

DECISION 16 - 306

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of the Examination Appeals Board of Leiden University

in the matter of

the appeal by [name], appellant

against

de Board of Examiners of Public Administration, respondent

1. Origin and course of the proceedings

In a decision dated 18 October 2016, the respondent informed the appellant that it is of the opinion that he has committed plagiarism in his thesis for the Master's Programme in Public Administration. As a consequence, he is excluded from sitting any test or exam in the Master's Programme in Public Administration for a period of one year.

The appellant sent a letter, which was received on 21 November 2016, to lodge an administrative appeal against this decision with the Examination Appeals Board.

In short, the appellant argued that the Bachelor's Programme in Greece does not require that a thesis be written. It was the first time the appellant has ever written a thesis. The financial situation in Greece is such that he has an urgent interest in completing the master's programme as soon as possible.

The possibility of reaching an amicable settlement was investigated on 12 December 2016. However, no amicable settlement was reached.

The respondent submitted a letter of defence on 13 December 2016. This letter indicated that the Master's Programme in Public Administration comprises two course units to guide students in writing a thesis. The institution assumes that students who have been admitted to the master's programme will either meet the requirements or will make sure they are informed of the rules that apply.

The appeal was considered on 11 January 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the

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hearing, having given notice of absence. [name], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 18 October 2016 by means of the letter that was received on 21 November 2016 by the Examination Appeals Board. The letter of appeal meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

3. Relevant legislation

Pursuant to article 7.12b, second paragraph, of the WHW, the Board of Examiners may, in the event that a student or external candidate commits plagiarism, deprive the relevant person of the right to sit one or more tests or exams, for a period of a maximum of one year, at the discretion of the Board of Examiners. In the event of serious fraud, the Institution's Board may terminate the registration of the relevant person for the programme permanently at the proposal of the Board of Examiners.

The Rules and Guidelines (*Regels en Richtlijnen*) of the Board of Examiners of the Public Administration Programme stipulate, in so far as relevant in this case: Article 6.6 Sanctions to be imposed by the Board of Examiners in the event of plagiarism (...)

6.6.2 The Board of Examiners may decide on the following disciplinary measures: (...) d. exclusion from sitting tests and exams in one or more of the programmes offered by the Faculty for a maximum period of one year. (...)

4. Considerations with regard to the dispute

In accordance with article 7.61, paragraph two of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

Based on the documents and the discussion at the hearing, it has been established that the thesis supervisor of the appellant noticed that some sentence structures in the appellant's thesis had not been phrased logically, when he assessed the thesis.

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The appellant had drawn extensively on sources including an article that had been written by the thesis supervisor himself. Words had been replaced by synonyms in a very systematic manner. Next, the thesis supervisor checked some paragraphs using the internet page www.articlerewritertool.com. This check demonstrated that the thesis bore a resemblance to other sources. Moreover, the respondent investigated the matter and found that references had been added to the thesis which had not been used in the original source. The appellant did not contest this. Consequently, the respondent rightfully concluded that the appellant committed plagiarism in his thesis.

In the context of Article 7.12b, paragraph two of the WHW, any measure imposed must qualify as a penalty that must be assessed in respect of proportionality.

The basic principle of the Examination Appeals Board, and of the University itself, is that fraud in any shape or degree whatsoever, cannot be tolerated in an academic environment.

It has been established that the appellant committed plagiarism on a large scale in the thesis. In doing so, he knowingly used synonyms. Furthermore, he also appeared before the respondent at an earlier stage in another instance of suspected plagiarism. Therefore, the appellant could have been expected to be more observant in order to avoid a subsequent suspicion of plagiarism. Furthermore, the institute has alerted its students sufficiently to the seriousness of committing plagiarism and the consequences that may ensue from committing plagiarism. It is, for instance, pointed out in the readers. The circumstance put forward by the appellant, that he has not previously written a thesis, therefore does not excuse his behaviour. The respondent rightfully expects students of this master's programme to have academic skills at a specific level.

Consequently, the imposed sanction is reasonably proportionate to the nature and seriousness of the conduct demonstrated. There is no question of this sanction being in contravention of the law. The fact that the appellant will incur a delay in his studies as a consequence of the sanction, is inherent to the sanction that was imposed. Since there are no other grounds on which the decision of the respondent qualifies to be quashed, the appeal must be held unfounded.

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5. The decision

The Examination Appeals Board of Leiden University,

holds the appeal **UNFOUNDED**,

in view of article 7.61 of the Higher Education and Academic Research Act.

Established by a chamber of the Examination Appeals Board, comprised of: O. van Loon, LL.M., Chair, Professor E.P. Bos, Dr H.W. Sneller, Dr A.M. Rademaker and Y.D.R. Mandel (members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

O. van Loon, LL.M.
Chair

M.S.C.M. Stoop - van de Loo, LL.M.
Secretary

Certified true copy,

Sent on: