

LLM ADVANCED EXAM COMMISSION

Guidelines To Follow When Dealing With Cases Of Plagiarism

I. Introduction

Each year, many of us will find ourselves having to deal with situations involving plagiarism. Such situations can arise in the context of exams (open and closed book), course papers, or in student theses. While the University's policy on plagiarism are relatively clear in terms of the definition adopted and the possible consequences for the offender,¹ there is often some confusion as to the procedure course instructors/coordinators should follow in dealing with cases. The objective of this brief document is to offer some clarity and certainty for those involved in teaching on LLM Advanced programmes.

We all know that plagiarism cases are rarely clear-cut and that each case sits on a spectrum from minor, negligent plagiarism, to severe, intentional plagiarism. Where a case sits on this spectrum generally determines how we as instructors will instinctively deal with it. If we encounter a situation where a student has omitted quotation marks in a handful of instances, but has cited the source, we will typically treat this as a minor case, speak with the student, inform the Programme Director, and impose a penalty that we feel fits the crime. How we approach cases that fall into the severe category is usually quite different, no doubt because of the likely consequences for the student. We handle such cases with greater procedural formality. When confronted with a severe case, the instructor will inform the Programme Director, meet with the student, and the case will be referred to the Exam Commission for adjudication. Referring the case institutes a formal process in which the student is afforded the right of reply.

It is important that we all understand the procedures to be followed in each of the programmes we teach on. We must keep in mind that while common sense must prevail, we nonetheless have very limited discretion under the Rules and Regulations of the respective programmes we teach on. It is also important to keep in mind that Course Coordinators, Programme Directors, and crucially the Exam Commission must be informed of plagiarism cases irrespective of whether they are minor or severe.

II. What is plagiarism?

¹ See:

<https://www.organisatiegids.universiteitleid.nl/binaries/content/assets/ul2staff/reglementen/onderwijs/regeling-plagiaat-eng.pdf>

Article 22.2 of the LLM Advanced Course and Examination Regulations² addresses issues relating to misconduct. Plagiarism is specifically addressed under Article 22.2.2 in the following way:

Plagiarism, i.e., reproducing and submitting for any assessment the work of another person, whether in whole or in part and with or without the knowledge of the other person, without proper attribution to the other person. For the full overview of Leiden University's policy regarding plagiarism, please see: <http://media.leidenuniv.nl/legacy/plagiarism.pdf>

The University's policy offers further detail and clarity as to the definitional boundaries of what constitutes plagiarism:

Generally, plagiarism is understood as presenting, intentionally or otherwise, someone else's words, thoughts, analyses, argumentations, pictures, techniques, computer programmes, etc., as your own work. Most students will understand that cutting and pasting is not allowed without mentioning the source of the material, but plagiarism has a wider meaning. Paraphrasing someone else's texts, e.g. by replacing a few words by synonyms or interchanging some sentences is also plagiarism. Even reproducing in your own words a reasoning or analysis made by someone else may constitute plagiarism if you do not add any content of your own; in so doing, you create the impression that you have invented the argumentation yourself while this is not the case. The same applies if you bring together bits of work by various authors without mentioning the sources.³

The University's policy illustrates that there are many shades of grey along the plagiarism spectrum that need to be taken into consideration when determining each suspected case.

III. What sanctions can be imposed?

The sanctions that the Board of Examiners can impose, whether or not in combination are as follows:

- a. giving an official warning;
- b. declaring the result of the examination or the written assignment invalid;
- c. excluding the student from participation in the examination for which the fraud or another irregularity was established for a maximum of one year;
- d. excluding the student from participation in one or more other examinations for a maximum of one year.

In the event of severe fraud [this is a broader offence that also encompasses cheating in exams or related misconduct], the Board of Examiners may request the university's Executive Board to permanently terminate the student's enrolment in the programme.

² See <https://www.student.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/reglementen/oeren/adv-masters-course-and-exam-regulations-2018-2019.pdf>

³ See <http://media.leidenuniv.nl/legacy/plagiarism.pdf>

The University plagiarism policy and the LLM Advanced Course and Examination Regulations endow the Exam Commission (and Course Instructors and/or Programme Directors in consultation with the Exam Commission, see section on minor cases below) with wide discretion to approve and impose a range of sanctions following a finding of plagiarism. For example, the University's plagiarism policy states:

If plagiarism is proven, the relevant Board of Examiners will, as a rule, impose penalties. Their severity will depend on the seriousness of the offence, and may be influenced by previous infringements [...]. Like plagiarism itself, the applicable sanctions for plagiarism sit on a spectrum from minor and corrective, to severe and punitive. Each case and its context must be carefully considered before the appropriate sanction can be agreed upon. There is no formula that will dictate the sanction to be imposed, rather it is a discretionary determination of the Exam Commission based on the information available to it.

However, in the interests of further information and clarity the following non-exhaustive list of sanctions may be considered by the Exam Commission:

1. Imposition of penalty points ranging from 0.5 for minor or inadvertent plagiarism accompanied by a written reprimand. The student will be required to resubmit the paper or thesis with the plagiarism corrected;
2. In cases of moderate plagiarism (i.e. plagiarism that is more than minor but not considered severe), imposition of penalty points ranging from 1.0 to 2.0 accompanied by a written reprimand. The student will be required to resubmit the paper or thesis with the plagiarism corrected. ;
3. In cases of severe, intentional, plagiarism, a failing grade for the assessment, a written reprimand, and the requirement that they resubmit a new paper or thesis on a new topic within a specified timeframe;
4. In cases, where a student is found responsible for severe, intentional, plagiarism on more than one occasion, the Exam Commission may request the university's Executive Board to permanently terminate the student's enrolment in the programme.

IV. The process to follow when dealing with plagiarism on LLM Advanced programmes

The following guidelines distinguish between how to deal with minor and severe cases.

4.1. What to do when you encounter minor or less severe plagiarism on the Advanced programmes:

1. Report the situation to the Programme Director (and the Course Coordinator if there is more than one instructor on the course, or the Thesis Coordinator);
2. The Programme Director will then arrange to meet with the student, along with the instructor/supervisor/Course Coordinator, the Academic Coordinator, and the Programme Coordinator. During the meeting the student is given the opportunity to give an account of their actions. At the end of the meeting, or

- shortly thereafter the Programme Director, in consultation with the instructor, the Academic Coordinator and the Programme Coordinator will agree on the proposed sanction to be imposed;
3. The Programme Director informs the Exam Commission of the case and the proposed sanction;
 4. The Exam Commission reviews the case and the proposed sanction. It is very unusual for the Exam Commission to disagree with the sanction, however, it is important that the case be reported in a timely fashion in order to give the Exam Commission the opportunity to consider the matter;
 5. The Programme Director informs the student of the outcome and sanction, making clear that the Exam Commission have been consulted, agree with the sanction, and that a record has been kept of the incident for the duration of the academic year. The Programme Director also informs the student of their right to appeal the decision reached to the Exam Commission;
 6. Should the student decide to appeal, the Exam Commission will communicate this to the Programme Director.

4.2. What to do when you encounter a severe case of plagiarism on the Advanced programmes:

1. Report the situation to the Programme Director (and the Course Coordinator if there is more than one instructor on the course, or the Thesis Coordinator);
2. The Programme Director will then arrange to meet with the student, along with the instructor/supervisor/Course Coordinator, the Academic Coordinator, and the Programme Coordinator. During the meeting the student is given the opportunity to give an account of their actions;
3. The Programme Director then submits a report to the Exam Commission (including the assignment/thesis in question, the Blackboard/Brightspace plagiarism report, and any other relevant supporting materials), and requests that it deal with the matter;
4. The Exam Commission will then invite the student to respond to the allegation;
5. Following the student's response, the Programme Director is given an opportunity to respond to the student's submissions;
6. Once all submissions have been received, the Exam Commission will deliberate and determine the sanction, if any, to be imposed. The student and the Programme Director will be informed accordingly.

V. Important Take-Away Points

1. **Always report cases of plagiarism, both minor and severe, to Course Coordinators and Programme Directors;**
2. **Plagiarism cases, minor and severe, should always be communicated to the LLM Advanced Exam Commission. The Advanced programmes have discretion to deal with minor cases, but these should still be communicated to the Exam Commission for sign-off;**
3. **The student is always given the opportunity to respond and appeal;**
4. **If a student decides to appeal a decision, instructors, Course Coordinators and Programme Directors will be informed by the Exam Commission.**