

DECISION 23 - 152

Rapenburg 70
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of the Examination Appeals Board of Leiden University

in the matter of the appeal of

[X], appellant,

against

the Examiner(s) of the International Dispute Settlement course unit, respondent.

The course of the proceedings

The appellant is taking the Master's Programme in Public International Law.

She participated in the resit examination for the International Dispute Settlement course unit ("the examination") on 24 January 2023.

On 9 February 2023, the respondent awarded the examination a grade of 5 out of 10.

The appellant sent a letter on 22 March 2023 to lodge an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it has investigated whether an amicable settlement could be reached between the parties. No amicable settlement was reached.

The respondent submitted a letter of defence on 11 April 2023.

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Blad 2/3

The appeal was considered on 10 May 2023 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not attend the hearing. [X] , Examiner, attended the hearing on behalf of the respondent.

Considerations

In accordance with article 7.61, paragraph two, of the Dutch Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The Examination Appeals Board took note of the parties' views, as reflected in the documents submitted.

The appellant does not agree with the assessment of the exam. No account was taken of her personal circumstances. As a result, she was not given extra time in the examination. Nor does the appellant agree with the assessment of her answers in terms of content.

In the statement of defence dated 11 April 2023, the Examiner indicated that the examination was assessed in the correct, prescribed manner. She also provided a substantive response to the appellant's disputed assessment of the individual questions. During the hearing, the Examiner explained, furthermore, that she had reviewed the examination together with an assistant and has provided additional comments on it. The appellant did not seem to have understood the questions properly, which may be due to a language barrier. It was only after the examination was over that the appellant contacted the Study Adviser and requested extra time. The appellant still needs to pass a number of course units to complete the programme.

As the Examination Appeals Board has previously determined, it holds that the assessment of an examination, assignment or thesis is the exclusive competence of the Examiners appointed by the Board of Examiners for the relevant course unit. The Examination Appeals Board considers that the documents and what was discussed at the hearing did not show that the respondent failed to use this

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position according to a proper and disclosed procedure. In this respect the following is relevant.

Blad 3/3

In the letter of defence, the respondent explained in detail how the examination was marked and how the explanations were assessed by the appellant. The Examination Appeals Board did not establish that the procedure as used was incorrect and that the grade awarded was arrived at on incorrect grounds.

The Examination Appeals Board stated that it is incumbent on the appellant to ask for additional facilities, such as more time to take exams, in a timely manner. The fact that she did not do so in good time should be at her cost.

This means that the administrative appeal is unfounded and the contested decision is to be upheld.

The decision

The Examination Appeals Board of Leiden University

holds the administrative appeal unfounded

in view of article 7.61 of the Higher Education and Academic Research Act.

Established by a chamber of the Examination Appeals Board, comprised of M.G.A. Berk (Chair), LL.M., Dr A.M. Rademaker, Dr C.V. Weeda, J.J. Christiaans B.A., and J.D. Kuster B.Sc. (Members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

M.G.A. Berk, LL.M.
Chair

I.L. Schretlen, LL.M.
Secretary

Certified true copy,