



## EXAMINATION APPEALS BOARD

No. 2021/02/969

### THE EXAMINATION APPEALS BOARD

Ruling on the appeal of [name], hereinafter the Appellant, Student Number [student number]. The appeal is directed against the decision of the Psychology Examination Board, which is a division of the Examination Board for the Faculty of Behavioural and Movement Sciences, hereinafter the Respondent, in which the Appellant's request to attain the classification of 'cum laude' was rejected.

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

On 30 September 2020, the Appellant lodged an appeal with the Examination Appeals Board, hereinafter the Board, against the Respondent's decision of 21 September 2020. The decision against which the appeal was directed was not included. On 1 October, 2020, the Board requested the Appellant to submit the missing details before 10 October 2020. The Appellant responded on 2 October 2020.

On 5 October 2020, the Board informed the Respondent that the prescribed procedure dictates that the Respondent, in consultation with the Appellant, should determine whether this dispute could be settled amicably. The Examination Board invited the Appellant for a conference (via video call) on 13 October 2020. An amicable settlement did not prove possible. The Respondent filed a written defence on 21 October 2020. On 27 November 2020, the Examination Board submitted a written defence.

The appeal was heard during a session of the Board on 9 December 2020 (via video call).

The Appellant was present during this session. Dr E.M. Sijbrandij (Chair) and Dr M.V. Milders were present on behalf of the Respondent. The Appellant and the Respondent 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.

The Appellant has completed the Research Master's programme in Social Psychology. The Appellant passed all of the interim examinations the first time, with the exception of the course Advanced Data Analysis, for which the Appellant took the interim examination three times. The first time, the exam was halted by the programme due to a technical malfunction. The second time, the Appellant took the exam at the end of the teaching period following the teaching period in which the course had been taught. The Appellant achieved a score of 6.5 on the second exam. The Appellant subsequently took the exam again during the resit and achieved a score of 9.5.

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

The Appellant requests the Respondent to grant the classification of 'cum laude', based on the hardship clause. In the resit for the examination in Advanced Data Analysis, the Appellant had achieved an assessment that should qualify for 'cum laude'. The Appellant is aware that, in principle, taking a resit (for a pass mark) results in disqualification for the classification of 'cum laude'. The circumstances under which the Appellant was able to complete the exam for the first time were difficult. The exam should actually have been administered at the end of the teaching period in which the course had been taught. The scope of the Advanced Data Analysis course is so extensive that no other courses are offered during the teaching period. The exam was discontinued due to a technical malfunction with the jamovi program. During the next teaching period, the Appellant took the new Research Methods course. The scope of this course is also so extensive that no other courses are offered. At the end of the teaching period, the Appellant took two exams. This was also the case for the Appellant's fellow students. The results for the exam in Advanced Data Analysis were remarkably poor. The Appellant was not aware that it would have been possible to waive this examination opportunity and take only the resit opportunity, which was to follow. This option was also not mentioned in the email that the Appellant received from the Examiner following the technical malfunction.

The Appellant requests that the classification of 'cum laude' be granted. The Appellant wishes to continue in research and, from an international perspective, it is even more important to receive the 'cum laude' classification for the Master's degree. In any case, the Appellant could not allow the score of 6.5 for Advanced Data Analysis to remain. This would have caused problems in terms of future career efforts.

The Respondent continues to endorse the decision to reject the Appellant's request. The Respondent does apply the hardship clause with regard to granting the classification of 'cum laude', but not on the grounds to which the Appellant is appealing. For example, the Respondent takes into account long-term illness or other personal circumstances that could delay academic progress and grants exemptions for the period within which the Master's programme must be completed. The Respondent did consider the fact that the exam in Advanced Data Analysis was not administered under ideal circumstances. The new examination date was nevertheless announced well in advance, and the Appellant had already prepared for the exam once. The Respondent does not consider the situation in which two examinations were administered in the same week to have posed sufficient hardship to justify making an exception to the rules for the granting of a classification. The Respondent does not have a particularly negative impression with regard to the results of the interim examinations in the past months.

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

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

The Respondent did not consider all relevant circumstances in the assessment of the Appellant's request. Given that the Respondent should have done this, the Board must arrive at the ruling that the Respondent did not take a sufficiently justified decision with regard to the Appellant's request.

In its ruling, the Board has considered the following.

Article 15 of the Rules and Guidelines of the Examination Board for the Faculty of Behavioural and Movement Sciences 2020-2021 (hereinafter R&G) includes the conditions under which the Respondent is to grant the classification of 'cum laude'. The Appellant is appealing to the hardship clause included in Article 15 (4) of the R&G. The Appellant meets all but one of the conditions for the granting of the 'cum laude' classification, having taken a resit for the Advanced Data Analysis course. Briefly stated, one of the conditions for 'cum laude' is that the student must not have taken any resits. Although the Respondent investigated the Appellant's request to overlook this resit, the investigation did not consider all of the relevant circumstances. For example, the Respondent did not investigate the Appellant's proposition that the scores on the exam taken on the first opportunity for the course, on 25 March 2019, were remarkably poor for all students. Preliminary support for this proposition is provided by the fact that the Appellant had achieved a score of 6.5 on the exam, while achieving scores exceeding 7.5 on all other exams. It is the Respondent's responsibility to conduct further investigation of the proposition that the results of that

examination were remarkably poor. The documents that were sent by the Respondent provide insufficient insight concerning the results of all students on the examination of 25 March 2019 relative to those of students in previous academic years. In particular, the documents do not provide insight into the ratio of high and low pass marks and whether this ratio corresponds to these of previous academic years. The issue at hand is whether students had the same opportunity to achieve a mark of the level required for the 'cum laude' classification on the examination of 25 March 2019 as was the case for other examinations in this course.

Based on the considerations stated above, the Board has reached the following decision.

#### **V. Ruling**

The Board hereby declares the appeal to be well-founded and reverses the Respondent's decision of 21 September 2020 and charges the Respondent with taking a new decision within two weeks, taking into account the considerations stated above.

Thus delivered in Amsterdam, on 22 January 2021 by Dr N. Rozemond (Chair), Dr A.J.M. Ligtenberg and Prof. M.W. Hofkes (members), in the presence of F. Donner (Secretary).

Dr N. Rozemond,  
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 €49.