

DECISION 17 - 096

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 his decision of 31 March 2017, the respondent awarded the appellant in respect of the 'Russia and the World' course unit a grade of 4.0 .

The appellant sent a letter on 19 April 2017, which was received on 20 April 2017, lodging an administrative appeal against this decision. In short, the appellant argued that he deems it unjust that his paper was awarded a grade of 1.0 on a scale of 10 on the grounds that it was submitted after the deadline.

A further letter of appeal was sent on 9 May 2017 and received on 11 May 2017.

On 17 May 2017, the respondent investigated whether an amicable settlement could be reached. No amicable settlement was concluded.

The respondent submitted a letter of defence on 29 May 2017, stating that the deadline for submitting the paper had been announced several times in various manners.

The appeal was considered on 5 July 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. [names], appeared on behalf of the respondent.

**Decision
17-096**

Page 2/4

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 31 March 2017 by means of the letter that was received by the Examination Appeals Board on 20 May 2017. 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. Relevant legislation

Article 3.3.3 of the Rules and Guidelines (*Regels en Richtlijnen*) of the Board of Examiners of the Institute of Political Science stipulates:

The Examiners will announce the deadlines for submitting all papers and assignments (including a first and second deadline, if any, as referred to in Art. 3.3.2) in the course description and/or on Blackboard at the start of the course unit, or ultimately at the class meeting of the course unit.

In so far as relevant, the course description states:

Wednesday, March 22: Deadline for delivery of final paper in hard copy is 09:00 hours; no class meeting.

Wednesday, March 24: From 09:00 until 12:00 hours the instructor will meet students individually, by appointment (comments on final paper, grading); (...).

4. 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 appellant was awarded a grade of 4.0 in respect of the 'Russia and the World' course unit. This course unit comprised various components, including a paper to be submitted before 9 am on 22 March 2017. This part represents 45% of the final grade. The respondent awarded the paper a grade of 1.0 since the appellant had submitted it after the relevant deadline. It is not disputed that the appellant submitted the paper on 23 March 2017, one day after the relevant deadline.

The appellant acknowledged that he was in a position to submit the paper within the applicable term. He stated that he was mistaken, as he had assumed that he

Decision
17-096
Page 3/4

had to submit the paper on the date of the meeting, 24 March 2017. Since the appellant did not pass this course unit, he is obliged to re-take it again in the next study year. The appellant deems this consequence to be unreasonable, in view of the limited period by which the deadline was exceeded. He requested that the paper still be assessed and proposed that the cut-off score be stricter in his case.

The Examination Appeals Board found that there were no personal circumstances that caused the appellant to submit the paper after the deadline. The respondent demonstrated adequately that the deadline for submitting the paper had been announced on various platforms. The Examination Appeals Board endorses the position of the respondent that the mere fact that the paper was submitted outside the term, justifies the grade of 1.0. The appellant's proposal to apply a stricter cut-off score in his case, will create an undesired inequality in respect of his fellow students who did meet the deadline.

The statements by the appellant have not indicated grounds for lenience, since no unforeseeable or disproportionate consequences have ensued. In view of the above, the Examination Appeals Board holds that the respondent did not act contrary to the law.

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

**Decision
17-096**

Page 4/4

5. 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 M.M. Bosma, LLM (Chair), C. de Groot, LLM, Dr H.W. Sneller,
L.N. Kluinhaar and M. Heezen (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: