

DECISION 17 - 060

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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 its decision of 31 January 2017, the respondent awarded the appellant a four out of ten in respect of the course unit Corruption in Russia and Eurasia in the context of the Masters' Programme in International Relations. This grade was comprised of three partial assessments. The appellant achieved a grade of 5 for the *briefing paper* that contributes 20% to the final grade. He was awarded a grade of 3 for the *term paper* that contributes 50% to the final grade. And the appellant was awarded a mark of 5 for *participation* (comprised of *class participation*, *reading summaries* and *moderating an hour-long discussion or giving a class presentation*), which contributes 30% to the final grade.

The appellant sent a letter on 16 March 2017, which was received on 17 March 2017, to lodge an administrative appeal against this decision with the Examination Appeals Board.

On 6 April 2017, the parties investigated whether an amicable settlement could be reached. No amicable settlement was concluded.

The respondent submitted a letter of defence on 11 April 2017. The letter stated that there is no ground to conclude that the assessment of the paper was arrived at wrongfully. Moreover, the respondent expressed his astonishment at the fact that the appellant - apparently - had not yet used the re-sit opportunity to complete this course unit successfully.

The appeal was considered on 10 May 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing,

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having failed to give notice of absence. The respondent appeared at the hearing, assisted by [names].

After the hearing, the respondent submitted a copy of the contested decision stating the date, at the request of the Examination Appeals Board.

2. Grounds for appeal

In short, the appellant argued that the comments by the respondent on his *briefing paper* pertain to the adaptation of the style rather than its substance, and, consequently, that it is not justified to award an unsatisfactory grade. The appellant contested the comments by the respondent in respect of his *mid-term*, to the effect that his research would have been insufficiently sound and that the structure was unsatisfactory. Finally, the appellant took the position that the assessment of *participation* is too low. For he attended each lecture, had submitted 10 out of 12 *reading summaries*, and had moderated a discussion in a proper manner.

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 as Examiner for the course unit Corruption in Russia and Eurasia. This means that his ability to make the assessments is beyond doubt. We refer to the decision of the Appeals Tribunal for Higher Education of 11 June 2014, case number 2014/005, which considered: *“In so far as the appellant argues that the examiners are not experts in the field, the Tribunal considers that the relevant lecturers are assumed to be experts pursuant to their appointment and that those that argue to the contrary must make it plausible that special circumstances apply that justify an exception to this assumption.”* In the opinion of the Examination Appeals Board, the appellant did not make it plausible that the respondent is not an expert in the field. The substantial arguments submitted by the appellant against the assessments performed by the respondent are therefore unsuccessful.

The documents show that the respondent has provided the appellant very meticulously with comprehensive feedback. The criteria based on which the respondent performed the assessment are clear and in the *briefing paper* itself the

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remarks were linked to the relevant sentences. The respondent listed an unsatisfactory mark in each assessment criterion of the *term paper*. Furthermore, the grade for the *term paper* was reduced by one point as it was submitted late. The respondent explained comprehensively how he reached the assessment. At the hearing, the respondent stated that his review of the exam paper with the appellant lasted for 90 minutes. During this meeting, the appellant was offered an extended term to submit his re-sit paper, subject to the appellant filing a request to this effect with the Board of Examiners. The appellant did not agree to this proposal. In the opinion of the Examination Appeals Board, since the appellant did not respond to this offer, the consequences must be at his own expense and risk. Finally, the respondent explained at the hearing that attendance of the tutorials by a student was not considered in assessing *participation*. The Examination Appeals Board did not establish that the assessment of *participation* was carried out on false grounds. The respondent contested at the hearing that he had orally awarded an assessment *good* to the appellant. The mere circumstance that the appellant is of the opinion that he is entitled to a higher grade does not lead to the decision that the assessment was wrongful.

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

Pursuant to 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 M.M. Bosma (Chair), LLM, Dr H.W. Sneller, Dr A.M. Rademaker, J. Nijland
(members), in the presence of the Secretary of the Examination Appeals
Board, M.S.C.M. Stoop - van de Loo, LLM.

M.M. Bosma, LLM
Chair

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

Certified true copy,

Sent on: