

**DECISION 23 – 504**

Rapenburg 70  
Postbus 9500  
2300 RA Leiden  
T 071 527 81 18

of the Examination Appeals Board of Leiden University  
in the matter of the administrative appeal of

[name], [X], appellant

against

the Board of Examiners of Liberal Arts & Sciences: Global Challenges, respondent

**The course of the proceedings**

In its decision of 10 July 2023, the respondent imposed a sanction on the appellant for established fraud (plagiarism) in an assignment for the Mathematical Reasoning course unit ("the Course Unit").

The appellant sent a letter on 21 August 2023 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 11 September 2023.

The appeal was considered on 27 September 2023 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, and did not give notice. [name], [X] of the Board of Examiners, and [name], [X] of the Board of Examiners, appeared on behalf of the respondent.

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**Considerations**

In accordance with Article 7.61, paragraph two, of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The appellant does not consider it justified to accuse him of fraud, specifically plagiarism; he also disagrees with the sanction imposed. The appellant is taking the Course Unit for the second time, and, this year, he copied the answer sheets from the previous year when doing this year's homework assignment. The answer sheets only show the results of the mathematical homework assignments, i.e., no explanations. It was possible to copy the results because the assignments did not change. The appellant does not deny that he copied the answers but argues that this does not constitute plagiarism. When doing the assignments, he discovered that his answers did not match those of last year's answer sheet, and so he adopted the results of the answer sheet. In doing so, the appellant tried to adjust his own explanations so that they would lead to the results provided on the answer sheet.

The respondent argues that fraud, in particular plagiarism, did occur. Indeed, the appellant copied the results from the answer sheet. The results are written by someone else, namely the instructor of the Course Unit. According to the respondent, it is irrelevant in this regard that these are only results, and that it was an open-book assignment. The respondent considers the sanction, whereby the assignment is not assessed, the appellant is excluded from the Course Unit in the current academic year, and he can no longer receive a distinction on his diploma, to be just and proportionate. Another factor that played a role for the respondent was that this was the second time the appellant committed plagiarism.

*General considerations*

Imposing a sanction within the meaning of Article 7.12b, paragraph two, of the WHW is a measure, which is reviewed by the Examination Appeals Board without restraint - also in view of its far-reaching consequences. This concerns both whether a student is guilty of fraud and whether the measure imposed is proportionate to the conduct committed.

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The basic principle of the Examination Appeals Board, and of the University itself, is that fraud in any shape or scope whatsoever cannot be tolerated in an academic environment. The academic establishment can only flourish if there is complete confidence in the integrity of scientists. Imposing a sanction for fraud does not require a student to have committed the fraud intentionally (see CBE 21-072 ruling). If fraud was not committed intentionally, or only to a limited extent, this must be taken into consideration in the nature and extent of the sanction to be imposed.

*Establishing plagiarism*

Imposing a sanction within the meaning of Article 7.12b, paragraph two, of the WHW should, as stated above, be regarded as a measure that the Examination Appeals Board must review for proportionality unreservedly. The measure must be explicitly based on facts, circumstances and explanations that qualify to substantiate the measure (see the decision of the CBHO of 7 January 2015 in case CBHO 2014/217, [www.cbho.nl](http://www.cbho.nl)).

The definition of plagiarism as used in the Rules and Regulations (*Regels en Richtlijnen*) of the bachelor's programme in Liberal Arts & Sciences: Global Challenges originates from the Code of Conduct on Plagiarism (*Gedragcode Plagiaat*; both attached to this statement). That definition specifically details plagiarism as occurring when thoughts, analyses, or reasoning are copied without citing sources. The Examination Appeals Board holds that this is not the case in this instance. Although the appellant used the results of the previous year's answer sheet, he provided the explanations himself. Consequently, he did not copy the instructor's train of thought but only used the solutions, during an open-book assignment in which all support resources are allowed. Therefore, the Examination Appeals Board holds that plagiarism was not committed in this case.

This leads the Examination Appeals Board to the view that the respondent erred in concluding that the appellant committed fraud when carrying out the Course Unit assignment. Consequently, the administrative appeal is founded and the

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contested decision must be quashed. The assignment made by the appellant must still be reviewed and assessed.

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**The decision**

In view of article 7.61 of the Higher Education and Academic Research Act,  
  
the Examination Appeals Board of Leiden University

- I. holds the administrative appeal founded;
- II. quashes the decision;
- III. instructs the respondent to review and assess the assignment made by the appellant still within the applicable period.

Established by a chamber of the Examinations Appeals Board, consisting of M.G.A. Berk (Chair), Dr C.V. Weeda, Dr A.M.C. van Dissel, T.E.V. Claessen and O. Alagöz (members), in the presence of the Secretary of the Examination Appeals Board, E.M.A. van der Linden, LL.M.

.....,  
Chair

.....,  
Secretary

Sent on:

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**Annex - Relevant legislation**

The Rules and Regulations of Liberal Arts & Sciences: Global Challenges state the following, as far as relevant here:

**Chapter 6 Fraud, irregularities and plagiarism**

**Article 6.1 Fraud**

Fraud is understood to mean:

(...)

g. plagiarism (acting in contradiction of the Leiden University Code of Conduct on Plagiarism, attached);

As far as relevant here, the Leiden University Code of Conduct on Plagiarism states the following:

**Plagiaat**

These pages will explain what Leiden University understands plagiarism to mean, its views on it, and what the consequences may be if a student commits fraud.

In general, plagiarism is defined as presenting words, thoughts, analyses, reasoning, images, techniques, computer software, etc. that originate from someone else - including generated texts or programming codes by software such as AI software - as one's own work intentionally or unintentionally without indicating the source. This should not only include 'cutting and pasting' of digital sources such as encyclopaedias, or digital magazines without inverted commas and reference; most students will still understand that this is not allowed without mentioning from whom the material originates. It also applies to presenting AI software-generated text or programming code - as by ChatGPT - as your own text in an exam or thesis, without proper citation of the source. However, also paraphrasing somebody else's texts, i.e., by replacing some words by synonyms and moving some sentences around, qualifies as plagiarism. Even if you repeat a reasoning or analysis by

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someone else in your own words without adding anything new to it, this may qualify as plagiarism; this is because you pretend to have conceived the reasoning yourself, though that is not true. It still applies when you combine texts extracts from various authors without stating the origin. Plagiarism occurs when data or sections of text from others are copied in a thesis or other work without citing the source. The use of language models such as ChatGPT offers a range of new possibilities for text creation. Do realise, that if you do so and present it as your own work, it will be considered fraud. Therefore, use ChatGPT in your studies only when the lecturer approves doing so and when you state the use.