



EXAMINATION APPEALS BOARD

No 2020/39/960

EXAMINATION APPEALS BOARD

Decision on the appeal of [name], Appellant, student number [student number], against the decisions of 14 August 2020 and 26 August 2020 of the Examinations Board of the School of Business and Economics, hereinafter Respondent.

I. Course of the proceedings

On 14 August 2020 Respondent took a decision establishing that Appellant had referenced her sources incorrectly in her thesis. Respondent qualified this as plagiarism. In the decision Appellant was offered an opportunity to respond orally to this conclusion. Respondent announced that Appellant would be sanctioned with a 0 grade for the thesis and instructed to write a new thesis under the supervision of a different supervisor. Appellant made use of the opportunity to explain her viewpoint in a conversation with Respondent on 20 August 2020. On 26 August 2020 Respondent informed Appellant by email that it stood by the substance of its first decision of 14 August 2020.

On 14 September 2020 Appellant lodged an appeal against Respondent's decisions of 14 August 2020 to the Examination Appeals Board, hereinafter the Board.

On 14 September 2020 the Board requested Respondent to explore the possibility of an amicable settlement of the dispute together with Appellant. Respondent invited Appellant for a talk on 8 October 2020. An amicable settlement could not be reached. Respondent submitted a written defence on 30 October 2020. The appeal was dealt with during a video call session of the Board on 1 December 2020. Appellant was present. J. Rouwendal (member) and J.J.M. Welling (secretary) attended on behalf of Respondent. Parties clarified their standpoints orally.

II. Facts and dispute

Based on the documents and the hearing, the Board assumes the following facts.

Appellant took the Master Business Administration course in the 2019-2020 academic year. A thesis was one of the requirements of the teaching programme. The Master Thesis Manual is prescribed as obligatory course material for this subject. The manual sets out the rules for citing quotations and the consequences of failing to adhere to these rules. The thesis was one of the last subjects of the teaching programme for Appellant, who submitted her thesis for assessment to the examiner on 17 July 2020. On 9 August 2020 the graduation coordinator reported a suspicion of irregularities to Respondent. The thesis and Turnitin plagiarism scan were submitted to Respondent by way of evidence. Appellant has confirmed that she did not cite her quotations with quotation marks and referenced her sources in a different manner from that prescribed in the Master Thesis Manual.

III. The parties' positions

Appellant states that she let her supervisor/examiner read her draft texts five times. Her supervisor did not tell her even once that there was a problem with her quotations or source references. In earlier work for other subjects she quoted and referenced sources in an identical manner. Appellant did not do her Bachelor's in the Netherlands and was not aware that quotations had to be cited and sources referenced in a different manner from the one she had used so far. Appellant states that Respondent took too little account of this in its decisions.

Appellant asserts that Respondent failed to follow the proper procedure. She already received a decision from Respondent on 14 August 2020 in response to the examiner's report. It was only after the decision, on 20 August 2020, that she got an opportunity to give her version of the facts in a talk with Respondent. Appellant points out that it is not up to her to prove that she did nothing wrong. Moreover, Respondent did not keep its promise to give a definite decision immediately after the conversation. Appellant had to send Respondent a reminder before receiving the decision on 26 August 2020 stating that Respondent stood by the decision of 14 August 2020. As a final instance of this improper procedure, Appellant says that it became clear to her during the conversation with Respondent that Respondent's secretary had made the decisions alone.

Appellant objects to the imposed measure as it suggests that she committed plagiarism or otherwise intended to take credit for someone else's work. Appellant now acknowledges that she failed to cite quotations or reference sources in the correct manner prescribed for the course. Her proposal is to enrol for the Master's programme for a second year and rectify her draft with correct quotations and references so that her work can be assessed again by the examiner. Appellant is currently doing a second Master's (in Sweden) and would have great difficulty fitting in a full thesis process. Her acknowledgement that she did not reference the source material in the correct manner does not, in her eyes, justify the stigmatizing measure of a sanction.

Respondent stands by the decisions she made in response to the coordinator's report. The plagiarism scan reveals 47% overlap with other people's work. This, in itself, does not imply plagiarism. The scan merely indicates the need for further investigation to establish whether plagiarism has taken place. It was found that Appellant repeatedly took sentences from source texts without making it clear that these were quotations and failed to place quotations inside quotation marks. The Manual for the subject prescribes that quotations must be marked with quotation marks and a reference to the source. The scan furthermore showed that Appellant not only quotes from the original source of a text, but also from texts of third parties who used the relevant source. Without a Turnitin scan, this incorrect manner of referencing sources is almost impossible to detect for a supervisor. The supervisor does not use a Turnitin scan when assessing submitted draft versions on their content. Only the final work goes via the scan to the examiner. That is why there was no reason to alert the student at an earlier stage to the possibility of plagiarism.

In Respondent's eyes, the sanction imposed on Appellant is not severe and her specific circumstances were taken into account. Appellant has the opportunity to submit a new thesis for assessment under the supervision of a different supervisor in the 2020-2021 academic year.

Regarding the procedure, Respondent points out that the pandemic makes it more difficult than normal to organize meetings with students. Normally, a student is heard before Respondent makes a decision in response to a report. Due to the current circumstances Respondent has decided to diverge slightly from the prescribed procedure. If, after a report from the examiner, sufficient evidence of plagiarism is found, Respondent makes a proposed decision and gives students an opportunity to be heard (via a video call). Respondent then makes a second and final decision. Respondent denies that the decisions were made exclusively by its secretary.

IV. Findings by the Board

The notice of appeal was submitted within the time limit and also meets the other legal requirements. Appellant now acknowledges that she did not reference sources in her thesis in the correct prescribed manner. She understands that the examiner was therefore unable to make a proper assessment of her knowledge and skills. But she rejects the label of 'plagiarism'.

The dispute – briefly put – is about, firstly, whether Respondent's investigation in response to the report from the subject coordinator met the procedural requirements and, secondly, whether plagiarism took place and, if so, whether the measure imposed on Appellant, in the form of a sanction, is appropriate and proportional.

Regarding Appellant's grounds for appeal in relation to the first point, the Board finds the following.

The Board can follow Appellant's assertion that, because of the current circumstances, Respondent conducted its investigation in response to the reported irregularities in a slightly alternative order. However, Respondent has given transparent insight into the documents at its disposal in connection with the report. The decision of 14 August 2020 mentions significant overlap between Appellant's work and that of third parties. Moreover, in its decision of 14 August 2020, Respondent explained the conclusion it would draw (rejection of thesis, 0 grade and a note in the student file). Appellant subsequently had an opportunity on 20 August 2020 to respond to the substance of the case. She too came to the conclusion that her manner of quoting and referencing sources is incorrect. The Board does not find that Appellant was put at a disadvantage due to the order in which the investigation was conducted.

Regarding Appellant's assertion that Respondent's decisions were effectively taken by its secretary, the Board notes that Respondent denies this. It is up to Appellant to clarify this point with arguments or documents. She has not done this. The Board holds that this point has not been substantiated with evidence and is also not plausible.

The Board notes furthermore that Respondent conducted the investigation in a transparent manner and that the decisions it took are consistent with the outcomes of the investigation.

Regarding Appellant's second point, the Board finds as follows. Pursuant to Art. 23 of the applicable Rules and Guidelines of the Examination Board, plagiarism includes:

- a. using or copying other people's texts, data or ideas without full and correct source references;
- b. failing to clearly indicate in the text, for instance via quotation marks or typography, that text was literally derived from another author's work, even if a correct source reference is included;
- c. paraphrasing the substance of another author's texts, without sufficient source references.

Though Appellant has credibly clarified that she had no intention of committing plagiarism or otherwise taking the credit for someone's else's work, her actions factually amount to plagiarism as defined in Art. 23 of the Rules and Guidelines. This entails that Respondent is required to impose an appropriate measure mentioned in this Article.

Appellant states in her appeal that she thought her supervisor should have called her attention to her incorrect method of quoting and referencing sources. At the session, Respondent explained that a supervisor cannot be expected to always be aware of plagiarism during the writing process. Barring exceptions, a separate investigation is necessary to establish plagiarism and such an investigation is only conducted after the thesis is completed. The Board agrees with Respondent on this point.

Regarding the proportionality of the measure, the Board finds that Respondent has the latitude to implement a sanctions policy in relation to these types of facts within the limits set by Article 23 of the Rules and Guidelines. Only the lightest measure was imposed on Appellant, namely rejection of thesis with a 0 grade, while the note of 'plagiarism' will not be disclosed outside VU Amsterdam. Evidently, Respondent took into account that Appellant only discovered that her method of quoting and referencing sources was

incorrect in the final stage of her study programme. It also took into consideration that the prescribed method of referencing sources was new to Appellant, who was not previously educated in the Netherlands. Respondent did so despite the fact that the Manual (obligatory course material) clearly describes what is expected of Appellant in this respect. Respondent obviously sees mitigating circumstances in this late discovery of the requirements and in Appellant's educational background. The Board therefore disagrees with Appellant's assertion that the imposed sanction is too severe.

The Board concludes that Appellant's appeal is unfounded. This leads to the following decision.

V. Decision

The Board declares the appeal unfounded.

Thus drawn up in Amsterdam, on 24 December, 2020 by F.J. van Ommeren (Chair), M. de Cock and W. van Vlastuin (Members), in the presence of F. Donner (Secretary).

F.J. van Ommeren
Chair

F. Donner
Secretary

An interested party may lodge an appeal, stating reasons, against a decision of the Examination Appeals Board to the Higher Education Appeals Tribunal, P.O. Box 16137, 2500 BC The Hague. The notice of appeal must be filed within six weeks. The filing fee is €48.