

**DECISION 23 – 365**

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

[X], appellant

against

the Board of Examiners of the Leiden Institute of Advanced Computer Science,  
respondent

**The course of the proceedings**

On 20 June 2023, the appellant expressed dissatisfaction with the calculation of the grade for the Cognitive Science course unit (hereinafter, the course unit) and requested that the grade be calculated in a different manner.

On 10 July 2023, the respondent informed the appellant that it would not change the manner of calculation of the grade for the course unit.

The appellant sent a letter on 10 July 2023 to lodge an administrative appeal against this decision.

The respondent attempted to reach an amicable settlement with the appellant on 18 July 2023. No amicable settlement was reached.

The respondent submitted a letter of defence on 20 July 2023.

The appeal was considered on 16 August 2023 during a public hearing of a chamber of the Examination Appeals Board. The appellant attended the hearing. [X], [X], and [X], [X], appeared on behalf of the respondent.

**Decision  
23 - 365**

Page 2/4

**Considerations**

1 – The position of the appellant

The appellant does not agree with the manner in which the grade of the examination of the course unit was established, since this manner had not been communicated prior to the examination. Only during the inspection afterwards was he informed that students had to answer 67% of the questions correctly in order to pass the examination. However, the appellant had assumed that a score of 55% would be enough for a pass, as with another course unit in the Programme he had previously taken. According to him, this is also the logical way to calculate the grade. Based on that idea, he then divided his preparation time over the various exams. The appellant states that he would have spent more time on the course unit if he had known earlier about the method by which the grade for the examination is calculated. In his own words, in that case he would have had a better chance of passing the course unit.

2 – The position of the respondent

First and foremost, the respondent argues that Examiners are allowed to choose how they grade examinations and do not have to communicate this to students in advance. The method of grading in this case was only announced during the inspection of the examination. This is precisely because the Examiner wants to prevent students from studying just enough to obtain a 5.5. According to the respondent, the idea is that students should always try to get as many answers right as possible and therefore try to master the subject material as much as possible.

3 - Considerations with regard to the dispute

In accordance with Article 7.61, paragraph two of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, hereinafter referred to as “WHW”), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The dispute between the parties does not pertain to the method by which the examination for the course unit was graded, but whether the Examiner should

**Decision**  
**23 - 365**  
Page 3/4

have communicated the method to students prior to the examination so that they could anticipate.

The Examination Appeals Board first emphasises that the method suggested by the ICLON and referred to by the respondent is merely advisory, and programmes and examiners are therefore bound in no way by these methods. Therefore, the appellant's argument that this advice would impose sharing the mode of grading for the examination does not hold. Moreover, nor does ICLON's advice state communicating the grading method before the exam; it only recommends sharing the method with students at an unspecified time. The method of grading in this case was indeed announced, during the inspection of the examination.

It can be conceded to the appellant that there is no regulation that precludes sharing the method of grading prior to the examination. However, no regulation exists that requires disclosure before the examination either. In that case, it is up to the relevant Examiner or, alternatively, the Course Unit Coordinator to decide when to inform students of the manner in which the grade is determined. Consequently, the Examination Appeals Board concludes that the procedure during the grading of the examinations of the course unit was applied correctly.

#### *Conclusion*

In view of the above, the Examination Appeals Board will uphold the said decision of the respondent. The administrative appeal against this is unfounded.

**Decision  
23 - 365**

Page 4/4

**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: O. van Loon, LL.M., (Chair), Dr A.M. Rademaker, Dr J.J. Hylkema, T.E.V. Claessen, and J.J. But, LL.M., in the presence of the Secretary of the Examination Appeals Board, E.M.A. van der Linden, LL.M.

.....,

Chair

.....,

Secretary

Sent on: