

## DECISION 19 - 143

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of the Examination Appeals Board of Leiden University  
in the matter of the appeal of

[name], appellant,  
against  
the Board of Examiners of [X], respondent.

### **The course of the proceedings**

In a decision of 21 June 2019, [name], in his capacity as Examiner, assessed the grade for the [X]: [X] course unit as B+.

The appellant sent a letter on 25 June 2019 to lodge an administrative appeal against this decision.

On 23 July 2019, the appellant requested the Examination Appeals Board to delay the proceedings so that he could submit the relevant essays of the course unit. The Examination Appeals Board agreed to this.

The respondent tried to contact the appellant to investigate whether an amicable settlement could be reached between the parties. The appellant did not respond to this invitation.

The respondent submitted a letter of defence on 27 August 2019.

The appellant added further grounds for his appeal on 27 August 2019.

The appeal was considered on 18 September 2019 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing. [names], of the [X] Board of Examiners appeared on behalf of the respondent.

For the purpose of the hearing, the Examination Appeals Board requested the respondent to submit the 2018-2019 Student Handbook, which includes the Course and Examination Regulations (*Onderwijs- en Examenregeling*, OER) and

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the Rules and Guidelines (*Regels en Richtlijnen*). The respondent complied with this request.

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**Considerations**

1 – Facts and circumstances

In the decision of 21 June 2019, the respondent established the grade of the [X]: [X] course unit as B+. According to the e-study guide, the grade was weighted as follows:

Class attendance and in-class participation, 15%

Class assignments (Weeks 1/3/6, three in total, 750 words each), 30% (10% per essay)

Weekly group assignments/presentations, 15%, weekly

Individual assignment; final essay (3000 words), 40%, week 8.

2 – The position of the respondent

The respondent stated that the grade was arrived at on valid grounds.

At the hearing, the respondent explained further to the letter of defence that the appellant was requested to submit the essays of which he disputed the assessment. Based on the documents received, the respondent has identified no grounds for the appellant's position that this constituted a misuse of authority. The appellant was granted an extension to submit documents. Neither of the two essays that the appellant had agreed to submit were ever received. However, the appellant did submit a screenshot of an email from the Examiner. It can be derived from this submission that feedback was provided on the final essay.

3 – The grounds for the appeal

The appellant adopted the position that assessment of the course unit was arrived at by misuse of authority and untenable decisions. He stated that he had received hardly any feedback from the Examiner. He received only one out of four grades for individual assignments. He also questions the fact that the grade was entered into Usis on 7 June 2019, while the deadline for the final paper was set at 14 June 2019. Furthermore, the appellant argued that the assessment of three papers does not comply with the established distribution of points. He was penalised extremely severely in respect of a quote. He disagrees with the fact that the Examiner deducted points for his second paper due to non-original ideas. On 27 August 2019 he added to the grounds for his appeal the viewpoint that assessments of the presentations were group assessments instead of individual assessments, which is unjust. The appellant did not respond to the letter of defence.

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4 – Relevant legislation

The Course and Examination Regulations of the Bachelor's Programme in “[X]” 2018-2019 (“OER”) stipulates, in as far as relevant in this case:

Article 4.5 Rules and Regulations set by the Board of Examiners

4.5.1 In accordance with Article 7.12b (3) of the Act, the Board of Examiners establishes rules concerning the performance of its tasks and responsibilities and the measures it can take in the event of fraud.

4.5.2 The Board of Examiners must guarantee the right of students to appeal against decisions of the Board of Examiners or the examiners.

4.6.2 The examiner marks any written examination or constituent examination within 10 working days of the day on which the examination or constituent examination is taken, and provides the departmental office with the information necessary to provide the student with electronic notification of the examination results. The student is informed of this through the University study progress system.

4.6.3 If the examiner is unable to comply with the period of 10 working days specified in Article 4.6.2, the student is notified within the specified term. The student is also informed of the relevant procedure in such cases.

4.6.4 The examination result will be expressed as a letter ranging from A+ (plus) to F, with A+ representing the highest mark and F the lowest.

4.6.5 The examination result is considered to be a pass if it is C- (minus) or higher.

4.6.6 If students must complete a practical to be permitted to sit an examination, the Board of Examiners may decide that students have passed the examination once they have passed the practical.

4.6.7 Together with the written or electronic notification of examination results, students are also informed of their right to inspect their marked examination papers, as referred to in Article 4.8, as well as of the appeals procedure.

4.6.8 The Board of Examiners may draw up rules that specify under which conditions it may exercise its power as specified in Article 7.12b (3) of the Act to determine that students do not have to pass every examination and/or under which conditions the results of constituent examinations can compensate for each other. These rules are specified in the Rules and Regulations of the Board of Examiners.

The Rules and Guidelines of the Board of Examiners of the programme [X] stipulate, in as far as relevant in this case:

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4.1.4 The assessment of all group work, including papers, presentations, and research reports, will be in principle on the basis of the individual contribution made by each student.

5 – Considerations with regard to the dispute

The dispute centred on whether the Examiner has arrived at the assessment of the course unit on proper grounds. The Examination Appeals Board holds that the additional ground for appeal as submitted by the appellant on 27 August 2019 must be disregarded in the assessment of the facts in dispute. The Examination Appeals Board holds the late submission contrary to the rules of procedure.

Furthermore, the Examination Appeals Board considers that the appellant has insufficiently substantiated his ground for appeal that he did not receive feedback on his papers. The Examination Appeals Board has identified insufficient basis to assume that this position of the appellant is correct. This ground for appeal is therefore unsuccessful.

With regard to the ground for appeal that his papers were assessed incorrectly, in the context of the assessment framework, the Examination Appeals Board established that the appellant failed to submit the essays throughout the procedure, although he committed to do so. As such, the Examination Appeals Board holds that this ground for appeal was not substantiated sufficiently. Consequently, this ground for appeal is also unsuccessful.

The Examination Appeals Board adds that the appellant is at liberty to contest the assessment of a course unit, but that, if he asserts that mistakes were made in the procedure or in assessing his examinations, he is obliged to present relevant concrete facts and circumstances.

Finally, the Examination Appeals Board established that the respondent explained the assessment dates of the papers and the time of entering the examination results in Usis. As the appellant has not put forward any arguments to the contrary, the Examination Appeals Board accepts the explanation of the respondent in this respect. There are no grounds to assume that mistakes were made or authority was abused in this matter as the appellant seems to believe.

The Examination Appeals Board is of the opinion that the assessment of the course unit was not based on false grounds. The contested decision can therefore be upheld.

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**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: H.M. Braam, LL.M., (Chair), Dr K. Beerden, Y.D.R. Mandel, LL.B., Z.I. de Vos, 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.

H.M. Braam, LL.M.  
Chair

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

Certified true copy,

Sent on: