

VU AMSTERDAM



De Boelelaan 1105
Telephone +31 (0) 20 598.5337

EXAMINATION APPEALS BOARD

No 2019/27/871

THE EXAMINATION APPEALS BOARD

Ruling on the appeal of Mr [name], appellant, residing in [residence], against the decision of Ms V. Chakarova, examiner of the Liberal Arts and Sciences degree programme, defendant, for not awarding the programme component Community Project with an A.

I. Course of the proceedings

The appellant lodged an appeal dated 11 March 2019 against the decision of the examiner. The notice of appeal was received on 19 March 2019 and was therefore received within the statutory period. However, it did not meet the legal requirements. On 25 March 2019, the appellant was requested to submit the missing information by 4 April 2019. The appellant responded on 1 April 2019. The other conditions governing the appeal were also met and therefore the appeal is admissible.

On 1 April 2019, the Appeals Board informed the Examination Board of the 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 to engage in this procedure within the statutory period. However, an amicable settlement was not reached.

The Examination Board submitted a written defence on 24 April 2019. The appeal was heard in a session of the Appeals Board on 16 May 2019.

The appellant appeared in person. The defendant also appeared in person, as did Dr A. Brown and Dr M. Schut, members of the Examination Board. The parties clarified their positions orally.

II. The facts and the dispute

On the basis of the documents and the matters presented at the hearing, the Board is taking the following facts into consideration.

The component 'Community Project' is part of the curriculum of the Liberal Arts and Sciences degree programme, organized by the Amsterdam University College. Against this background the appellant taught Calculus to students of Economics. His efforts were rewarded with an A-. He was not awarded an A because he failed to submit proof. The appellant wonders what proof he could have submitted.

The defendant explains that the conditions for awarding an assessment are clearly defined. These include submitting proof of the performance. Prior to starting on their project, the students were notified of

these conditions. The appellant could, therefore, have asked the examiner questions about the criteria before the assessment was awarded. During his Community Project, he could have asked his supervisor for advice. The appellant failed to do any of this. The defendant moves that the assessment was made in accordance with the criteria.

III. Positions of the parties

The appellant explains that he was not able to offer proof of his performance. That proof would have had to consist of the study results from before and after the course given by the appellant. However, the appellant was not given access to this student data. He was unable to find any other way to objectively corroborate his results.

The Community Project was a great success. The appellant states that he submitted an excellent report. The only thing lacking is proof of his performance. The appellant does not see why he could not be given an A for that reason.

The Examination Board refers to the conditions which a Community Project must meet. In all events, these include proof of the performance, but the appellant should also have included examples from his project. The appellant should and could have made enquiries about this with the defendant or the supervisor, insofar as the conditions were unclear to him.

The Examination Board concludes that the defendant applied the procedure correctly to come to the assessment. The defendant relies on the findings of the supervisor who provides her with feedback. The appellant's report was very good. However, he did not fully follow the assignment and cannot, therefore, be awarded an A.

Taking all this into consideration, the defendant was able to come to her reasonable decision.

IV. Findings of the Board

The Appeals Board is not authorized to decide on students' knowledge and ability and thus on the mark awarded. That is the examiner's prerogative.

The Board has noted the procedure used to assess students' work. The procedure followed in this case was, in the Board's opinion, followed correctly. Where the appellant had any questions about the conditions, he could have applied to the defendant or his supervisor. The appellant's argument fails.

Perhaps unnecessarily, the Board remarks that it was pointed out to the Examination Board that on forwarding the notice of appeal both the appellant and the examiner must be invited to a settlement discussion.

V. Ruling

The Board rules that the appeal is unfounded.

Delivered in Amsterdam on 21 June 2019 by Prof F.J. van Ommeren, Chair, Dr M. de Cock, Dr. A.J.M. Ligtenberg, Ms D. Mensink, Prof H.A. Verhoef, members, in the presence of J.G. Bekker, secretary.

Prof F.J. van Ommeren,
Chair

J.G. Bekker,
Secretary

An appeal against a ruling by the Examination Appeals Board may be lodged with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague, by the relevant party and accompanied by a proper justification. The statutory period for lodging a notice of appeal is six weeks. The filing fee is €47.