

DECISION 17 - 190

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 appeal by [name], appellant
against
the Board of Examiners of Russian Studies, respondent.

1. Origin and course of the proceedings

In a decision of 30 May 2017, the respondent declared the master's thesis that the appellant wrote invalid and stipulated at the same time that she cannot re-submit the thesis. Furthermore, the decision stipulated that an entry of the detected fraud will be recorded in the appellant's student file and that she can no longer qualify for the *judicium cum laude*.

The appellant sent a letter to the Examination Appeals Board on 27 June 2017, which was received on 6 July 2017, lodging an administrative appeal against this decision .

In short, the appellant argued that the sanctions imposed are disproportionate to the offence identified. She dedicated herself to completing the master's thesis over a period of two years while she was staying – at least some of the time - abroad.

The parties attempted to reach an amicable settlement on 25 July 2017. No amicable settlement was concluded.

A letter of defence was received on 28 July 2017.

The appellant submitted an additional document to the Examination Appeals Board in her email of 11 September 2017.

On 14 September 2017, the respondent submitted the appellant's master's thesis to the Examination Appeals Board as requested.

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The appeal was considered on 20 September 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given notice of absence. [names], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 30 May 2017 by means of the letter that was received by the Examination Appeals Board on 6 July 2017. 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. Considerations with regard to the dispute

In accordance with article 7.61, paragraph two, of the WHW (Higher Education and Academic Research Act), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The appellant does not contest that she committed plagiarism; the administrative appeal merely concerns the relevant sanction that has been imposed by the respondent.

Imposing a sanction within the context of Article 7.12b, paragraph two, of the WHW should be regarded as a punitive measure that must be assessed in respect of proportionality.

It has been established that the appellant committed plagiarism on a large scale in the thesis.

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. Plagiarism is a type of fraud.

As the Examination Appeals Board has considered previously, a student is responsible for his or her own work and in that context it may be expected that the student him- or herself will always check whether plagiarism has been committed and whether all sources have been listed in the usual manner.

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The fact that the appellant stated that she was inconvenienced since she wrote part of the thesis when staying abroad, does not excuse her conduct. In this respect, the Examination Appeals Board endorses the respondent's view that the appellant cannot hold the Examiner responsible for failing to point out the detection of plagiarism to her at an earlier stage.

The respondent explained at the hearing that the appellant can choose any time to start drafting a new thesis, after finding a new supervisor, and that a thesis normally requires three to four months to complete. As such, the delay in the duration of her studies that she will experience will be limited. Finally, the Examination Appeals Board concludes that the respondent imposed the least severe of the sanctions as mentioned in the R&R (Rules and Regulations of the Board of Examiners).

Consequently, the sanction imposed is proportionate to the nature and seriousness of the conduct performed. There is no question of the law having been contravened. Since the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded.

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4. The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University
holds the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board, comprised of O. van Loon, LL.M., Chair, Dr J.J.G.B. de Frankrijker, Dr A.M. Rademaker, Y.D.R. Mandel, and M. Heezen (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: