

# VRIJE UNIVERSITEIT AMSTERDAM



De Boelelaan 1105  
Telephone +31 (0)20 598 5337

EXAMINATION APPEALS BOARD

No 2021/01/968

EXAMINATION APPEALS BOARD

Decision on the appeal of [name], Appellant, student number [student number], against the decisions of the Examinations Board of Science Business and Innovation of the Faculty of Science of Vrije Universiteit Amsterdam, hereinafter Defendant, to impose sanctions on Appellant on the grounds of fraud.

## **I. Course of the proceedings**

On 17 August 2020 Appellant lodged a pro forma appeal with the Examination Appeals Board, hereinafter the Board, against the two decisions made by Defendant on 13 July 2020. On 21 August 2020 the Board gave Appellant until 18 September 2020 to supplement his appeal with documents and grounds. Appellant did this on 21 August 2020.

On 21 August 2020 the Board requested Defendant to explore the possibility of reaching an amicable settlement of the dispute together with Appellant. Defendant invited Appellant for a video call meeting on 6 October 2020. An amicable settlement could not be reached. Defendant submitted a written defence on 13 October 2020. The appeal was dealt with during a video call session of the Board on 1 December 2020. Appellant was not present. Prof. W.M.G. Ubachs (Chair), Dr J.P. Dekker (Secretary) and A.D.H.Z. Kleveringa (Official Secretary) attended on behalf of Defendant. Defendant orally clarified its point of view. After the session, on 3 December 2020 Defendant, acting on the Board's request, emailed several documents that further substantiated the findings of its fraud investigation to Appellant and the Board.

## **II. Facts**

Based on the documents and the hearing, the Board assumes the following facts.

Appellant took the online exam in Sustainable Energy: Sun, Water and Wind on 25 May 2020. This was an individual exam and contact between students was not permitted. This was explicitly pointed out to the students before the exam. The examiner of the subject reported a suspicion of fraud by Appellant and two other students to Defendant.

On 29 May 2020 Appellant took the online exam in Renewable Energy: Biomass and Biofuels. This was an individual exam and contact between students was not permitted. This was explicitly pointed out to the students before the exam. The examiner of the subject reported a suspicion of fraud by Appellant and 47 other students to Defendant.

Defendant imposed a sanction in both cases, entailing that the exam was declared invalid and a note was added to Appellant's student file.

### **III. The parties' positions**

Appellant asserts that he did not commit fraud on 25 May 2020 and 29 May 2020. The similarities between his exam of 25 May 2020 and exams of other students are coincidental. Regarding the exam of 29 May 2020, Appellant denies having contact with other students while taking the exam. He is not in the group app of the first-year students and also does not know anyone from the second year who was resitting the exam. Appellant is in the third year of his studies.

Appellant expects the imposed sanctions to delay his studies by about a year. He would have preferred doing the exams on the VU campus. Appellant is going through a difficult period.

Defendant stands by the two decisions. Regarding the exam of 25 May 2020, there are 10 points where three students gave remarkably identical correct and wrong answers. The three students were unable to give acceptable explanations for this in response to questions from Defendant. Moreover, their answer betrays a remarkable lack of knowledge on the part of the students in this stage of the study. Regarding the exam of 29 May 2020, the suspected fraud concerns a group of 48 students who were in contact with each other during the exam via a group app. The students gave the same answer to question 8b with exactly the same combination of improbable (wrong) and correct answers. Nine of the 48 students have described and admitted this mutual contact via the group app during the exam to Defendant. Appellant belongs to the group of 48 students who gave an identical answer to question 8b.

### **IV. Findings by the Board**

The notice of appeal was submitted within the time limit and also meets the other legal requirements.

Pursuant to Article 7.12b of the Higher Education and Research Act (WHW), it is incumbent upon Defendant to investigate suspicions of fraud or plagiarism during exams as reported by an examiner. Pursuant to Article 7.12b (3) of the WHW, Defendant has drawn up a procedure for this purpose, namely the Rules and Guidelines of the Examination Board.

As prescribed in Article 18 of the Rules and Guidelines of the Examination Board 2019-2020, Defendant carried out an investigation into two reports of suspected fraud received from examiners. Both cases concerned exams taken at a distance, i.e. at home, and not on the VU campus. The rule for the exams was that students were required to answer the questions individually and were not allowed to have any contact with each other during the exam.

Regarding the exam of 25 May 2020, the Board finds the following. Defendant's investigation into the reported fraud was correctly carried out. The conclusion in its decision and the stated grounds are supported by its investigation. During this investigation Defendant was able to establish that three students (including Appellant) gave remarkably identical correct and wrong answers on 10 points. On this ground Defendant can assume that these similarities in the answers were only possible if the three students were in contact with each other during the exam. It was therefore up to Appellant to provide an acceptable alternative explanation for these similarities in the answers. Appellant failed to provide this explanation.

Regarding the exam of 29 May 2020 the Board finds the following. The investigation into this second report of fraud involving Appellant was also correctly carried out by Defendant. The conclusion in its decision and the stated grounds are supported by the investigation. Once again Defendant was able, on the basis of its investigation, to establish that students (including Appellant) had committed fraud by having forbidden contact with each other during the exam. This conclusion is not only borne out by the remarkably identical correct and wrong answers to question 8b, but also by the admission of nine of the

48 students. Again, it was incumbent upon Appellant to give an acceptable alternative explanation during this investigation. Appellant failed to provide this explanation.

Regarding the sanctions imposed by Defendant, the Board arrives at the opinion that these follow from Article 18 (4) of the Rules and Guidelines and, as such, must be considered appropriate. Defendant imposed the same relatively light sanctions on Appellant as on the other students. In the eyes of Defendant, there was no question of a more serious form of fraud for which the Rules and Guidelines prescribe heavier sanctions (Art. 18 (5 and 6)). Appellant has not explained why the sanctions are nevertheless disproportionate in his case.

Appellant's arguments are not upheld in the appeal. This leads to the following decision.

#### **V. Decision**

The Board declares the appeal unfounded.

Thus drawn up in Amsterdam, on 4 January 2021, by Prof. F.J. van Ommeren (Chair), Dr M. de Cock and Prof. W. van Vlastuin (Members), in the presence of F. Donner (Secretary).

Prof. F.J. van Ommeren,  
Chair

F. Donner,  
Secretary

Either party may lodge an appeal, stating reasons, against a decision of the Examination Appeals Board to the Higher Education Appeals Tribunal, P.O. Box 16137, 2500 BC The Hague. The notice of appeal must be filed within six weeks. The filing fee is €49.