

## DECISION 16 - 137

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of the Examination Appeals Board of Leiden University  
in the matter of  
the appeal by [name], appellant  
against  
[name], respondent

### 1. Origin and course of the proceedings

In the decision of 7 June 2016, the respondent awarded a D grade to the final essay of the appellant in the context of the Global Challenges: Diversity course unit.

The appellant sent a letter on 10 June 2016 to the Examination Appeals Board, which was received on 21 June 2016, to lodge an administrative appeal against this decision.

In short, the appellant argued that his final essay should be graded as satisfactory in view of the course objectives set out in the course description. The appellant adopted the position that grading was too strict.

A meeting was held between the appellant and the respondent on 4 July 2016 to try to reach an amicable settlement. No amicable settlement was reached.

On 4 July 2016, the respondent filed a letter of defence. The respondent stated in the letter that the appellant received oral and written feedback on his exam. The arguments put forward by the appellant do not constitute grounds to alter the grade.

The appeal was considered on 14 September 2016 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. [name], appeared on behalf of the respondent. The appellant submitted additional documents on 22 September 2016.

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On 3 October 2015, the respondent filed a response to the additional documents submitted by the appellant.

## **2. Considerations with regard to admissibility**

The appellant lodged a timely appeal against the decision of 7 June 2016 by means of the letter that was received by the Examination Appeals Board on 21 June 2016. The letter of appeal meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

## **3. Considerations with regard to the dispute**

In accordance with article 7.61, paragraph two, of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

It has been established that the final essay proposal of the appellant in the context of the 'Global Challenges: Diversity' course unit was awarded an F grade, since plagiarism was discovered. This assignment represents 15% of the final grade. The respondent sent an email to the appellant on 23 May 2016 stating that he was required to submit a new final essay within the set term. The appellant did so. In the contested decision, the respondent awarded a D grade to this final essay.

It became apparent in the meeting between the appellant and the respondent on 4 July 2016 that the appellant considered it unjustified that he had to submit a final essay without having received feedback on the final essay proposal. He is therefore of the opinion that he was being punished further for the plagiarism that he committed. The appellant added at the hearing that he believes the respondent was biased when grading his final essay. On being given the opportunity to do so, the appellant submitted additional documents to substantiate this after the hearing. The respondent responded to these additional documents.

The Examination Appeals Committee considered that the additional documents submitted by the appellant after the hearing do not demonstrate any bias by the respondent. In the letter of defence, at the hearing, and in the response to the additional documents submitted by the appellant, the respondent explained in

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detail how the assessment was reached. The respondent contacted his colleague Dr T. Nalbantian, in view of the latter's expertise on the topic chosen by the appellant. This contact did not convince the respondent to rescind his decision to award a D grade to the appellant. The Examination Appeals Board agrees with the respondent that the appellant deprived himself of the opportunity to receive feedback on the proposal before handing in the final essay, due to having committed plagiarism in the final essay proposal. When students commit plagiarism in a proposal and the Board of Examiners impose a measure accordingly, it is an inherent consequence that students will not receive feedback on the proposal. Furthermore, the Examination Appeals Board endorses the position of the respondent that the examiner is entitled to decide whether feedback is provided in writing or orally, subject to the proviso that it is provided individually. In this case, the appellant received oral, individual feedback.

Since the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded.

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**4. The decision**

In line with article 7.61 of the Higher Education and Academic Research Act,  
the Examination Appeals Board of Leiden University,

holds the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board, comprised of: O.  
van Loon, LLM, Chair, C. de Groot, LLM, Professor E.P. Bos,  
Dr A.M. Rademaker and L.N. Kluinhaar (members), in the presence of the  
Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LLM.

O. van Loon, LLM  
Chair

M.S.C.M. Stoop - van de Loo, LLM  
Secretary

Certified true copy,

Sent on: