

DECISION 17 - 285

Rapenburg 70
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of the Examination Appeals Board of Leiden University
in the matter of
the appeal of [name], appellant,
against
[names], respondents

1. Origin and course of the proceedings

In the decision of 1 August 2017, the appellant's bachelor's thesis in the International Studies programme was assessed at a grade 5 on a scale of 1-10.

The appellant sent a letter on 22 August 2017, which was received on 28 August 2017, to lodge an administrative appeal against this decision with the Examination Appeals Board.

In short, the appellant argued that she deems the assessment to be too low and that it was executed by non-expert examiners and therefore she requests the Board of Examiners to appoint a third reader to perform a new assessment.

A letter of defence was received on 25 September 2017.

On 26 September 2017, the appellant submitted additional documents.

On 27 September 2017, the Examination Appeals Board was informed that the appellant has an authorised representative. The documents that were requested in this letter were sent to the appellant by the Examination Appeals Board on 17 October 2017.

On 25 October 2017, the respondent submitted additional documents. The respondent attempted to meet the appellant with an aim to reach an amicable settlement. Unfortunately, this did not lead to a settlement.

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The appeal was considered on 1 November 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared at the hearing, accompanied by [name] and her authorised representative, [name], [names], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 1 August 2017 by means of the letter that was received by the Examination Appeals Board on 28 August 2017. The letter of appeal 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

The BA International Studies Thesis Guidelines for Supervisors and Second Readers 2016-2017 states, in so far as relevant, the following:

Whether or not a student should receive a pass grade depends on whether the following minimum standards ('knockout criteria') are observed:

1. The thesis must focus (at a minimum) in detail on one specified region.
2. The thesis has to include a clearly formulated research question.
3. The thesis question and general argument should be based on and embedded in a current academic debate.
4. The thesis has to display a clear account of the research methods.
5. The thesis should have a clearly structured argument.
6. The thesis should contain a substantiated conclusion.
7. The thesis should be written in good English.

If the first or second reader finds that the thesis does not fulfil all these minimum standards, they decide together whether a fail grade should be awarded. Please note that a fail grade for one criterion cannot be compensated with sufficient grades for others.

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.

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Based on the documents and the discussions at the hearing, the Examination Appeals Board finds that communication between the appellant and the respondent was not as effective as it could have been. This is indeed acknowledged by the Board of Examiners and they therefore granted the appellant's request to appoint a third reader. However, this third reader also assessed the thesis at a grade 5, similar to the respondents.

In so far as the appellant argues that the respondents or the third reader, respectively, are not experts in the field, the Examination Appeals Board considers that the relevant lecturers are assumed to be experts by reason of 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 (CBHO decision of 11 June 2014, case number 2014/005 and the decision of 17 October 2014, case number 2014/159). In view of the above, the Examination Appeals Board considers that the appellant's plea that the respondents, or the third reader, are not experts, fails. Moreover, the Examination Appeals Board holds it relevant that this pertains to a bachelor's thesis. The circumstance that the background of the respondents/third reader differs from the topic of the appellant's thesis, does not entail that they should be deemed incapable of assessing whether the thesis meets the applicable requirements.

The fact that the appellant believes she is entitled to a higher grade does not lead to the decision that the assessment was wrongful either. Nor was any proof found that the procedure that led to an unsatisfactory grade had been executed negligently, which would lead to quashing the contested decision.

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

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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:
O. van Loon, LLM, (Chair), Dr A.M. Rademaker, Dr K. Beerden,
D.E. Mulder, LLM, and L.N. Kluinhaar (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: