



EXAMINATION APPEALS BOARD
No 2016/23/700

THE EXAMINATION APPEALS BOARD

hereby issue a decision concerning the appeal of Ms [name], appellant, residing in [...], against the decision of the Examination Board of the Faculty of Social Sciences, respondent, to impose sanctions on the appellant for fraud.

I. Course of the proceedings

On 2 December 2015 the appellant lodged an appeal against the respondent's decision of 16 November 2015. The appeal was received on 18 December 2015, and was therefore submitted on time. The other conditions have also been met. The appeal is therefore allowed.

On 22 December 2015 the respondent was informed on behalf of the Board that the prescribed procedure requires the respondent to enter into consultation with the appellant to examine whether it is possible to reach an amicable agreement. The respondent has not invited the appellant to do so because when preparing the contested decision they had already given the appellant a comprehensive explanation in writing. The appellant then supplied more information orally. The appellant has not presented any new facts and circumstances in her appeal. Consequently, an amicable agreement has not been reached.

On 11 February 2016 the respondent filed a defence. The appeal was handled at a Board hearing on 4 March 2016.

The appellant did not appear. The respondent was represented by A.J.G.M. van Montfort, president of the Examination Board. The respondent gave an oral explanation of their position.

II. Facts and the dispute

On the basis of the documents and the proceedings at the hearing, the Board assumes the following facts.

The appellant was accused of committing plagiarism deliberately and in bad faith. The respondent imposed a sanction against her by declaring her thesis invalid and giving it a mark of 0. The appellant was also barred from writing a thesis in the academic year 2015-2016. Furthermore, the Executive Board will be requested to terminate the appellant's enrolment and prevent any further attempt to enrol in view of the appellant's recidivism and the seriousness of the committed fraud.

In her appeal, the appellant argues that she had done everything possible in order not to jeopardize her graduation. She had never intended to plagiarize. In fact, she had even used a plagiarism checker to make sure that she had not accidentally included texts without stating their sources. The respondent now incorrectly interprets this as evidence that the appellant intended to plagiarize.

The appellant acknowledges that she did not take sufficient care to refer to her sources. She attributes this to what she considers the different education system in her home country, Croatia. The appellant considers that the sanction prohibiting her from completing her education is disproportional.

The respondent argues that the appellant incorporated entire pages in her Master's thesis without referring to the original texts, making simple adjustments to texts and using synonyms in an attempt to avoid detection by the plagiarism checker. This plagiarism made parts of her thesis incomprehensible. The respondent holds the opinion that the appellant used a plagiarism checker to prevent detection of her own plagiarism.

The respondent points out that the appellant was also found guilty of plagiarism in her Master's thesis in the past academic year. The respondent therefore considers that there is sufficient reason to impose a severe penalty. The Executive Board will be requested to bar the appellant from re-enrolment. This means that the appellant will no longer be able to graduate from Vrije Universiteit Amsterdam.

III The parties' standpoints

The respondent argues that the appellant had already been caught plagiarizing in the academic year 2013-2014. The appellant repeated this offence in 2014-2015. All students – foreign students included – are warned at the beginning of their course that plagiarism will not be tolerated. The appellant was once more made aware of the fact that plagiarism is not acceptable when plagiarism was discovered in her thesis in the previous academic year.

In her defence, the appellant claimed that she did not have time to write her thesis and was therefore forced to work quickly. The appellant claims that this made her careless when referring to her sources. The appellant also attributes certain mistakes to the translation agency she engaged to translate her thesis.

IV Deliberations of the Board

The Board has established that the appellant acknowledges that she took insufficient care when referring to sources in her thesis. The respondent has also convincingly demonstrated that the appellant used paraphrasing and synonyms to give the impression that she was submitting her own text instead of clearly citing her sources. This leaves the Board unable to draw any other conclusion than that the appellant deliberately omitted to cite correctly or to compose her own text. Furthermore, the appellant deliberately attempted to pass off other people's texts as her own. The Appeals Board therefore agrees with the respondent and finds the appellant guilty of fraud.

With regard to the proportionality of the sanction, the Board finds that due to the seriousness of the offence and the recidivism, the respondent's decision to impose this sanction was reasonable.

V. Decision

The Board declares the appeal unfounded.

Thus delivered in Amsterdam, on 31 March 2016 by Prof. F.J. van Ommeren, president, Prof. L.H. Hoek, Prof. A.P. Hollander, Ms T. Mekking, and Mr M. ter Velde, members in the presence of J.G. Bekker, secretary.

Prof. F.J. van Ommeren,
president

J.G. Bekker,
secretary

The party concerned may lodge an appeal against the decision of the Examination Appeals Board, containing a proper statement of reasons, to the College van Beroep voor het Hoger Onderwijs, Postbus 16137, 2500 BC Den Haag. The time limit for lodging an appeal is six weeks. Filing fees are €46.