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EXAMINATION APPEALS BOARD

No. 2017/07/738

THE EXAMINATION APPEALS BOARD

Rendering a decision on the appeal by Ms [name], the Appellant, residing in [...], directed against the decision by the Examination Board of Amsterdam University College (AUC), the Respondent, to maintain the mark for the Appellant's Evolution and Origin of Human Diseases examination.

I. Course of the proceedings

On 6 January 2017, the Appellant lodged an appeal against the Respondent's decision dated 23 December 2016. The notice of appeal was received on time, but did not satisfy the statutory requirements. The Appellant was asked on 17 January 2017 to furnish the missing information by 1 February 2017. The Appellant did this on 24 January 2017. The other conditions have likewise been satisfied. The appeal is therefore allowable.

On 24 January 2017, the Respondent was notified on the Board's behalf that the required procedure mandated that the Respondent consult with the Appellant to see whether the dispute could be settled amicably. The Respondent invited the Appellant to consult with it in a timely fashion. The hearing took place through Skype, as the Appellant was residing outside the Netherlands. An amicable settlement was not reached, though. The Respondent filed a written defence on 31 January 2017. The appeal was heard at the Board's session on 24 February 2017.

The Appellant did not appear. The Respondent was represented by M. Schut and A. Brown, Chair and Member of the Examination Board. The Respondent explained its positions orally.

II. Facts and dispute

Based on the documents and the hearing, the Board will assume the following facts.

The Appellant is an exchange student who took the subject Evolution of Human Diseases in the fall of 2016. She attained an overall score of 57.75%. The Appellant contends that she thereby satisfied the requirement that the score equal or exceed 55%. Nonetheless, the Appellant did not receive a pass mark for the course.

The Appellant asserts that this is wrong. The relevant examiner concluded that the Appellant did not merit a pass mark, because he added a requirement: For each of the constituent examinations 'Mid Term Exam' and 'Final Exam', the score needed to be above 55%. The Appellant points out that Article 3.2.1 of the Academic Standards and Procedure (ASP) states that a test may never constitute more than 25% of the final mark. The

two constituent examinations, however, made up 50% of the final assessment. The Appellant asks whether this supplemental requirement might be waived, so that she can get a pass mark. She has indicated that she regularly attended the lessons and did all of the accompanying assignments.

The Respondent has replied that the Appellant's request cannot be granted, because the syllabus ('course manual') clearly states the conditions for receiving a pass mark for the course.

An essential element is that a student must pass each of the two constituent examinations ('Mid Term Exam' and 'Final Exam'). This means that the score for each constituent examination must be equal to or higher than 55%. Each of the four test components for the subject represents at most 25% of the final mark.

III. The parties' positions

The Respondent explained that the subject Evolution and Origin of Human Diseases is tested in four ways, through, among other means, a 'Mid Term Exam' and a 'Final Exam'. The syllabus accompanying the subject states that, for the 'Mid Term Exam' and 'Final Exam', a student must, to pass the course, attain a score of at least 5.5 (55%) for each of these two components. Together, both 'Exams' constitute 50% of the final assessment.

Additional requirements for passing a subject are not uncommon. Besides the requirement that a constituent examination must be passed, other, extra requirements are often set, such as attending a seminar.

IV. Findings by the Board

Article 3.2.1 ASP for the programme states, among other things, that a constituent test may not make up more than 25% of the final assessment. In the second and third paragraphs, the student is told that the syllabus associated with a course describes the manner of testing and the criteria for assessment. The Examination Appeals Board finds that, in the section 'Assessment', the syllabus for the subject Evolution and Origin of Human Diseases lays out what the assessment consists of. It is expressly mentioned there that, to receive a passing final assessment for the subject, the student must attain a score of 55% (5.5) or higher for the two constituent examinations 'Mid Term Exam' and 'Final Exam'. Further, the syllabus mentions that the two constituent examinations will together make up 50% of the final mark.

The Board finds that the assessment of constituent tests and the weight of those tests in the final assessment are two separate matters. The Appellant, the Board believes, has failed to make this distinction in her notice of appeal.

Accordingly, the Board does not see any ground for the interpretation which the Appellant gives to the manner in which the assessment is formulated or the requirements which have been set for a passing final assessment.

V. Decision

The Board hereby declares that the appeal is unfounded.

Thus rendered in Amsterdam, on 9 March 2017 by A. J. G. M. van Montfort (Chair), Prof. L. H. Hoek, Ms I. Messoussi, Mr F. Öksüz and Prof. H. A. Verhoef (Members), in the presence of J. G. Bekker, Secretary.

A. J. G. M. van Montfort
Chair

J. G. Bekker
Secretary

An interested party may, providing a proper statement of reasons, lodge an appeal against a decision by the Examination Appeals Board with the Higher Education Appeals Board, P.O. Box 16137, 2500 BC The Hague, the Netherlands. The notice of appeal must be filed within six weeks. The filing fees are €46.