



CBE Z22000698

DECISION

in the proceedings between A., hereinafter also referred to as the Appellant,

and

the Board of Examiners for the Psychology degree programme of the Faculty of Behavioural and Social Sciences, hereinafter also referred to as the Defence,

regarding the Defence's decision of 1 February 2022, in which the Appellant was informed that he has committed fraud and a sanction will be imposed on him.

I. Designation of the disputed decision

The Defence's decision of 1 February 2022, in which the Appellant, briefly summarised, was informed that the Appellant committed fraud on 3 May 2013 in the Mass Psychology course unit. The Appellant will be barred from participating in this course unit until 1 September 2022, and his results for this course unit will be declared invalid.

II. The hearing

The Board of Appeal for Examinations handled the appeal at a hearing held on Thursday, 23 June 2022, with the Appellant present. V., the Defence's secretary, was present on the Defence's side.

III. Origin and course of the proceedings

The appellant added his name to a journal, which was an assignment in the Mass Psychology course unit, without being present at the discussion of the journal.

The lecturer notified the Defence of this irregularity, after which the Defence initiated an investigation and invited the Appellant for a hearing. The Appellant did not accept this invitation. Subsequently, the Defence decided to classify the incident as fraud and impose the aforementioned sanctions.

The Appellant appealed this decision on 10 March 2022. In the context of these proceedings, the Appellant was invited for a settlement interview. The Appellant did not turn up to this meeting. Subsequently, the appeal was heard by the Board on 23 June 2022.

IV. The parties' positions

The Appellant argued, briefly summarised, as follows. Firstly, the Appellant takes the position that there is no question of fraud. A group of students had to make a journal, among other things, for the Mass Psychology course unit. The Appellant did not participate in the discussion regarding this assignment. He asked fellow students if he could add his name to the journal. A number of those students agreed, and a number of them did not respond, which the Appellant interpreted as permission. He then added his name. The Appellant was not able to attend the discussion because he was travelling a lot at the time. He was not entirely sure if his presence was compulsory.

Appellant requests the Board of Appeal to declare the appeal founded.

The **Defence** argued, briefly summarised, as follows.

The Appellant admitted that he has added his name to a journal. The journal was a group assignment for the Mass Psychology course unit, with attendance being compulsory. Having the names in the journal was also a way of checking the attendance requirement. This action meant it was impossible for the lecturer to obtain a good idea of his knowledge, understanding, and



skills. This behaviour can be qualified as fraud within the meaning of Article 10.6 of the Teaching and Examination Regulations.

An appropriate and not too severe sanction was imposed. The Appellant is barred from participating in the Mass Psychology course unit until 1 September 2022, and his results for this course will be declared invalid. Finally, the Defence asked for the appeal to be declared unfounded.

V. Review

The Board establishes that there was an attendance requirement for the meeting for making the journal, and that the Appellant acknowledged that he added his name to a journal as part of the Mass Psychology course unit without being present at the discussion of this assignment. This means any debate about this fact is irrelevant. All that remains is the classification of those facts and the weighting of the sanction imposed by the Defence.

Article 10.6 of the Teaching and Examination Regulations concerns fraud and reads:

1. *Cheating is an act or omission by a student that partly or wholly hinders the forming of a correct assessment of their own or someone else's knowledge, understanding and skills.*
2. *Cheating also includes plagiarism, which occurs when a student copies their own or someone else's work without correct reference to the source.*
3. *In addition, cheating also includes the provision of incorrect information in order to obtain certain possibilities, facilities or provisions related to examination, assessment*

The Board considers the Appellant's actions reprehensible. In the Board's opinion, the Appellant's conduct falls under the definition of fraud within the meaning of the aforementioned article, which means that the Defence was correct in claiming that the Appellant had committed fraud.

The Defence explained that the sanctions imposed were not severe. Declaring the results of the Mass Psychology course unit invalid is aimed at remedying the consequences of the fraud. Furthermore, the Appellant is excluded from participating in this course unit for the remainder of the academic year. The bandwidth for the severity of this sanction consists of the exclusion of one or more course units for a maximum period of one year. This means the Defence did not impose the most severe penalty possible, which does not seem unreasonable to the Board. The sanctions imposed are proportionate to the gravity of the fraud committed.

In view of the foregoing, the respondent reached its decision on good grounds meaning the disputed decision can be upheld.

VI. Decision

The Board of Appeal for Examinations declares the appeal unfounded.

Thus established on 12 July 2022 by Dr E. van Wolde, chairman, Dr T. van Dijk and N.I.M. Vegter, members, in the presence of M.E.A. Donkersloot, secretary.



Chair

Secretary

In accordance with the General Administrative Law Act and Article 7.66 of the Higher Education and Research Act (WHW – *Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*), interested parties have the right to appeal against this decision to the national Higher Education Appeals Tribunal (CBHO – *College van Beroep voor het Hoger Onderwijs*), P.O Box 636, 2501 CN The Hague within six weeks of the decision being sent to them. As of 2 April 2013, the Tribunal has moved to: PO Box 16137, 2500 BC The Hague.