



DECISION 21 - 257

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of the Examination Appeals Board of Leiden University

in the matter of the appeal of

[name] from [place], appellant

against

the Board of Examiners of [X], respondent

The course of the proceedings

On 3 January 2021, the appellant submitted her master's thesis.

In a decision of 26 February 2021, [names], the thesis supervisor and second reviewer respectively, awarded the thesis a grade of 4.5 on a scale of 10.

On 7 April 2021, the appellant submitted her amended thesis.

On 7 June 2021, the respondent informed the appellant that the Examiners had awarded her thesis a grade of 5.

The appellant sent a letter on 9 June 2021 to lodge an administrative appeal against this decision. The appellant requested an accelerated consideration of the appeal.



**Decision
21-257**

The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached between the parties. A meeting was held between the parties on 2 July 2021. No amicable settlement was reached.

The respondent submitted a letter of defence on 5 July 2021.

The appeal was considered on 7 July 2021 during an online hearing. The appellant attended the hearing. [names], Member and Secretary of the Board of Examiners respectively, attended on behalf of the respondent.

After the hearing, the Secretary of the Board of Examiners submitted the assessment form of the first version of the thesis to the Examination Appeals Board.

Considerations

1 – Facts and circumstances

The appellant wrote her thesis on the topic of “[X]”.

[name], her thesis supervisor, was appointed as first reviewer and [name] as second thesis reviewer.

The first version of the thesis was awarded an unsatisfactory grade.

The appellant submitted her amended version of the thesis on 7 April 2021. The first reviewer awarded a grade of 6.4 to the thesis, the second reviewer awarded a 4.7. A third reviewer was appointed, [name], who awarded a grade of 5 to the thesis.

2 – The grounds for the appeal

The appellant does not agree with the assessment procedure and the final grade of her master’s thesis. The appellant submitted her master’s thesis on 3 January 2021. Prior to the deadline for submission, her thesis supervisor had been absent for five weeks. The email messages she sent to him remained unanswered and no assistance was provided to her in completing her thesis. Due to personal



**Decision
21-257**

circumstances, she did not inform the study adviser in time about the absence of her thesis supervisor.

After she had submitted her thesis, she sent a message to [name] (the second reviewer) and [name] to express her concerns about the quality of the thesis. Although the term for assessing a thesis is four weeks, she only received a reply after seven weeks. It appeared that the second reviewer had rejected the thesis. Her thesis supervisor (first reviewer) had already informed her that she had been awarded an unsatisfactory grade for the thesis.

After consulting the ombudsman about the chaotic procedure of the thesis supervision, she decided to amend her thesis and to submit it anew. She was assisted by her thesis supervisor and they had a meeting every week. In particular, she re-wrote the literature and methodology, about which [name] had expressed his concerns. The extended duration of this assessment procedure affected her mental situation, but also created a financial burden as she had to pay tuition fees although she did not attend lectures. Next, she received a message that a third reviewer was to be appointed, as there was disagreement about the thesis assessment. It took yet another two months before she received a reply. On 7 June 2021, her thesis supervisor informed her that the third reviewer, [name], had awarded her thesis a grade of 5.

Up to the hearing, she had not received the assessment forms from the first reviewer, but she was aware that the grade was satisfactory. She does not comprehend how it can be that she was awarded an unsatisfactory grade once again, in spite of all additions she made in consultation with her thesis supervisor. It seems as if [name] is disqualifying the educational and counselling qualities of [name]. She believes her stress level and concerns have not been taken into account sufficiently, moreover in view of the difficult times students had during the Covid pandemic. She wants to complete her thesis and proceed with her career. However, she does wonder why her thesis supervisor does not back her up when there is a difference of merely one grade in the assessments.

At the hearing, the appellant indicated that she does not understand that she has received a grade that is merely 0.2 point higher when she has adapted everything in accordance with the amendments by the thesis supervisor. She adapted nearly



**Decision
21-257**

5000 words. The third reviewer told her that the thesis was sufficiently satisfactory. However, [name] did not accept it.

The appellant holds that the quality of the thesis also depends on the counselling by the thesis supervisor. She needs such counselling and has not received sufficient counselling during this procedure.

3 – The position of the respondent

The respondent adopted the position that assessment of the thesis was arrived at in the right manner and that the assessment of the thesis is correct.

The appellant only contacted her thesis supervisor once in September 2020. The respondent regrets the fact that the appellant was unable to contact her thesis supervisor in the month of December 2020. He suffered from Corona and was absent for over 5 weeks. The appellant submitted her master's thesis on 3 January 2021. Unfortunately, it was impossible to assess the thesis within the set term (by 26 January 2021). This was due to the Corona crisis. The second reviewer contacted an expert, [name], to be sure about its assessment. [name] supported the assessment by the second reviewer, who awarded an unsatisfactory grade to the thesis.

The appellant submitted her amended version of the thesis on 7 April 2021. Prior to that, she had five meetings each of two hours with her thesis supervisor. On 1 May 2021, the first and second reviewer completed the assessment. The first reviewer awarded a satisfactory grade to the thesis, the second reviewer an unsatisfactory grad. Next, a third reviewer, [name], was appointed. She assessed the thesis on 7 June 2021 and awarded it an unsatisfactory grade. Next, [name] appointed a new thesis supervisor for the appellant, [name].

The assessment procedure

The respondent holds that an unfortunate combination of events occurred due to force majeure, which resulted in lack of contact between the appellant and her thesis supervisor in December 2020. However, she did not contact him before December 2020 to submit a draft version of her thesis and to receive advice on it.



**Decision
21-257**

The procedure to assess the first version of the thesis took too long. She should have received the assessment on 31 January 2021, but only received it on 26 February 2021. Moreover, it was not made sufficiently clear to her that the thesis had been submitted to a third reviewer.

The procedure to assess the second, adapted version of the thesis also took too long. She should have received her grade on 2 June 2021, but only received it on 7 June 2021.

The appellant complained that she did not receive the assessment form. The respondent did send her the assessment form later.

The respondent already apologised for the delay during the meeting to try to achieve an amicable settlement. The respondent will endeavour to ensure that the appellant receives compensation for one or two months of tuition fees in respect of the delay that was caused in the assessment procedure.

Consideration of the substance of the thesis

The assessment procedure takes into account the fact that the first and second reviewer may have different opinions about an assessment. The second reviewer assesses the thesis independently of the first reviewer.

The fact that the appellant and the thesis supervisor have had extensive contacts during the creation of the second version, does not necessarily mean - according to the respondent - that the thesis supervisor can be held responsible for the substance of the thesis.

The assessment of the second version was confirmed ultimately by the third reviewer. Contrary to what the appellant would like, it is impossible to appoint yet a fourth reviewer who would also have to be engaged in the assessment during the assessment procedure.

The appellant indicated that she wants to complete her thesis in view of her work career. This is why a new thesis supervisor was appointed. [name] agreed to advise her during the summer period.



**Decision
21-257**

At the hearing, the respondent stressed once again that the procedure for providing thesis advice did not proceed correctly when the appellant was writing her thesis. In future, a solution will be found for situations in which emails cannot be replied to in time due to unforeseen circumstances. However, the assessment procedure was carried out properly in terms of the substance of the thesis. It is true that this procedure took too long. The respondent has apologised to the appellant in this respect but cannot redress this now. Since first and second reviewers had different opinions, and the difference in grade was over 2.0 points, the respondent appointed a third reviewer to give a binding assessment of the thesis. The assessment procedure has been designed to the effect that a second reviewer is at liberty to assess the thesis independently. The third reviewer assesses the thesis independently and has access to the comments by the first and second reviewers. No third reviewer was appointed for the assessment of the first version. The first version was awarded a grade of 4.5. The respondent's offer to the appellant to submit a third version is still open, and that version can be assessed in the short term.

4 – Relevant legislation

The Course and Examination Regulations of the Master's Programmes of the Faculty of Humanities (*Onderwijs- en Examenregeling van de masteropleidingen van de Faculteit [X]*, OER) stipulate the following in Appendix A - Faculty Regulation on the Master's Thesis at the Faculty [X]:

Article 1 General terms

The thesis is a written report of research which the student has carried out under supervision from a lecturer but with a high degree of independence. The thesis must also give insight into the student's ability to:

- a. independently formulate a research question which displays insight into the methodological principles, central issues and state of the art of his or her field of research;
- b. independently formulate a realistic research plan which fulfills the criteria set in the relevant field of research;



**Decision
21-257**

- c. critically and analytically report on existing academic debates and propose creative solutions based on secondary literature;
- d. apply the more complex concepts/methods of his or her field to a corpus of primary source material (whether existing or collected during the student's own research);
- e. formulate ideas clearly and correctly.

Article 5. Supervision

1. The Programme is responsible in the early stages of the proceedings for putting the student in contact with a lecturer who will supervise his or her thesis. This should preferably take place upon commencement of the study programme. This lecturer (the supervisor) must be an expert in the field of research covering the thesis topic.
2. In consultation with the supervisor, the student formulates a thesis plan. If deemed necessary by the programme, the plan can be brought to the attention of the Examination Board.
3. The Board of Examiners appoints the supervisor as first reader/reviewer of the master's thesis.

Details about the procedure for appointing the first reader/reviewer are available in the course description of the master's thesis in the Prospectus for each Programme.

4. At the very minimum, the following communications must take place between student and supervisor:
 - a. an introductory discussion concerning the choice and scope of the thesis topic, the research question, the literature, the source materials, the general approach, consultation with appropriate experts, etc.;
 - b. a discussion of the working plan for the thesis;
 - c. a discussion of one or more intermediate stages of the thesis;



**Decision
21-257**

d. at the request of the student: a discussion of the final version of the thesis, in which the evaluation of the thesis is explained.

5. If, in the course of supervision, problems should occur between the student and his or her supervisor(s), the Board of Examiners – having heard the parties – will decide upon the continuation of the supervision process.

Article 6. Assessment

1. The student submits the final version of the thesis digitally via Turnitin in the Brightspace module of the thesis of the relevant Programme. The student informs the supervisor (first reader/reviewer) and, if already assigned, the second reader/reviewer about the upload of the thesis. If the supervisor and/or second reader ask for a hard copy of the thesis, the student is required to submit a hard copy of the thesis to the supervisor and/or second reader.

2. In the student's second semester (master) and fourth semester (research master) the Programme Board, without prejudice to the rights of the Board of Examiners, offers two deadlines for submission of the thesis. So that, in case of an insufficient grade, the student is enabled to resit the thesis within the academic year. When setting the deadline for the resit in Spring semester, the Programme has to take into account the date of certification in September. In addition, the student can graduate every month from September up to and including June. Consequently, the student is allowed to submit the thesis within this time frame.

3. A thesis must be graded within four weeks. Between 1 June and 31 August, this period is extended to a maximum of six weeks.

4. The thesis is assessed on at least the following aspects:

a. the originality of the research question and the manner in which it has been out into practice;

b. the critical analysis of secondary literature;

c. the critical analysis of source materials;

d. language use, structure and style;



**Decision
21-257**

e. the degree of independence displayed during the research and supervision process.

5. After the first reader/reviewer has determined that the final version of the thesis is ready for assessment, the Board of Examiners appoints a second reader/reviewer. Should the nature or contents of the thesis make such a step desirable, a second reviewer can be appointed from experts outside the Programme. The second reviewer assesses the final version of the thesis. He/she has not been involved in the supervision.

6. The second reviewer will give an assessment of the thesis, based on the assessment criteria established for the master's thesis. The final grade of the thesis is determined by the first reviewer in consultation with the second reviewer and is substantiated on the basis of the assessment criteria indicated on the appropriate assessment form.

7. If the first and second reviewer disagree on the final grade or if the assessment of the first and second reviewer is two points or more apart, the Board of Examiners will appoint a third examiner.

8. The final grade of the thesis will not be registered unless the student has uploaded a copy of the thesis into the Student Repository.

9. If the thesis has been assessed with an insufficient final grade, the thesis should not be uploaded in the Student Repository. In this case, the insufficient grade should be registered in the thesis assessment system/uSis, so it is clear that the thesis must be retaken.

The Rules and Regulations of the Board of Examiners of the Master's Programme in [X] (*Regels en Richtlijnen voor de Examencommissie van de masteropleiding [X]*), hereinafter to be referred to as R&R) stipulate the following, in so far as relevant:

4.11.1 The final paper will always be assessed by two Examiners (first and second reviewers) and the grade will be established in consultation between them. In doing so, the Examiners will use an assessment form as adopted by the Board of Examiners and may use guidelines as adopted by the Board of Examiners; the student will receive a copy of the completed form. The Faculty Regulation with regard to the final BA paper (*Regeling gang van zaken rond het BA-eindwerkstuk*),



**Decision
21-257**

or, as the case may be, the 'Regulations concerning the relating to the master's thesis' apply. If the Examiners fail to reach agreement, the Board of Examiners will appoint a third Examiner. The opinion of the third Examiner is decisive.

5 – The assessment of the dispute

In accordance with article 7.61, paragraph two, of the Dutch Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The Examination Appeals Board remarks that the parties agree appellant received insufficient advice when she was completing her thesis in the month of December 2020. It proved impossible to contact her thesis supervisor, who appeared to be absent due to having contracted the Corona virus. Her email messages to him remained unanswered. The respondent apologised to the appellant in this respect. However, it does not follow that the entire counselling procedure has been inadequate. The documents show that the appellant wrote the thesis in a rather independent manner and that she contacted her thesis supervisor rarely at the start.

She submitted the thesis on 3 January 2021. This version of the thesis was assessed by the first and second reviewer and was awarded a grade of 4.5. Both Examiners provided a comprehensive response about the components of the thesis that had to be assessed. Subsequently, the appellant had five two-hour sessions with her thesis supervisor about adapting the thesis. The appellant submitted her amended version of the thesis.

The Examination Appeals Board has established that the final version of the thesis was assessed independently by both reviewers. As their assessment was over two points apart, the respondent appointed a third reviewer in accordance with the provision of Article 6, paragraph seven, of Appendix A of the OER. Next, this third reviewer awarded a grade 5 to the thesis. The appellant did not appeal against the accuracy of this assessment on substance.

In view of the documents and what was addressed at the hearing, the Examination Appeals Board holds that the thesis was assessed in accordance with



**Decision
21-257**

the prescribed procedure. The fact that the appellant adapted the first version after extensive consultations with her thesis supervisor does not entail that the second version should in consequence be awarded a satisfactory grade. The assessment procedure was designed such that both reviewers assess the thesis independently. This also applies when a third reviewer is appointed. Based on the provisions of Article 4.11.1 of the R&R, the third reviewer's assessment is decisive. There is no legal rule that stipulates that an assessment should take into account that the last stage of thesis supervision was below the expected level and/or that the assessment procedure took too long.

It was not established that the procedure as stated in Article 4.11.1 of the R&R and the procedure as laid down in the faculty rules "Regulations concerning the procedure relating to the master's thesis" was not executed in the correct manner by the respondent. Nor did the appellant submit any arguments relating to substance to indicate why the assessment could not be upheld. The mere fact that she applied all the feedback from her thesis supervisor does not entail - contrary to what she believes - that the thesis has automatically improved from an unsatisfactory to a satisfactory grade. Much depends on how the feedback was processed. This means that the appeal is unfounded to this extent.

The Examination Appeals Board establishes that the respondent has offered to advocate that the appellant will receive compensation for two months of tuition fees due to the study delay that was caused, since the thesis supervisor fell short in the final completion phase of her thesis.



**Decision
21-257**

Furthermore, the Examination Appeals Board remarks that the respondent has in the meantime appointed a new thesis supervisor, who is willing to advise the appellant in the summer period in writing her thesis and who will see that her thesis is assessed as soon as possible. The Examination Appeals Board advises the appellant to contact the new thesis supervisor, [name], in the short term and to discuss with him how a new thesis should be submitted. The Examination Appeals Board leaves it up to the appellant to decide whether this will be a thesis on the same topic or on a new topic. The respondent engaged at the hearing to endeavour to see that [name] agrees to a new thesis on the same topic if this is what the appellant would prefer.

The administrative appeal is unfounded.



**Decision
21-257**

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, M.C. Klink, MJur (Oxon.) BA, J.H.M. Huijts, LL.M., and J.J. Christiaans (members), in the presence of the Secretary of the Examination Appeals Board, I.L Schretlen, LL.M.

O. van Loon, LL.M.,
Chair

I.L. Schretlen, LL.M.,
Secretary

Certified true copy,

Sent on: