

## DECISION 20 - 025

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], in his capacity as Examiner of the [X], respondent

### The course of the proceedings

In the decision of 9 January 2020, the appellant was awarded a grade 6 on a scale of 10 for the [X].

The appellant sent a letter on 14 January 2020, which was received on 18 January 2020, to lodge an administrative appeal with the Examination Appeals Board.

On 6 March 2020, the appellant and the respondent discussed an amicable settlement. This did not lead to an amicable settlement.

The respondent submitted a letter of defence on 8 March 2020.

The appeal was considered on 29 April 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the hearing. The respondent himself participated in the hearing.

### Considerations

#### 1 – Facts and circumstances

The appellant is a student at [X] University in [X], and attends course units at Leiden University in the context of an exchange programme. Together with members of his group, he was awarded a grade 6.5 for the group assignment which was weighted at 40%. He achieved a 6.3 for the examination, which was weighted at 60%. As such, he completed the course unit with a grade 6. He lodged an administrative appeal against both the assessment of the group assignment and

**Decision**  
**20-025**  
Page 2/5

the examination, and, consequently, also against the final grade. This decision only pertains to the assessment of the group assignment, since it became apparent that the appellant had not yet been able to inspect his examination. The administrative appeal against the final grade will therefore be considered at a later stage.

The submission deadline for the final version was Thursday 12 December 2019 at 21.00 hrs. The respondent was available to provide feedback on the draft paper of the group assignment prior to the scheduled submission deadline. The appellant made use of this opportunity together with his group members and emailed the draft paper to the respondent on Wednesday 11 December 2019 at 21.08 hrs.

The respondent responded on 12 December 2019 at 10.21 hrs stating that the deadline was that same day and asking whether feedback was still required or whether this should be considered as the final version. The response was that feedback would be appreciated and the respondent complied by sending feedback on the draft version on 12 December 2019 at 11.53 hrs. The final group assignment paper was submitted on Thursday 12 December 2019 at 17.32 hrs.

#### 2 – The position of the respondent

The respondent adopted the position that the assessment was performed on proper grounds. [X] is a course unit in the field of [X]. It, therefore, does not pertain to [X] specifically, which was highlighted by the appellant and the students in his group in their group assignment. The respondent stressed in his initial feedback that the relationship between “ownership” and “authorship” needed to be clarified. The appellant and the students in his group did not avail themselves sufficiently of the feedback provided. The respondent incorporated positive comments in his initial feedback, in order to encourage the appellant and his group members to submit a better paper.

#### 3 – The grounds for the appeal

The appellant adopted the position that the respondent abused his authority. The grade was not awarded based on proper grounds but in an arbitrary manner. This is not in proportion to the other assessments received by his fellow students. The feedback provided by the respondent on the draft version differs markedly from the feedback received by the appellant in the assessment of the final version. Moreover, he feels it to be unjust to argue that he and his group failed to comply with the instruction to refrain from including a bibliography, as this instruction was only given orally during a lecture and could be missed as the times of lectures were rescheduled at the last moment. He completed all other course units at

**Decision**  
**20-025**  
Page 3/5

Leiden University within the exchange programme with a grade 9, or a grade 8 (once) and was consequently highly surprised to be awarded a grade 6 for this course unit. He requests to have his group's assignment assessed by an independent expert and to compare the assessments of his fellow students, in order to verify whether the assessment was executed in a similar manner.

#### 4 – Considerations with regard to the dispute

It is disputed whether the assessment of the appellant's group assignment was arrived at on proper grounds.

First and foremost, the respondent was appointed to the position of examiner by the Board of Examiners of the Faculty [X]. His authority and expertise to assess the course unit are consequently beyond doubt.

The Examination Appeals Board noted that the appellant chose strong language to express his dissatisfaction with the assessment. Such compelling accusations, such as charging a person with abuse of authority and arbitrary assessment, should not be made lightly. Even more so, since the Examination Appeals Board has established that the appellant adopted this viewpoint without providing evidence or making it in any way plausible. A factor to be considered is that none of the other students that cooperated in the group assignment have lodged an appeal. The Examination Appeals Board will therefore disregard these accusations.

In view of the comprehensive substantiation of the assessment in the letter of defence and the discussions at the hearing, the Examination Appeals Board holds that the assessment was carried out on proper grounds. It may be true that the appellant was awarded higher grades for other course units but this does not automatically entail that he should also be awarded a higher grade for this group assignment.

The parties have different opinions about the extent to which it was clear to students that no bibliography had to be included. The respondent indicated that only the appellant's group included a bibliography. It was apparently clear to all the other groups, that this was not required. From this perspective, it is remarkable that the appellant's group opted to include a bibliography. At the hearing, the respondent explained that including a bibliography did not have a negative effect on the assessment, but that, indeed, the assessment could have been better had the number of words spent on the bibliography instead been

**Decision  
20-025**

Page 4/5

spent on the substance of the assignment. As a separate issue, the Examination Appeals Board would like to advise the respondent not just to issue such instructions orally in future, but to also publish these for all students on channels such as Blackboard.

At the hearing, the appellant put forward that he had not yet been given an opportunity to inspect the digital examination. The respondent responded by stating that the software in which the digital examination had been taken, ANS, posed problems with regard to inspection. Inspection of an examination taken is a right to which each student is entitled, irrespective of the manner in which the examination was taken. The Examination Appeals Board assumes that - in as far as this has not yet been arranged - the respondent will make sure that the appellant is allowed to inspect the paper without delay, namely within two weeks after the dispatch of this decision, and will inform the Examination Appeals Board accordingly. The Secretary of the Examination Appeals Board will then grant the appellant a deadline before which he must complete his grounds to object to the final assessment.

In view of the above, the respondent has taken the contested decision justly and on proper grounds. Since the Examination Appeals Board has not been informed of any other facts or circumstances that should lead to an alternative decision, the appeal must be held unfounded.

**Decision  
20-025**

Page 5/5

**The decision**

The Examination Appeals Board of Leiden University,

holds the 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: O. van Loon, LL.M, (Chair), Dr A.M. Rademaker, Dr J.J. Hylkema, M.G.A. Berk, MSc, LL.B., and M.S. van der Veer, BSc (members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

O. van Loon, LL.M.,  
Chair

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

Certified true copy,

Sent on: