



EXAMINATION APPEALS BOARD

No 2016/26/703

THE EXAMINATION APPEALS BOARD

Pronouncing judgement on the appeal of Ms [name], appellant, residing in Heemstede, against the decision of the Examination Board of the Faculty of Social Sciences, respondent, to uphold their assessment of the examination in Transnational Political Economy (TPE).

I. Admissibility of the appeal

On 22 December 2015 the appellant submitted an appeal against the assessment of the TPE examination awarded to her on 14 July 2015. The notice of appeal was not submitted before 19 January 2016 and did not meet legal requirements. On 28 January 2016, the appellant was requested to submit the missing information before 15 February 2016. On 1 February 2016, the appellant complied with this request in part. She submitted the respondent's decision dated 21 December 2015 in which the respondent declared that the contested decision was valid.

On 11 February 2016, the appellant was requested on behalf of the Board to prove why she had not submitted the appeal within six weeks of being notified of the contested grade, or submitted the appeal as soon as could reasonably have been expected. The appellant responded on 23 February 2016 by sending statements showing that she had had an accident in August 2015, as a result of which she could not use her hand properly.

On 4 March 2016, the Board established that the appeal had been lodged against the respondent's decision dated 21 December 2015. The appeal had therefore been submitted on time. By this time the other requirements had also been met. The appeal is therefore allowed.

II. Course of the proceedings

On 8 March 2016, the respondent was informed on behalf of the Board that the prescribed procedure requires that the respondent enters into consultation with the appellant to examine whether it is possible to reach an amicable agreement. The respondent invited the appellant to do so in good time, but she did not appear because she was abroad. The examiner, Ms N. de Graaff, appeared. No amicable agreement was reached.

On 18 April 2016 the respondent filed a defence. The appeal was handled at a Board hearing on 13 May 2016.

The appellant appeared in person. The Examination Board was represented by dr A.J.G.M. van Montfort, president of the Examination Board (respondent) and dr N.A. de Graaff, examiner of the subject of TPE. The parties explained their points of view orally.

III. Facts and the dispute

On the basis of the documents and the proceedings at the hearing, the Board assumes the following facts.

The appellant disagrees with the assessment of the paper that she wrote for the subject of TPE. The paper was awarded a grade of 6. According to the appellant, the examiner of the subject had said that

the paper would probably receive a grade of 6.5 of 7 if changes were made to accommodate the comments given on it. The appellant did so. The assessment, however, was lower than expected. The appellant also complains that the assessment was not objective due to an incident during a presentation given by the appellant as part of the subject of TPE.

The respondent states that the appellant took the subject of TPE in November and December 2014. Due to circumstances beyond one's control, the examiner was unable to attend the appellant's presentation, which was part of the subject. The nature of the assignment for the presentation was such that the examiner did not necessarily need to be present. This part was assessed by peer review. The respondent understood that this was a difficult situation for the appellant. Apparently, one of the other students had treated the appellant unfairly. The appellant complained about this to the examiner. The appellant is now stating that her presentation did not go as expected due to the absence of the examiner. The appellant reproached the examiner for this.

The subject also requires students to write a paper. The examiner established that the appellant's paper, which was submitted in autumn 2014, contained plagiarism. She did not notify the respondent of this. The appellant was given another opportunity to submit a paper. The paper submitted in March 2015 as a resit examination also did not meet the requirements set for quoting and referring to sources. The examiner did notify the respondent of this instance. In view of the appellant's personal circumstances, the respondent decided to impose a mild penalty: the appellant was given the opportunity to once more submit a paper on the same topic, paying due attention to the comments she had been given on citing correctly. The assessment against which the appellant has lodged an appeal concerns this third paper, which she submitted in the summer of 2015.

The respondent finds that during the hearing to reach an amicable solution, the examiner convincingly declared that the assessment of the paper in question had not been influenced by the events pertaining to the appellant's presentation within the framework of the subject of TPE.

IV. The parties' standpoints

The appellant takes the standpoint that the paper for TPE was not assessed objectively. The events during the appellant's presentation within the framework of the subject of TPE are the reason for this. The appellant was unable to perform optimally due to the fact that the examiner did not attend her presentation. The fact that the appellant reproached the examiner for this influenced the paper's assessment.

The respondent distinguishes between the situation during the appellant's presentation and the assessment of the paper. The respondent agrees with the examiner that the incident brought forward by the appellant did not have any influence on the grade granted to the paper.

The examiner explained that the appellant submitted a paper as part of the subject of TPE. The examiner acknowledges that she told the appellant that she could receive a 6.5 or 7 for the paper if she incorporated the instructions she had been given. The appellant submitted a revised paper in March 2015. Once more, the examiner found that this paper did not fulfil the requirements set for quoting and referring to sources. The conclusion was that the appellant had committed plagiarism. Due to personal circumstances that she had made known, the appellant received a mild penalty. She was given the opportunity to submit a revised paper in the summer of 2015. The appellant received a 6 for this paper. The respondent explicitly states that their standpoint is in no way influenced or formed by the plagiarism in the first resit paper in March 2015.

V. Findings of the Board

Pursuant to article 7.61, paragraph 2 of the Higher Education and Research Act (WHW), an appeal may only be submitted to the Examinations Appeal Board against a decision that is contrary to the law. The Board will therefore review whether the assessment is substantively manifestly unreasonable and if the assessment was made in a correct manner. It is not within the Board's remit to make a substantive reassessment. The Board can, however, review the manner in which the assessment was made. The appellant has only lodged an appeal against the manner in which the grade for the paper was established. Therefore any plagiarism that may have been committed in earlier versions of the paper must be disregarded.

The Board finds that the appellant has not argued sufficiently convincingly that her reproach of the examiner with regard to her presentation had any influence on the assessment of the TPE paper. Taking all this into consideration, the respondent was able to make a decision in a reasonable manner.

VI. Decision

The Board declares the appeal unfounded.

Thus delivered in Amsterdam, on 9 June 2016 by prof. F.J. van Ommeren, president, prof. A.P. Hollander, Ms I. Messoussi, Mr F.M. Öksüz, and prof. H.A. Verhoef, members, in the presence of Mr J.G. Bekker, secretary.

Prof. F.J. van Ommeren,
chair

Mr J.G. Bekker,
secretary

The party concerned may lodge an appeal against a decision of the Examinations Appeal Board, containing a proper statement of reasons to the Board of Appeal for Higher Education (College van Beroep voor het Hoger Onderwijs), Postbus 16137, 2500 BC Den Haag. The time limit for lodging an appeal is six weeks. Filing fees are €46.