



CBE, PO box 80125, 3508 TC Utrecht

Examination Appeals Board
ex article 7.60 of the Higher Education Act

DECISION

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Heidelberglaan 8, Utrecht

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Website www.uu.nl
Date 7 June 2021
Subject appeal [appellants]

The Examination Appeals Board at Utrecht University (hereinafter referred to as: the Board) has made the following decision on the appeal by:

[appellants], appellants,

versus

[the Board of Examiners of the] Utrecht University School of Economics, defendant,

I. Origin and course of the proceedings

The appellants lodged an appeal on 4 March 2021 against the defendant's decision of 21 January 2021 to give the appellants a reprimand and declare their research proposal invalid because of plagiarism. By virtue of the applicable stipulations of the Higher Education and Research Act and Art. 7 of the Rules of Procedure, the appeal was sent to the chair of the defendant on 12 March 2021. The Board received a statement of defense from the defendant and all relevant documents on 7 April 2021.

On 29 April 2021 a hearing was held. Due to covid-19 measures, this hearing was held online. The appellants attended. The defendant was represented by [Board of Examiners], and [Board of Examiners].



II. Grounds

The appeal is directed against the defendant's decision of 21 January 2021 to give the appellants a reprimand and declare their research proposal for the course Fintech Research Project FM invalid because of plagiarism.

The appellants state the following in their notice of appeal and at the hearing (concisely presented).

The appellants believe the decision is unfair. The two paragraphs they have written do not meet the definition of plagiarism, neither 'passing it off as one's own', nor 'without stating where it came from'. It is just that the formatting does not meet APA standards. It is misquoting or misciting, not plagiarism. Furthermore, the teaching and learning arrangements were inadequate on this point. The appellants made a mistake which is common among beginners who just started academic writing, to omit the authors of the literature source they read, only citing the author of the primary source in the text and the bibliography. As beginners, and having followed their bachelors in China, the appellants have never been trained in academic writing skills, nor had they heard of APA or the Reference Organizer. During the course, the issue of plagiarism was only mentioned very briefly, without further clarification. The professor/examiner did not explicitly ask the appellants to complete the paper using APA style. Further, for thesis writing, supervisors' feedback is extremely important. Other courses with writing assignments normally require students to submit a draft first. Professors would point out problems after reading the draft and ask students to revise their work and then resubmit. Here, this was not the case. How could the appellants know what their problems were if they didn't get a detailed feedback from the examiner? How can they improve their academic writing skills without recognizing those problems? It seems that Fintech is a course that focuses only on the result, not on the learning process. Besides that, in Chinese undergraduate education, most universities do not have group assignments, so the appellants did not have any idea how much responsibility each group member needs to take for mistakes in the whole work. In the opinion of the appellants, each group member bears a different responsibility and should therefore suffer a different punishment. However, instead of investigating the specific duties of each member and imposing a sanction according to the tasks they were responsible for, the defendant imposed the same sanction on all five members of the group. Unfortunately, the other three group members refused to join the appeal, which underlines their indifferent attitude during the whole process. After the announcement that there was plagiarism, the appellants sent a handful of emails to the professor, but he did not respond to any of them.

The appellants want to emphasize that they are asking for a chance to rewrite the paper this academic year, not as last course provision.

The defendant states the following in the statement of defense and at the hearing (also concisely presented).

The defendant found a high percentage of plagiarism in the groupwork of the group in which the appellants took part for the course. The appellants copied extensively from two articles without properly indicating the copied parts as literal quotes using APA referencing. According to the plagiarism scanner URKUND, 19% of the written groupwork (excluding the reference section in the groupwork) overlaps with these two articles. Therefore, the defendant decided to sanction the students. It was the first time the appellants wrote an academic paper, and they state that they did not know the rules and regulations. For the defendant, it is out of the question to detect plagiarism and not sanction a student, even if it is the first time he or she writes an academic paper. The appellants are master students. It is their responsibility to investigate the rules and regulations and the requirements that are needed to pass a course.



It is well known among students of the UU that the APA style must be used. The issue of plagiarism seems to be discussed during the course, but the defendant does not know exactly how and to what extent.

The defendant can understand that, given the background of the appellants, not everything was known to them, but they could have asked the professor what was needed.

The appellants themselves admit that they have made a mistake. The defendant cannot follow the student's statement that this mistake cannot be seen as plagiarism looking at the given definitions. The sanction that was given is the mildest of sanctions that can be given when plagiarism occurs and therefore alone the decision is proportional. The sanction is also proportional because the decision itself will not cause major study delay. The examiner informed the students that in case they manage to finish the entire master program this year and only have to finish the course Fintech Research Project FM in order to graduate, they can request the Board of Examiners for a last course provision. The examiner will, if the Board of Examiners grants this request, provide the appellants with a retake for this course probably somewhere in July 2021 and ask the appellants to do Project 1 again on an individual basis. That means it is still possible for them to graduate this academic year. Given the Education and Examinations Regulations, the appellants' statement that each member bears a different responsibility and therefore should suffer a different punishment, fails: it is a joint responsibility. Furthermore, the defendant received no other complaints about the examiner. The defendant trusts the judgement of the examiner and does not recognize the description of him being irresponsible in any way. On the contrary, the examiner informed the appellants about the possibilities after the decision of the defendant. To conclude: the defendant disagrees with the appellants. They committed plagiarism and the sanction given is fair and proportional. The correct procedure has been followed.

III. Considerations of the Board

The appealed decision is based on article 5.15 of the Education and Examination Regulations of the Master's Degree Programmes in Economics 2020-2021 (EER). This article defines plagiarism as 'including data or sections of text from others/the student's own work in a thesis or other paper without quoting the source'. This article also provides that 'in the event that, in a joint paper, one of the authors commits plagiarism, the other authors are also guilty of plagiarism, if they could or should have known that the other was committing plagiarism'. The article further provides that plagiarism at any event will be punished with invalidation of the paper or test submitted and a reprimand, a note of which will be made in the student's file. In addition, other penalties can be imposed. In this case, the (joint) research proposal of the appellants and their three fellow students has been declared invalid and they have all been given a reprimand. No other penalties were imposed.

The Urkund report submitted by the defendant shows that 19% of the work submitted by the appellants overlaps with text from the articles the appellants used for their part of the paper. It provides a detailed comparison between the work of the appellants and the articles they used. The Board establishes that this report shows that large amounts of text are the same. The Board concludes that as a result of the submission of the aforementioned research paper, which shows the aforementioned number of similarities with articles previously written and submitted by the appellants in the context of their study programme, there is plagiarism on the basis of article 5.15 of the Education and Examination Regulations. To this extent, the appeal is unfounded.



The Board is then faced with the question whether the defense could reasonably have imposed a penalty on the appellants. Taking all circumstances into account, the Board is of the opinion that this question must be answered in the negative.

The Board considers that it is of vital importance that the rules and regulations and the requirements that are needed to pass a course are clear to the students. The teaching staff can be expected to actively inform and guide the students on specific issues, such as how to use sources in assignments and how to avoid plagiarism. This is even more important if the group consists of international students with very different (cultural) backgrounds. It cannot be assumed that the students (must) know about these issues from their bachelor study, if only because some students, including the appellants, have not followed their bachelor's degree at Utrecht University.

At the hearing, the defendant's representative has stated that this matter has been discussed with the students, but he could not tell how much attention was paid to this and in which way. Furthermore, the defendant has not provided the specific assignment and accompanying syllabus in this procedure. For the rest, too, the defendant has not substantiated with documents that the appellants have been properly informed about the use of sources and the appropriate course of action with regard to that.

All things considered, the Board is of the opinion that the defendant could not reasonably have arrived at the appealed decision. The appeal must therefore be declared founded.

III. Decision

The Board

- I. Finds the appellant's appeal founded.
- II. Annuls the defendant's decision of 21 January 2021.
- III. Instructs the defendant to take a new decision, in accordance with the above considerations, within two weeks after sending this decision.
- IV. Requires that copies of this decision be sent to the parties, to the Board of Utrecht University, to the management of the School of Economics and made available to interested parties.



Universiteit Utrecht

Thus decided on 29 April 2021 by Dr. E.F.D. Engelhard LLM, chair, Dr. C. Pafort-Overduin, Dr. P.J.C.M. Franssen, Dr. P. van der Sluijs and A.J.H. Zuiderwijk, members, assisted by J.J. van Beek LLM, secretary, and announced on 7 June 2021.

Signed,

J.J. van Beek LLM,
secretary

Dr. E.F.D. Engelhard LLM,
chair

If you disagree with this decision you may submit an appeal to the College van Beroep voor het Hoger Onderwijs (CBHO), P.O. Box 16137, 2500 BC Den Haag, (www.cbho.nl) within six weeks of the date of its dispatch. The appeal should be written in Dutch. There is a registry fee involved.