



## EXAMINATION APPEALS BOARD

No. 2020/35/956

### THE EXAMINATION APPEALS BOARD

Ruling on the appeal of Ms [NAME] (hereinafter, the appellant), a student at Amsterdam University College, Student Number [STUDENT NUMBER]. The appeal is directed against the assessment dated 10 June 2020 of the appellant's work for the course *Calculus for Economics* by the examiner, Dr C.J. de Jonge, the defendant.

#### **I. Course of the proceedings**

On 10 June 2020, the appellant received the assessment of D- from the examiner for the course *Calculus for Economics*. On 8 July 2020, she lodged an appeal against the assessment with the Examination Appeals Board (hereinafter, Board). The assessment against which the appeal was directed was not included. On 9 July 2020, the Board requested the appellant to submit the missing details before 23 July 2020. On 10 July 2020, the appellant complied with this request.

On 13 July 2020, the Board informed the Examination Board of Amsterdam University College that the prescribed procedure dictates that the Examination Board should consult the appellant and the examiner to determine whether this dispute could be settled amicably. The Examination Board invited the appellant and the examiner for a conference on 28 July 2020 (via video call). An amicable settlement did not prove possible. On 8 August 2020, the appellant supplemented her notice of appeal. On 27 August 2020, the Examination Board submitted a written defence.

The appeal was heard at the Board's session on 13 October 2020 (by video call).

The Appellant appeared personally. Present on behalf of the Examination Board were Dr A.E. Brown (Vice-Chair) and Dr A.C. Lankreijer (member). The examiner was not present, after having notified the Board of his absence. The appellant and the Examination Board presented their positions orally.

#### **II. The facts**

Based on the documents and the matters presented at the hearing, the Board has taken the following facts into consideration.

For the course *Calculus for Economics*, the appellant took the prescribed four (4) examinations on 21 February 2020 (with a score of 69% of 100%), 20 March 2020 (61% of 100%), 24 April 2020 (40% of 100%) and 29 May 2020 (44% of 100%). The final assessment for the course was a D-.

The course was taught online starting in mid-March 2020.

### **III. Positions of the parties**

The appellant is hearing impaired in her right ear, and she claims that this made it difficult for her to concentrate during online lectures.

Throughout the lectures and the examinations for the course *Calculus for Economics*, she thought that she would complete the course with a pass mark, in light of the results. She was surprised to learn that this ultimately fell short by 1.5%. Neither she nor her study advisor had expected this.

The appellant is aware of the possibility of submitting a request to the Examination Board for customized facilities during examinations and lectures (including online lectures). She assumed that, in these unusual times of the COVID-19 pandemic, her request would not take priority. Moreover, she assumed that there was no longer time to request such facilities, as this usually involves a lengthy procedure. The results that she achieved and the fact that she had assumed that she would receive a pass mark constituted the reasons that she did not request the facilities. She had not received any warning that she was in danger of failing the course. The publication of results through Canvas for various criteria (e.g. the attendance percentage) was not clear to her. The appellant requests that her assessment be adjusted to a pass mark, due to her circumstances.

The Examination Board maintains its standpoint that the examination was assessed correctly. If the appellant was in need of specific facilities during instruction or during the examination, it was up to her to request these facilities. The appellant must meet the prescribed requirements of the course. A student with a disability cannot receive a facility in which lower requirements are set for passing an examination due to that disability. The Examination Board does not consider fact that the appellant was not warned by the examiner of the possibility of an unsatisfactory final assessment due to her decreasing results as negligence on the part of the examiner. Students are not guaranteed the right to be notified by the examiner that they are probably not going to meet the criteria for the course.

### **IV. Considerations of the Board**

The appellant's appeal was lodged on time, and it met the statutory requirements for such an appeal.

The Board states first and foremost that it is not authorized to express an opinion on an examiner's assessment of the knowledge and abilities of a student. The Board's authority is restricted to assessing the question of whether the examiner's decision is in conflict with the law (Art. 7.61 (2) of the Higher Education and Research Act (WHW)). The Board therefore assesses whether the assessment is not obviously unreasonable in substantive terms and whether an assessment has been derived in the proper manner. The appellant does not claim, and it has not been proven, that the examiner's assessment of the examination was made improperly. The Board thus also assumes that the examiner's assessment was derived properly in procedural terms.

The examiner was thus justified in rejecting the appellant's request to have her examination assessed according to a different standard because she did not make use of facilities that were necessary for her. It is up to the appellant to submit a timely request for the facilities that she needs. This is not altered by the fact that she originally thought that she did not need the facilities. In addition, the appellant was under the assumption that requesting facilities would take a long time. This was contradicted by the Examination Board, which explained during the hearing that there are standard procedures for requesting facilities. If the appellant had studied the application procedure, the timing with which appropriate adjustments could be made for her would have soon been clear. The Board is of the opinion that the examiner and the Examination Board were justified in and had proper grounds for rejecting the appellant's request.

Finally, the appellant makes the point that the display of the results for the course on Canvas had caused confusion. The Board's consideration is that this confusion would not have had an influence on the results that the appellant achieved on the examination.

The considerations of the Board, as stated above, lead to the conclusion that the appellant's appeal against the examiner's assessment for the course *Calculus for Economics* is unfounded. This leads to the following ruling.

#### **V. Ruling**

The Board hereby declares that the appeal is unfounded.

Delivered in Amsterdam on 5 November 2020, by Prof F.J. van Ommeren, Chair, Prof. J.J. Beishuizen and A. Benchemsi, members, in the presence of F. Donner, Secretary.

Prof. F.J. van Ommeren,  
Chair

F. Donner,  
Secretary

An appeal against a ruling by the Examination Appeals Board may, accompanied by the proper justification, be lodged by the relevant party with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague. The period for lodging a notice of appeal is six weeks. The filing fee is €48.