

DECISION 17 - 023

Rapenburg 70
Postbus 9500
2300 RA Leiden
T 071 527 81 18

of the Examination Appeals Board of Leiden University

in the matter of

the appeal of [name], appellant

against

[name], respondent

1. Origin and course of the proceedings

In a decision of 7 February 2017, the respondent graded the additional re-sit of the course unit Academic Skills in the context of the appellant's pre-master's programme with a grade of 5.0 out of 10.

The appellant sent a letter on 8 February 2017, which was received on 10 February 2017, to lodge an administrative appeal against this decision. In short, he argued that failure to complete this course unit effectively blocks admission to the master's programme. The appellant has been awarded 55 out of 60 ECTS of the pre-master's programme. He argued that it is unjust that the assessment criteria were not set out clearly. Furthermore, he adopted the position that he had incorporated all of the examiner's remarks in the second, adapted version of his paper, so he should have been awarded a higher grade. Finally, the appellant accused the examiner of a lack of expertise in the field of Middle Eastern Studies, which did not contribute positively to the assessment of the paper.

On 23 February 2017, the parties investigated the possibility of reaching an amicable settlement. No amicable settlement was concluded.

The respondent submitted a letter of defence on 3 March 2017. The letter stated that the appellant did not pass the first test and the re-sit of the course unit. The appellant was granted permission to take an additional re-sit at the beginning of February 2017. On this occasion, the examiner asked a colleague, an examiner of the Middle Eastern Studies programme, to co-assess the appellant's paper. Both examiners assessed the appellant's paper with an unsatisfactory grade. In the context of the amicable settlement, two members of the Board of Examiners of the programme in Middle Eastern Studies studied the appellant's paper and the

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remarks by the examiners and, subsequently, endorsed the opinion of the examiner that the paper is unsatisfactory.

The appeal was considered on 29 March 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given notice of absence. The respondent appeared at the hearing himself, assisted by [names].

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 7 February 2017 by means of the letter that was received on 10 February 2017 by the Examination Appeals Board. Furthermore, the letter of appeal also 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 is in contravention of the law.

The Board of Examiners appointed the respondent to examiner for the course unit Academic Skills. This leaves her expertise to assess the paper beyond doubt.

The respondent explained at the hearing that the appellant received three assessments of his paper. The examiner provided comprehensive feedback on the first version. Due to an unsatisfactory result (grade 4.7) the appellant participated in the re-sit. The re-sit was assessed with a grade 5.0. Again, feedback was provided to him. Next, the appellant contacted the Board of Examiners with a request to participate in an additional re-sit. In its decision, the Board of Examiners considered that failure to complete this course unit would block admission to the master's programme in Middle Eastern Studies. As the examiner agreed to offer the appellant an additional re-sit, the Board of Examiners also agreed to the appellant's request. This additional re-sit by the appellant was assessed as a grade 5.0.

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The documents show that the respondent provided the appellant very meticulously with comprehensive feedback on various occasions. The criteria based on which the respondent performed the assessment are clear and in the paper itself the remarks were linked to the relevant sentences. Many assessment criteria/focus areas were earmarked as unsatisfactory in the case of the appellant. Moreover, it is possible that feedback is incorporated erroneously by a student, which allows for an even lower grade than previously awarded. Furthermore, the respondent explained at the hearing that the appellant had hardly availed himself of the feedback provided to improve the paper to a positive result.

Since the decision of the respondent does not qualify to be quashed on any other grounds, the appeal must be held unfounded.

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4. The decision

In view of 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, Dr J.J.G.B. de Frankrijker, Dr K. Beerden and
D.E. Mulder, LLM BA, and Y.D.R. Mandel (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: