legal opinions based on statutes and case law using the Issue, Rule, Application, Conclusion (IRAC) method (Penk & Russell, 2014). Those who do not take electives in humanities and social science subjects might have only written one or two essays in their first year of study prior to attempting the argumentative essay assignment. The purpose of the workshop demonstrations was thus to model a variety of academic writing strategies, as well as to invite a discussion about how legal writing and referencing differed from the expectations students might have encountered in their electives.

The use of technical language and when it might be appropriate to retain this when paraphrasing were also a focus of discussion, as overuse of synonyms and thesaurus functions were evident in students’ writing. These strategies were intended to show students how to minimise the use of

directly quoted material in order to demonstrate comprehension and engagement with readings and research, as well as the importance of engaging with and using the vocabulary of law. Not all students knew how to format longer indented quotations, use paragraph styles, or insert footnotes in MSWord, so these skills were also demonstrated. Finally, students were shown how to convert footnote entries into bibliography entries, and some specific details of New Zealand law style, which include the use of abbreviated journal titles, and the requirement that items be grouped by type (statutes, legislation, books, journals etc.) in the bibliography.

Although students were initially uncomfortable and resistant to the workshop because some felt the accusation of plagiarism was unfair, they very quickly began to respond positively and to ask questions. Much of the discussion focused on how New Zealand law style differed from APA and other referencing systems, and why this could be confusing for them. Several students commented that “we didn’t know this” and asked why they “hadn’t been taught this before”. In the course of the workshops, it therefore quickly became apparent that the students had no memory of having been taught this content in the previous year. That was surprising and concerning, particularly for the law subject librarians, as they were aware that these topics had been covered in the first year paper, which they had been involved in teaching, and that the majority of these students had successfully completed that paper. The problem was therefore not a lack of teaching, but a lack of learning, or rather the inability to remember, revisit, retain, and reapply what that had learnt several months previously. In reflecting on this, it became clear that not only had students had insufficient practice in applying skills associated with good academic writing and scholarly practice, they had also been unable to revisit and consult the resources made available to them the previous year. By the time the student were expected to write an argumentative essay in their second year paper, they had lost access to the Moodle (Learning Management System) papers associated with all of the previous year’s courses, including their first year law papers and the associated legal writing resources. This policy has been reviewed and from 2018 it is anticipated that students will be able to access past Moodle papers.

## **7. Student feedback**

Thirty-four students were referred to the workshops. The first was attended by ten students, after which minor amendments were made to the workshop content to address issues that arose from students’ questions and concerns. A week later the workshop was repeated and a further ten students attended. One-to-one appointments were subsequently made available to the remaining disciplinary referral students who had been unable or unwilling to attend either session. A further five students had one-to-one appointments with a sixth opting for a video conference. Verbal feedback from students during and immediately after the workshops was positive, despite the circumstances that had led to the disciplinary referral. The students reported that they had “actually found the workshop really useful” and “wished they had known these things earlier”, which suggested the content and skills covered had addressed some of the gaps between their prior knowledge and the academic skills and literacies their lecturer had expected of them.

In order to better understand the circumstances surrounding the gap between teacher expectations and student capabilities, teaching development staff offered to facilitate a focus group with students from the class to better understand their perspectives and the legal writing they had previously undertaken. Students were asked about their experiences of teaching and assessment processes in the second year paper, the feedback they had received on the assignment, whether they felt the research, analysis, writing skills and strategies to avoid plagiarism taught in the first year research skills paper had prepared them adequately for the argumentative essay assignment, and why they thought so many of their classmates had been referred to the Student Discipline Committee for plagiarism. The students who participated were not asked whether they were among the students who had been referred to the Student Discipline Committee.

The students who attended the focus groups were fairly satisfied with both the teaching and assessment processes in the paper. Comments about the argumentative essay assessment and the guidance they had received were positive, with two participants saying they liked this aspect of the course without being asked the question. Another student responded as liking the choice of twelve different topics, and appreciating both the lack of restriction in developing a response and the opportunity to undertake independent research. Students also noted that they appreciated the substantial, in-depth feedback they received from their marker about their grade, and that they felt this had assisted their learning.

Participants were more mixed about the legal writing support they had been given. Some noted that they could have been better prepared, but most were grateful for the support they received. They noted that there was inconsistency in student experience, commenting that the quality of tutoring varied between classes. A lack of recollection of material covered in the first year research skills paper was also apparent, and several students suggested that more could be done in that paper to prepare them for academic writing. Certainly, they felt too much time was spent on discussing what plagiarism is, rather than learning how to avoid it, and not enough time was spent developing paraphrasing skills. It was also suggested that running the workshop regularly would be beneficial. Although the perspectives of the students surveyed may not reflect the experiences of the class as a whole, these comments are, nevertheless, instructive and helped to inform the preparation of additional digital resources to address the gaps students had identified in the academic foundation provided in their first year of study.

## 8. Improvements to practice

After critically reflecting on the marker's concerns, the Student Discipline Committee's findings, and the feedback from students who participated in the workshops and focus groups, improvements to the legal writing module and Law Library resources were proposed. Several of the existing videos in the legal writing model were revised, and for the 2017 academic year, the Law Library brought Student Learning into the teaching around academic integrity. Student Learning resources on academic integrity, which often used examples from APA, were adapted for use in the revised legal and academic writing module. Additionally, a new academic writing component was added to the legal writing aspects covered. The learning advisor and one of the librarians who had been involved in presenting the law workshops converted some of the material they had included in the workshops into short videos. This gave the Student Learning service and its resources greater prominence, particularly as a learning advisor was included as a presenter in the *Introduction to Legal Writing*, and *Quotation and Paraphrasing* videos, which had not previously occurred. These open educational resources are available at <http://law.waikato.ac.nz/lrs/index.php/LegalWriting>.

One significant outcome was that the videos and other learning materials created were added to the *Law Library's Legal Research Skills Wiki* (University of Waikato Library, n.d.), so that they could be more accessible. While the Law Library has made its teaching resources available in this way previously, the value of adding the newly developed academic integrity resources to the wiki was that law students at any stage in their programme of study are now able to benefit from this open content, even if they have not previously encountered it in their programmes of study. Sharing resources on an open platform also meant the resources were available to Student Learning tutors for the first time, enabling more consistent learning development advice to be given during student consultations. Ensuring the videos and resources continue to be available after the completion of the paper in which the legal and academic writing modules have been embedded enables students to review and re-familiarise themselves with academic writing expectations before attempting future assignments. This is particularly valuable when opportunities to practise the essay writing form are fairly limited in the first two years of the Bachelor of Laws degree. All 2017 first year students will have seen the videos as part of the first year legal and academic writing module, and it has been noted that both formal and informal feedback on the new videos

and materials has been favourable. In addition, student response to the Law Library legal and academic writing module, which includes the new videos, has been overwhelmingly positive, with 96 percent of students satisfied or very satisfied with the course. Student quiz results, which comprise part of the formal assessment of the module, have also improved.

## **9. Challenges**

Collaborating to develop new digital learning resources for students was not an entirely straightforward process. Modelling academic integrity best practice is something to which staff within faculties, learning development services and the library all contribute. Coordinating these efforts is theoretically essential, but in practice this can be difficult to achieve, as siloed practice is not uncommon between faculties and other divisions within the University. Recent restructuring has also engendered a degree of distrust about attempts to centralise services and the potential impact on staffing levels within programmes. While significant progress has been made in building relationships among staff from Te Piringa Faculty of Law, Student Learning and the Law Library, maintaining these relationships has proved challenging since this collaboration occurred. This was largely due to other work priorities, rather than any lack of shared commitment to working together to assist law students.

Learning advisors often struggle to distance their work from deficit assumptions and the perception that their role is solely to provide remedial support and interventions for struggling and failing students (McMorrow, 2017). Instead, they seek to position their professional practice as “providing a comprehensive service that enhances engagement, learning and achievement for students of all levels and abilities” (Marsh & Eastwood, 2017, p. 84). Concerns about the relevance and usefulness of both generic study skills workshops and assistance from learning advisors remains a barrier to working more closely with staff and students in professional programmes, such as the Bachelor of Laws degree. This may be because learning advisors are perceived to lack the relevant knowledge, skills and abilities expected of legal professionals. Some of the resources produced by Student Learning staff may also be considered to lack sufficient connection to disciplinary practices, and may therefore not be the kind of resources teaching staff and students find useful when seeking to address immediate learning development needs in relation to specific assessments.

It was noted in this collaboration that one of the Law librarians, who had previously studied in Te Piringa Faculty of Law, was known to many of the current lecturers, and had practised as a lawyer, was much more successful in communicating and working with faculty staff. This is likely to be due, in part, to her perceived legitimacy as a capable student, and as an experienced legal professional and legal writer. Legal courses in New Zealand being partly prescribed by the Council of Legal Education means that there is professional oversight and a significant degree of importance placed upon substantive legal knowledge. This suggests issues around disciplinary knowledge and professional practice are perhaps more significant when seeking to work with law students. This creates challenges for Student Learning staff, who may be perceived as teachers of generic study skills and academic writing. In legal education, learning advisors may find it challenging to establish their credibility as capable teachers of professional legal writing, whereas law librarians are recognised as legal research specialists with relevant expertise. The ability of subject librarians and Student Learning staff to work successfully with faculties offering professional degrees therefore seems to be dependent upon personal relationships and backgrounds. This can influence the degree to which individual librarians or learning advisors are perceived to have credibility advising students in courses that are heavily depend on subject-specific content, and disciplinary and professional knowledge.

## 10. Future directions and learning

What has become clear from the high incidence of plagiarism in the second-year class, and the collaboration that followed from it, is that many staff share responsibility for helping students to become writers, scholars and professionals who practise with academic integrity. It was apparent that staff expectations may not always match students' prior knowledge and current abilities, and students may receive different kinds of advice and feedback from staff in different areas. Better collaboration and co-operation among faculty staff, learning advisors and librarians is therefore essential. However, no single intervention is likely to be effective in enabling students to develop the academic skills, literacies and dispositions they need to be successful in legal education and practice. Collaborations that involve the pooling and sharing of knowledge, so that students receive clear and consistent messages that are reinforced over time, have obvious value. Siloed practice and staff workload within the University remain difficult barriers to overcome, even when there is goodwill, commitment and a shared desire to assist students. Further opportunities to work together to develop resources that will enable law students to transition more successfully into meeting scholarly expectations at university, and so that they acquire the attributes expected of law graduates, are intended in the future. These include the development of both generic and subject-specific digital resources to ensure disciplinary and professional expectations are met, and that students develop autonomy and take personal responsibility for their own academic and professional practices.

Collaboration with staff in the Faculty of Law may always be circumscribed by the nature and content of the law degree as a professional programme, and this inevitably limits the degree to which the Law Library and Student Learning staff can have input into the Bachelor of Laws programme. Additionally, sustaining the involvement of staff outside the Faculty beyond their inclusion in the legal and academic writing module has proven difficult. Learning advisors have not previously been significantly involved in educating law students and still have limited formal structural relationships with Te Piringa Faculty of Law. So, while individual students may receive assistance from learning advisors in *ad hoc*, largely self-referred, one-to-one appointments, this service reaches only a minority of law students. Without more deliberate and explicit embeddedness within curricula, learning advisors may continue to be seen as the ambulance at the bottom of the cliff whose work remains predominantly 'in the shadows' (Gao & Reid, 2015) until invoked as part of a disciplinary process.

Despite this, there is clearly scope for greater collaboration between faculty staff and staff in centralised services, such as Student Learning and the Law Library, to occur. This partnership in action suggests that utilising critical intermediary relationships may be the key to bridging the gap between learning advisors and faculty staff, as one of the law librarian's existing relationships provided a foundation on which Student Learning staff could work towards enabling learning development work to be embedded. However, the reliance on such individuals is a very risky strategy, as their absence or departure can undermine programmes and initiatives that are not structurally embedded into institutional practice (Marsh & Eastwood, 2017).

## 11. Concluding remarks

This collaboration involved Law Librarians and Student Learning staff working together to address critical learning development needs identified by teaching staff through assessment processes. The high rate of alleged plagiarism in a second-year law paper highlighted a number of issues related to improving learning and teaching opportunities and resources for students studying in Te Piringa Faculty of Law. Our experiences preparing and conducting workshops to address the skills and practices identified through the University's disciplinary process were illuminating and several issues emerged. First, students could not recall having been taught aspects of the legal writing module that were relevant to their argumentative essay assignment. Second, the use of

Moodle restricted the ability of learning advisors to access resources from the legal writing module, which would have enabled them to provide better advice and assistance to law students, and enabled students to revisit resources. Third, siloed practices inhibited the ability of learning advisors and librarians to engage with students and staff from Te Piringa Faculty of Law. As a result, to prevent recurrence of these issues, there has been ongoing collaboration between Student Learning and the Law Library to develop new legal writing resources that have been made available outside of the Moodle environment. There is also a greater awareness of the need to communicate more effectively with faculty staff to encourage broader collaboration and higher rates of student referrals to avoid further incidents of plagiarism and academic misconduct. Finally, it was evident that learning development opportunities are often heavily dependent on key relationships that enable the work of learning advisors and librarians to be embedded into programmes, and to be seen to make a credible contribution to professional and legal education. This remains a significant vulnerability.

## References

- Al-Shamaa, S., Brown, A., & Pranish, T. (2017). Addressing plagiarism at a New Zealand tertiary institute. *ATLAANZ Journal*, 2(2), 16-32. Retrieved from <http://journal.atlaanz.org/index.php/ATLAANZ/article/view/36/64>
- American Psychological Association. (2010). *Publication manual of the American Psychological Association* (6th ed.). Washington, DC: Author.
- Angelil-Carter, S. (2000). *Stolen language? Plagiarism in writing*. Essex, United Kingdom: Pearson Education.
- Ashworth, P., Freewood, M., & Macdonald, R. (2003). The student lifeworld and the meanings of plagiarism. *Journal of Phenomenological Psychology*, 34(2), 257-278.
- Bertram Gallant, T., & Kalichman, M. (2011). Academic ethics: A systems approach to understanding misconduct and empowering change in the academy. In T. Bertram Gallant (Ed.), *Creating the ethical academy* (pp. 27-44). New York, NY: Routledge.
- Burns, R.B. (1991). Study and stress among first year overseas teachers in an Australian university. *Higher Education Research and Development*, 10(1), 67-77.
- Carroll, J. (2002). *A handbook for deterring plagiarism in higher education*. Oxford, United Kingdom: Oxford Centre for Staff and Learning Development.
- Carson, J. (2012, October 25). University on the lookout for cheats. *Waikato Times*. <http://www.stuff.co.nz/waikato-times/news/7862718/University-on-the-lookout-for-cheats>
- Duff, A. H., Rogers, D. P., & Harris, M. B. (2006). International engineering students: Avoiding plagiarism through understanding the Western academic context of scholarship. *European Journal of Engineering Education*, 31(6), 673-681.
- East, J. (2009). Aligning policy and practice: An approach to integrating academic integrity. *Journal of Academic Language and Learning*, 3(1), A38-A51. Retrieved from <http://journal.aall.org.au/index.php/jall/article/viewArticle/66>
- East, J., & Donnelly, L. (2012). Taking responsibility for academic integrity: A collaborative teaching and learning design. *Journal of University Teaching and Learning Practice*, 9(3). Retrieved from <http://ro.uow.edu.au/jutlp/vol9/iss3/2>
- Fielden, K., & Joyce, D. (2008). An analysis of published research on academic integrity. *International Journal for Educational Integrity*, 4(2), 4-24.
- Gao, X., & Reid, K. (2015). "What we do in the shadows": Evaluating the one-to-one tertiary learning advice consultation. *ATLAANZ Journal*, 1(1), 34-53. Retrieved from <http://journal.atlaanz.org/index.php/ATLAANZ/article/view/3/5>

- Gilliver-Brown, K., & Ballinger, D. (2016, December). *The integrity games: A participatory approach to academic integrity*. Paper presented at the Association of Tertiary Learning Advisors of Aotearoa/New Zealand (ATLAANZ) Conference, Christchurch, New Zealand. Retrieved from <http://journal.atlaanz.org/index.php/ATLAANZ/article/view/4>
- Gilliver-Brown, K., & Ballinger, D. (2017). 'The integrity games': An interactive story education approach to teaching academic integrity. *ATLAANZ Journal*, 2(1), 68-81. Retrieved from <http://journal.atlaanz.org/index.php/ATLAANZ/article/view/30/41>
- Guthrie, C. (2009). *Plagiarism and cheating: A mixed methods study of student academic dishonesty*. (Master's thesis. University of Waikato, Hamilton, New Zealand). Retrieved from <http://researchcommons.waikato.ac.nz/bitstream/handle/10289/4282/thesis.pdf>
- Hallett, R., Woodley, C., & Dixon, J. (2003). Constructing 'authenticity': Feigning an inexpert authority. In H. Marsden & M. Hicks (Eds.), *Educational integrity, plagiarism and other perplexities: Proceedings of the Inaugural Educational Integrity Conference* (pp. 48-53). Adelaide, Australia: University of South Australia.
- Hamilton, D., Hinton, L., & Hawkins, K. (2003). Educational integrity, plagiarism and other perplexities. In H. Marsden & M. Hicks (Eds.), *Educational integrity, plagiarism and other perplexities: Proceedings of the Inaugural Educational Integrity Conference* (pp. 54-59). Adelaide, Australia: University of South Australia.
- Handa, N., & Power, C. (2005). Land and discover! A case study investigating the cultural context of plagiarism. *Journal of University Teaching and Learning Practice*, 2(3), 64-84.
- Havemann, P., & Mackinnon, J. (2002). Synergistic literacies: Fostering critical and technological literacies in teaching a legal research methods course. *Legal Education Review*, 31(1), 65-92. Retrieved from <http://researchcommons.waikato.ac.nz/handle/10289/554>
- iParadigms. (2010). *Turnitin: Answers to questions students ask about Turnitin*. Retrieved from [https://turnitin.com/static/resources/documentation/turnitin/sales/Answers\\_to\\_Questions\\_Students\\_Ask.pdf](https://turnitin.com/static/resources/documentation/turnitin/sales/Answers_to_Questions_Students_Ask.pdf)
- Johnson, M., Haines, A., & Gera, C. (2012). WaiBoost: An intensive cohort programme for developing tertiary-level academic skills. In M. Protheroe (Ed.), *Navigating the River: Proceedings of the 2011 Annual International Conference of Tertiary Learning Advisors of Aotearoa/New Zealand (ATLAANZ)* (pp. 58-70). Auckland, New Zealand: ATLAANZ.
- Lawyers and Conveyancers Act 2006, N.Z. Retrieved from <http://www.legislation.govt.nz/act/public/2006/0001/latest/DLM364939.html>
- Marsh, J.D., & Eastwood, K.R. (2017). SciBoost: A collaborative approach to enhancing Māori and Pacific achievement in Science and Engineering. *Association of Tertiary Learning Advisors and Teachers Journal*, 1. Retrieved from <http://journal.atlaanz.org/index.php/ATLAANZ/article/view/31>
- Marshall, S., & Garry, M. (2006). NESB and ESB students' attitudes and perceptions of plagiarism. *International Journal for Educational Integrity*, 2, 26-37.
- Massey University. (2016). *About academic integrity*. Retrieved from <https://www.massey.ac.nz/massey/about-massey/university-management/avc-academic/academic-integrity/about-academic-integrity.cfm>
- McLay, G., Murray, C., & Orpin, J. (2012). *New Zealand law style guide* (2nd ed.). Wellington, New Zealand: New Zealand Law Foundation. Retrieved from <http://www.lawfoundation.org.nz/style-guide/>
- McMorrow, M. (2017, February). *Two cheers for one to ones*. Paper presented at the International Consortium of Academic Language and Learning Developers (ICALLD) Online Symposium: Collaboration in a Changing Environment. Retrieved from <https://www.slideshare.net/martinmcmorrow/2017-icalld-two-cheers-for-one-to-ones>

- Modern Humanities Research Association. (2013). *MHRA Style Guide: A handbook for authors and editors* (3rd ed.). London, United Kingdom: Author.
- Modern Language Association. (2016). *MLA handbook* (8th ed.). New York, NY: Author.
- Pearl, H. (2013, July 20). Cheating and plagiarism among misconduct cases. *Waikato Times*. Retrieved from <http://www.stuff.co.nz/waikato-times/news/8943627/Cheating-and-plagiarism-among-misconduct-cases>
- Pecorari, D. (2003). Good and original: Plagiarism and patchwriting in academic second-language writing. *Journal of Second Language Writing*, 12, 317-345.
- Penk, S., & Russell, M-R. (2014). *New Zealand legal method handbook*. Wellington, New Zealand: Thompson Reuters.
- Pennycook, A. (1994). The complex contexts of plagiarism: A reply to Deckert. *Journal of Second Language Writing*, 3(3), 277-284.
- Purdy, J.P. (2009). Anxiety and the archive: Understanding plagiarism detection services as digital archives. *Computers and Composition*, 26, 65-77. <http://dx.doi.org/10.1016/j.comp-com.2008.09.002>
- Robillard, A.E., & Howard, R.M. (2008). Plagiarisms. In R.M. Howard, & A.E. Robillard (Eds.), *Pluralizing plagiarism: Identities, contexts, pedagogies* (pp. 1-7). Portsmouth, United Kingdom: Heinemann.
- Scollon, R. (1999). Plagiarism. *Journal of Linguistic Anthropology*, 9, 188-190. <http://dx.doi.org/10.1525/jlin.1999.9.1-2.188h>
- Swain, D., & Guthrie, C. (2012). *Plagiarism and academic integrity: A brief guide for new students*. Hamilton, New Zealand: University of Waikato. Retrieved from [http://www.waikato.ac.nz/sasd/misconduct/Plagiarism & Academic Integrity - guide for new students\[1\].pdf](http://www.waikato.ac.nz/sasd/misconduct/Plagiarism%20&%20Academic%20Integrity%20-%20guide%20for%20new%20students[1].pdf)
- University of Otago. (2015). *Student academic misconduct procedures*. Retrieved from <http://www.otago.ac.nz/administration/policies/otago116850.html>
- University of Waikato. (n.d.). *The Law Library's legal skills wiki*. Retrieved from <http://law.waikato.ac.nz/lrs/>
- University of Waikato. (2014). *Student discipline regulations*. Retrieved from <https://calendar.waikato.ac.nz/procedures/discipline.html>
- University of Waikato. (2016). *Assessment regulations*. Retrieved from <https://calendar.waikato.ac.nz/assessment/assessment.html>
- Wilson, L. (2014, April 25). Waikato top of class for cheating. *Waikato Times*. Retrieved from <http://www.stuff.co.nz/national/education/9976496/Waikato-top-of-class-at-cheating>
- Velliaris, D.M., & Breen, P. (2016). An institutional three-stage framework: Elevating academic writing and integrity standards of international pathway students. *Journal of International Students*, 6(2), 565-587.
- Velliaris, D.M., Willis, C.R., & Pierce, J.M. (2015). International student perceptions of ethics in a business pathway course. In F.M Ribeiro, B. Culum & Y. Politis (Eds.), *New voices in higher education research and scholarship* (pp. 234-253). Hershey, PA: IGI Global.
- Yeo, S. (2007). First-year university science and engineering students' understanding of plagiarism. *Higher Education Research and Development*, 26, 199-216.