

DECISION 17 - 068

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

1. Origin and course of the proceedings

The appellant sent a letter on 21 March 2017, which was received on 27 March 2017, to lodge an appeal against the respondent's decision of 8 March 2017, by which it rejected the appellant's request to re-submit his master's thesis for the Master's Programme in *Political Science: International Organisation*.

In short, the appellant stated that his request of 6 February 2017 to be allowed to amend his master's thesis and to have it re-assessed was rejected. The appellant alleged that this decision was partly reached through influence exerted by his thesis supervisor.

The appellant remarked that the decision stated that the design of his thesis, the 'thesis proposal', had not been approved, that his supervisor had nevertheless offered to supervise him, but that he had failed to make use of that offer. The appellant took the view that he did indeed avail himself of this supervision when he was writing the thesis. In this context, he pointed out that on 21 November 2016 he asked to discuss the progress of his thesis.

Furthermore, the appellant remarked that it is not correct to speak of submission of a 'third' version. He submitted a draft of the thesis on 12 December 2012 but this was not assessed with a grade. This version was merely intended for obtaining feedback.

The appellant pointed out that the respondent stated that he could have attended the thesis seminar in the directly following semester, immediately after the thesis had been graded unsatisfactory. However, the e-Prospectus states that students may only participate in the thesis seminar in the next academic year, in autumn 2017. Because of the short time frame - he received the notification that he had failed the master's thesis on 27 January 2017 - he was unable to attend the thesis seminar in the directly following semester.

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In addition, the appellant pointed out that in view of his current job in Romania, he would be unable to leave the country for four months and also has insufficient means to do so.

The appellant argued that the supervision provided by his thesis supervisor was substandard. The appellant had the impression that she had not read the thesis draft in full, and that she gave contradictory feedback.

The appellant pointed out that he cannot be in Leiden in the first semester of academic year 2017-2018 for the above-mentioned reasons and therefore asked to be allowed to re-submit his thesis.

The respondent investigated whether an amicable settlement could be reached. In its email of 7 April 2017, the respondent informed the appellant with substantiation that no settlement was possible.

A letter of defence was submitted on 19 April 2017. The letter stated that the procedure applicable for realization of the thesis was followed correctly, with no shortcomings. The respondent stated that the assessment made by the thesis supervisor and the second reader was substantive. The request to be allowed to re-submit the thesis was therefore rejected.

The respondent remarked that the appellant did not fully avail himself of the supervision offered by the thesis supervisor, and that she did indeed provide feedback on the first draft of the thesis. The respondent pointed out that the decision would still have been the same even if the appellant had made full use of the supervision, because the correct procedures had been followed.

Furthermore, the respondent pointed out that the appellant had not complained earlier about the quality of the supervision. He only did this after being informed of the final grade.

The respondent took the view that the fact that the appellant must incur more expenses in order to finish his programme cannot constitute a reason to grant the request. The same applies to the fact that the appellant has a job and is therefore unable to attend the thesis seminar.

On 1 May 2017, the appellant responded to the letter of defence.

The appeal was considered on 10 May 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant was represented at the hearing by [name], his authorized representative.

[names] appeared on behalf of the respondent.

After the hearing, on 17 May 2017 the respondent offered the appellant the possibility of attending the first part of the thesis seminar in Leiden, after which the further supervision could take place 'remotely'. In this way, the appellant would only have to be physically present in the Netherlands for a few weeks.

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The appellant did not accept this offer, as he cannot be in Leiden in the academic year 2017-2018.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 8 March 2017 by means of the letter dated 21 March 2017 that was received on 27 March 2017 by the Examination Appeals Board. The letter of appeal also meets the requirements for appeal as stipulated in the General Administrative Law Act (*Algemene wet bestuursrecht*, “Awb”) and the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, “WHW”). Consequently, the administrative appeal is admissible.

3. Relevant legislation

The e-Prospectus, available on <https://studiegids.leidenuniv.nl/courses/show/63203/thesis-info-msc-political-science-international-organisation-fall-2016> states the following:

Submitting final version of research proposal

The deadline for submitting the final version of the research proposal (through Turnitin and in print) is Monday 17 October 2016 at 12.00 pm. An approved proposal is essential for the start of the thesis-writing process. Although students may continue working on their thesis without a formally approved proposal, they are then doing so ‘on their own’ (thesis seminar teachers are no longer obliged to provide supervision). The proposal must be approved by the supervisor and by a second reader. The second reader will be designated by the Director of Studies. Once the supervisor and second reader accept the research proposal, a copy of the proposal, signed by the supervisor and the second reader, is submitted to the Political Science secretariat as part of the student’s file of academic records. If a proposal is not completed in time or not approved, a record of this will be deposited in the student’s file of records.

[...]

- Working on the MSc thesis starts with writing a research proposal. The research proposal must include a problem statement, theoretical foundation, conceptualization and, if applicable, operationalization of key variables, and present the methodology and techniques for data collection and analysis.
- The MSc thesis needs to comply with high standards of academic research and writing. It is important that the thesis is consistent, clear and original in the sense of constituting an own contribution to ongoing research. In various courses offered in this program, students learn how to conduct research and how to write academic papers. Among the criteria used to evaluate the thesis are its originality, consistency, academic (and, if applicable, societal) relevance, the choice of an adequate theoretical framework, the correct application of analytical methods, the quality of the data collection, and the presentation of the text.

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Insofar as relevant, the Course and Examination Regulations (“OER”) of Political Science state the following:

Article 1.2 Definitions

q. practical: a practical assignment as defined in Article 7.13, second paragraph, in point (d), of the Act, that takes one of the following forms:

- writing a thesis/final paper/final report
- writing a paper
- carrying out a research assignment
- participating in fieldwork or an excursion
- completing an internship, or
- participating in another educational activity aimed at acquiring particular skills;

Article 4.1 Frequency of examinations

4.1.1 Examinations are held twice during the academic year for each component offered in that year. The Board of Examiners determines the manner of resit for practicals.

4.1.2 If a component involves a practical, students may only sit the examination as referred to in paragraph 4.1.1 if they have passed the practical, unless the Board of Examiners decides otherwise.

[...]

4.1.6 In departure from Article 4.1 and at a student’s request, the Board of Examiners may in exceptional circumstances allow an additional resit.

4. Considerations with regard to the dispute

In accordance with Article 7.61, paragraph two, of the WHW (Higher Education and Research Act), the Examination Appeals Board must consider whether the contested decision is in contravention of the law.

First, the Examination Appeals Board establishes that the appeal is directed against the Board of Examiners’ decision that rejected the request to be allowed to re-submit the master’s thesis. The appeal is not directed against the assessment or determination of the grade by the thesis supervisor (Examiner) and second reader.

The appellant’s aim in lodging this appeal is to be allowed to re-submit the thesis and to have it assessed. In short, the ‘exceptional circumstances’ put forward by the appellant for this are that he received substandard supervision when he was writing his thesis and that he is now living abroad, in consequence of which he would have to spend a great deal of time and money to still complete the programme in Leiden.

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In its letter of defence, the respondent explained the structure of the 'master's thesis seminar', the course unit in which the thesis is written. In the first six weeks, students must write a thesis proposal (design) that will be assessed by the thesis supervisor and a second reader. If this proposal is graded satisfactory, the student is entitled to further supervision by the thesis supervisor. If the proposal is graded unsatisfactory, it is expected that the thesis will not be awarded a pass grade upon completion. It is up to the tutor to decide whether to continue supervision of the student. This can be the case if the tutor anticipates improvement in the short term.

The respondent also pointed out that the results were unsatisfactory during the entire thesis seminar: upon submission of the proposal, the first draft and the final thesis. Moreover, the respondent stated that the email correspondence shows that the thesis supervisor always replied to the appellant's emails within two or three days.

It is not disputed in the present matter that the thesis supervisor agreed to continue supervision of the student. The appellant stated in the letter of appeal that he did in fact make use of the offer to receive further supervision. The parties have different views on the issue of whether the supervision was of a sufficient standard and whether the appellant fully availed himself of the supervision that was offered.

The thesis supervisor stated that she gave feedback on the proposal and the first draft, but that the appellant did not request further supervision in the interim. Other students requested and received more supervision, to the extent that these students received individual supervision up to twice a week.

The Examination Appeals Board has not established that the appellant requested more supervision. In addition, the appellant has not substantiated sufficiently that the feedback that was provided was substandard or that the thesis supervisor did not reply adequately to emails.

The appellant also argued that attending the thesis seminar again would be unreasonably onerous for him, since he is employed abroad, cannot take extended leave, and the expenses involved in a stay in the Netherlands will be considerable.

In its offer of 17 May 2017, after the hearing, the respondent tried to eliminate some of these objections by offering the appellant the possibility of only having to be in the Netherlands for the first six weeks of the thesis seminar and then writing the thesis abroad with 'remote' supervision during the remaining period. A shorter period of attendance is impossible, because the seminar programme is intensive in the first six weeks, and attendance at the tutorials is essential. The appellant did not avail himself of this offer and requested a decision by this Board.

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In view of the above, the Examination Appeals Board concludes that the appellant, despite his proposal being graded as unsatisfactory, was offered supervision and received feedback on the documents that he submitted. The Examination Appeals Board shares the respondent's view that the procedures applicable for the thesis seminar were also followed correctly in other respects. In addition, it has been seen that the appellant performed unsatisfactorily during the entire thesis seminar and that, consequently, his final thesis was also of unsatisfactory quality.

The respondent therefore had good grounds to decide that the appellant should not be allowed to re-submit the thesis for assessment.

The circumstance that the appellant is currently living abroad cannot lead to an alternative decision. The appellant himself chose to leave the Netherlands and to enter into employment. This cannot be invoked against the Board of Examiners or compel the Board of Examiners to take an alternative decision.

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

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5. The decision

The Examination Appeals Board of Leiden University,

pursuant to Article 7.61 of the Higher Education and Research Act,

holds the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board, comprised of M.M. Bosma, LLM, (Chair), Dr H.W. Sneller, J. Nijland, LLM, Dr A.M. Rademaker, and M. Heezen (members), in the presence of the Secretary of the Examination Appeals Board, W.J. de Wit., LLM,

M.M. Bosma, LLM
Chair

W.J. de Wit, LLM
Secretary

Certified true copy,

Sent on: