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PLAGIARISM IN POLISH HIGHER EDUCATION

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About the author



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I. Introduction

Academic integrity is the foundation of the higher education system in every democratic state governed by the rule of law. Poland, as a country belonging to the European Higher Education Area, is obliged to respect standards of scientific integrity arising both from national legal provisions and from the documents of the European Association for Quality Assurance in Higher Education. In this context, plagiarism - as the most widespread form of violation of the principles of academic integrity - is subject to multi-layered legal regulation.

II. Plagiarism under copyright law

The Act of 4 February 1994 on Copyright and Related Rights (consolidated text: Journal of Laws of 2025, item 24, as amended) constitutes the basic regulation protecting intellectual creativity in Poland. Pursuant to Article 1(1) of the Copyright Act, the subject matter of copyright is any manifestation of creative activity of an individual character, established in any form, regardless of its value, purpose, or manner of expression. A work is protected from the moment of its establishment, even if it has an unfinished form (Article 1(3) of the Copyright Act).

Plagiarism, within the meaning of copyright law, consists in the infringement of the author's moral rights, in particular the right of authorship expressed in Article 16(1) of the Copyright Act, which provides that the author has the right to "authorship of the work." This right is infringed when a given person unlawfully attributes to themselves the authorship of another's work or fragments thereof, without disclosing the actual author. The right of authorship, as a moral right, is inalienable and cannot be waived (Article 16 of the Copyright Act, in fine).

Article 115(1) of the Copyright Act penalizes plagiarism, providing that anyone who appropriates authorship or misleads as to the authorship of the whole or part of another's work is subject to a fine, restriction of liberty, or imprisonment for up to 3 years. This is an intentional offense, requiring direct intent with respect to appropriating authorship or misleading as to authorship.

III. Types of plagiarism

3.1. Overt plagiarism (verbatim)

Overt plagiarism consists in the literal, unmodified transfer of fragments of another's text into one's own work, without citing the source or indicating that it is a quotation. It is the form of

plagiarism most frequently identified by anti-plagiarism systems. Verification in the National Repository of Written Diploma Theses is mandatory - pursuant to Article 76(5) of the Act of 20 July 2018 – Law on Higher Education and Science (consolidated text: Journal of Laws of 2024, item 1571, as amended), before the diploma examination the university is obliged to check the diploma thesis using the Uniform Anti-Plagiarism System (JSA).

3.2. Concealed plagiarism (paraphrase without attribution)

Paraphrasing consists in reformulating another's thoughts and content while preserving their meaning but changing their linguistic form. Paraphrasing is an acceptable writing technique provided that the source of the borrowed concept is clearly indicated. In the absence of such indication, paraphrasing constitutes a form of academic plagiarism, even if the text is not identical to the original and anti-plagiarism systems do not flag any similarity.

3.3. Self-plagiarism

Self-plagiarism - also referred to as auto-plagiarism or multiple publication - consists in the reuse of one's own earlier works, or fragments thereof, without appropriate annotation, for the purpose of obtaining an academic benefit. In the student context, self-plagiarism most often takes the form of submitting the same paper for credit in more than one course, or submitting a previously published work as an original study.

From the perspective of copyright law, self-plagiarism does not constitute an infringement of copyright *sensu stricto* - one cannot infringe one's own economic rights. However, it may constitute a violation of academic ethics rules and university regulations, resulting in disciplinary liability. It should be noted that where economic copyright has been transferred to a third party (e.g., a publisher), republishing one's own text without the consent of the rights holder may constitute a breach of contract.

3.4. Commissioned plagiarism - so-called ghostwriting and purchasing a paper

A particular form of violation of the principles of academic integrity is commissioning another person to write a paper and then submitting it as one's own. This phenomenon is colloquially referred to as “ghostwriting” or the use of so-called “paper mills.” The Law on Higher Education and Science expressly addresses this issue - Article 76(2), *expressis verbis*, provides that “A diploma thesis is an independent study of a scientific, artistic, or practical issue, or a technical or artistic accomplishment, presenting the student's general knowledge and skills

related to studies in a given field, level, and profile, as well as the ability to analyze and draw conclusions independently.”

IV. When plagiarism occurs - grounds for liability

4.1. Disciplinary grounds under the Law on Higher Education and Science

Students' disciplinary liability for plagiarism is based on Article 307(1) of the Law on Higher Education and Science, pursuant to which a student is subject to disciplinary liability for violating the regulations in force at the university and for acts that offend the dignity of a student. This provision, as a general clause, covers all violations of the principles of academic integrity, including plagiarism.

Holding a student disciplinarily liable for plagiarism requires the cumulative fulfillment of the following conditions:

- a. the existence of a copyright-protected work from which the borrowing was made;
- b. the borrowing was made without the author's consent or without proper reference to the source;
- c. the borrowed material was presented as the student's own within the framework of academic activity;
- d. culpable conduct on the part of the perpetrator, whereby in disciplinary proceedings it is not necessary to demonstrate direct intent — a finding of negligence or gross negligence may suffice.

In disciplinary proceedings, the student disciplinary committee acts pursuant to Articles 308 – 329 of the Law on Higher Education and Science and issues rulings subject to review by the administrative court. Disciplinary penalties, pursuant to Article 312(1) of the Law on Higher Education and Science, are: admonition, reprimand, reprimand with warning, suspension of certain student rights for up to one year, and expulsion from the university. In particularly serious cases, the penalty of expulsion from the university is applied, combined with proceedings to annul the diploma.

4.2. Citation requirements - when borrowing is permitted

The right of quotation, regulated in Article 29(1) of the Copyright Act, constitutes a fundamental exception to the exclusivity of economic copyright. This provision provides that it is permissible to quote, in works constituting an independent whole, excerpts of disseminated works or minor works in their entirety, to the extent justified by the purposes of quotation, such as explanation, polemic, critical or scientific analysis, or teaching. The key condition for the

lawfulness of a quotation is a clear indication of the author and source (Article 34 of the Copyright Act).

In the context of academic papers, it is permissible to cite fragments of others' studies to the extent justified by the needs of scholarly analysis, provided that:

- a. the author and title of the cited work are indicated,
- b. the quotation is marked with quotation marks or another clear typographic convention,
- c. the precise location of the fragment (page, paragraph) is given,
- d. the quotation does not exceed the scope justified by its purpose.

Exceeding these limits, even with formal indication of the source, may constitute a copyright infringement — the so-called “plagiarism with attribution.”

V. When plagiarism does not occur - the boundaries of liability

5.1. Ideas, facts, and data not protected by copyright

A fundamental principle of copyright law is that ideas, methods, concepts, and scientific discoveries as such are not covered by copyright protection - only the manner of their expression is protected, as follows *expressis verbis* from the Act.

Similarly, historical facts, statistical data, press information, and other materials of an informational nature are not subject to copyright protection if they lack a creative, individual character. Consequently, referring in an academic paper to commonly known facts without indicating a source does not, as a rule, constitute plagiarism, although it may constitute a breach of methodological standards and academic ethics principles.

5.2. Right of quotation and permitted use

Insofar as a student or doctoral candidate uses another's study within the limits of permitted use set out in Articles 29–35 of the Copyright Act, and with proper indication of the source, no plagiarism occurs. What matters most is the proportion of the borrowed material to the whole of the work - a quotation should serve an auxiliary function in relation to the author's own reasoning, not replace it. As indicated in legal doctrine, the boundary of permissible quotation is set by the purpose of the quotation and may not lead to a *de facto* takeover of the essence of the original study.

5.3. Works in the public domain

Pursuant to Article 36 of the Copyright Act, economic copyright expires 70 years after the death of the author. After this period, the work passes into the public domain and may be freely

used. This does not mean, however, that citing works from the public domain without indicating the author is always permissible from an academic perspective - the principles of scientific integrity require indicating the authorship of every work cited, regardless of the expiry of economic copyright.

Moral rights, including the right of authorship, are perpetual and inalienable (Article 16 of the Copyright Act, in fine), although after the author's death, their protection is exercised by persons close to the author.

5.4. Collective works and academic collaboration

In the case of works created jointly by several authors (Article 9 of the Copyright Act - a co-authored work), each co-author has the right to use the whole of the work without being accused of plagiarism by the other co-authors, provided that the scope of their creative contribution is duly documented and attributed. In an academic setting, it is essential to clearly indicate each author's contribution to a collective work - failure to fulfill this obligation may be classified as partial plagiarism or a violation of the principles of scientific integrity.

VI. Legal consequences of a finding of plagiarism

6.1. Criminal liability

Plagiarism, in criminal-law terms, constitutes an offense under Article 115(1) of the Copyright Act. It is an offense prosecuted upon a motion of the aggrieved party, pursuant to Article 122 of the Copyright Act.

In academic practice, prosecution upon motion for plagiarism is rare, as aggrieved authors prefer to pursue claims in civil proceedings.

6.2. Civil liability

Under civil law, infringement of an author's moral and economic rights entitles the author to pursue claims on the basis of Article 78(1) of the Copyright Act. An author whose moral rights have been infringed may demand:

- a. cessation of the infringing action,
- b. removal of the effects of the infringement,
- c. the making of a public statement,
- d. payment of compensation or, at the author's request, payment of a sum of money for a social purpose.

VII. Anti-plagiarism proceedings - procedure and procedural guarantees

The procedure for verifying diploma theses for plagiarism comprises several stages. In the first stage, pursuant to Article 76(4) of the Law on Higher Education and Science, the student submits the diploma thesis together with a declaration of its independent authorship. The university then verifies the thesis in the Uniform Anti-Plagiarism System (JSA). The result of the anti-plagiarism analysis is documented in the form of a similarity report, which, however, constitutes only auxiliary material for the supervisor and the examination committee and does not, by itself, determine the character of the work.

Where a suspicion of plagiarism is found, the case is referred to the student disciplinary committee, acting pursuant to Articles 308–329 of the Law on Higher Education and Science. The committee conducts explanatory proceedings ensuring the accused student's right to a defense, including the right to appoint a defense counsel (Article 316 of the Law on Higher Education and Science). The student's defense counsel may be an advocate, a legal counsel (radca prawny), another student of the university, or a graduate of that university. Disciplinary proceedings are based on the presumption of innocence - the burden of proving guilt rests with the university's authorities.

An appeal against the ruling of the student disciplinary committee may be lodged with the appellate disciplinary committee, followed by a complaint to the administrative court. The Supreme Administrative Court has repeatedly emphasized that the administrative court does not substitute for the disciplinary committee in the substantive assessment of evidence, but merely reviews the proceedings' compliance with the law.

VIII. Concluding remarks

An analysis of the legal provisions concerning plagiarism in Polish higher education leads to several key conclusions, of significant relevance both for academic practice and for the case law of courts and disciplinary committees.

First, academic plagiarism is an autonomous concept, extending beyond the narrow criminal-law framework of Article 115 of the Copyright Act and encompassing a broad spectrum of conduct violating the principles of scientific integrity, from verbatim copying to paraphrasing without attribution, self-plagiarism, and the purchase of ready-made papers. The consequence of this is a different evidentiary standard and different grounds for liability in disciplinary proceedings compared with criminal proceedings.

Second, the basic legal norm governing liability for plagiarism in higher education is Article 307 of the Law on Higher Education and Science, which, as a general clause, refers to the

entirety of academic regulations and principles of scientific ethics. It would be desirable, *de lege ferenda*, to refine the statutory definition of plagiarism in order to ensure uniformity in the case law of disciplinary committees nationwide.

Third, the anti-plagiarism system report is merely auxiliary evidence and cannot, by itself, determine a finding of plagiarism. A substantive assessment of the nature of the borrowing is required in every case, in the context of the right of quotation, the scope of permitted use, and the individual creative contribution of the author of the work. University authorities are obliged to conduct diligent evidentiary proceedings, including obtaining an expert opinion in cases raising doubts.

Fourth, the most important procedural guarantee for a student in disciplinary proceedings is the principle of the presumption of innocence and the right to a defense, exercised through the possibility of appointing a defense counsel. Universities are obliged to conduct disciplinary proceedings in accordance with standards of due process, arising both from the Law on Higher Education and Science and from Articles 2 and 45 of the Constitution of the Republic of Poland.

In conclusion, it should be emphasized that an effective fight against plagiarism in higher education cannot rely solely on repressive mechanisms. It is essential to systemically shape a culture of scientific integrity through proper education on citation rules, copyright, and academic ethics, already at the secondary-school level. Only a comprehensive approach - combining prevention, education, and sanctions - can, in the long term, contribute to a real improvement in the standards of academic integrity in Poland.





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