



CBE, PO box 80125, 3508 TC Utrecht

Examination Appeals Board
ex article 7.60 of the Higher Education Act

DECISION

Visiting address
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Date 20 April 2022
subject appeal [Naam]

The Examination Appeals Board at Utrecht University (hereinafter referred to as: the Board) has made the following decision on the appeal by:

[Naam], appellant,

versus

the Board of Examiners of the Graduate School of Natural Sciences (GSNS), chamber Applied Data Science, defendant.

I. Origin and course of the proceedings

The appellant lodged an appeal on 18 January 2022 against the defendant's decision of 16 December 2021 to deny his request for an exemption from the assignment requirements for the course Data wrangling and data analysis (INFOMDWR). By virtue of the applicable stipulations of the Higher Education and Research Act and Art. 7 of the Rules of Procedure, the appeal was sent to the chair of the Board of Examiners on 19 January 2022 to see if an amicable settlement could be achieved. An amicable settlement has not been achieved, and the Board received a statement of defence from the defendant and all relevant documents on 17 February 2022. On 1 March 2022 the Board received an additional statement of defence as requested by the Board.

On 8 March 2022 a hearing was held. The appellant attended. The defendant was represented by [Naam], chair and [Naam], chair of the chamber Applied Data Science. During the hearing another attempt to achieve a settlement was discussed and both parties agreed to try to come to an agreement about a mini project. The Board decided to stay its proceedings for two weeks. On 4 April 2022 the Board has been notified by both parties that no amicable settlement was achieved.



II. Grounds

The appeal is directed against the defendant's decision of 16 December 2021 to deny his request for an exemption from the assignment requirements for the course Data wrangling and data analysis. On 1 March 2022 the appellant stated that he wished to appeal against the grade NVD, as announced via Osiris on 27 November 2021.

Viewpoints of both parties

Viewpoint of the appellant

The appellant stated the following in his appeal and response to the statement of defense. He completely and successfully finished all courses and parts of the Master of Applied Data Science programme including the Final thesis, except the Data wrangling course. The appellant did a retake of this course and successfully obtained the total passing grade from the weekly exams as well as the final exam. However, he could not get the requirement for the weekly assignments, since he had to submit some of the assignments later than the defined deadline. This means that he has submitted 7 assignments out of 9 in time. Based on the current regulations for the course, he would have to wait up to next September and retake the assignments again. Last year there were no such conditions on assignments for passing the course and a passing grade was the average of nine weekly exams. The appellant stated that only 3 assignments were graded with a one (a passing grade). The rest were graded with a zero and he feels that he was treated unfairly. He sent an objection about the grading of his assignments and requested a review of his grades for these assignments but no change of grades was made. This decision prolongs his master studies to a third year while it was once disrupted and delayed by an erroneous decision made by the admissions office of the UU.

The appellant is of the opinion that the grading system for the assignments looks very random and without clear grading instructions for the teacher assistants. Furthermore, it is not consistent with the claims that were made at the beginning of the semester by the teachers and coordinator of the course. In the course manual and other resources, it is stated that assignments will be graded based on the minimum effort that students put in answering the questions. He spent substantial time and effort for his 6th and 8th assignments and answered all the questions, but at the end he received a zero for them. He has checked his answers with other students who have successfully passed these assignments, and he does not see a substantial difference. He feels that different teachers graded the assignments differently based on their own standards and not based on clear criteria and guidelines.

Based on the passing requirements of last year when he started the course, he would have passed the course. In addition, on-campus attendance for practical sessions for all assignments will be mandatory for all students next year and he works in Spain and is not able to pass the course. He will not be able to pay the higher rate of tuition fees.

In the response to the statement of defense, the appellant explained that the core of his appeal and objection is the unclear and inconsistent system of grading the assignments. The exact requirements have not been clearly delineated to students. The course coordinator and other teachers of the class failed to provide a guide about how the assignments would be graded or what is expected from the students and what is the interpretation of "satisfactory completion of these assignments".



At the hearing the appellant explained that his appeal was directed against the denial of an exemption from the assignments, as told to him by the course coordinator. He wanted to get a pass for the course and did not know that he had to specifically appeal against the grade. He stated that he does not agree with the grading of the assignments. He said that he made that clear after the grade was announced. He contacted the course coordinator and told him that he passed the course. He heard that this was not the case because of the assignments. He then also contacted the study advisor and sent his request for an exemption. The appellant stated that he did not understand why there was no rubric and clear rules. He only heard that all assignments required answering more than 50% of the questions for assignments at the settlement meeting. The appellant confirmed at the hearing that he would accept doing a mini project to pass the course, but it would have to be a fair amount of work and doable within the term given.

Viewpoint of the defendant

The defendant stated the following in the statement of defence and at the hearing. The defendant explained that the submitted assignments 1, 6 and 8 by the appellant were re-examined and graded as insufficient (Fail). Based on these results the defendant concluded that from the eight assignments, two assignments (5,7) were passed, three were graded as insufficient (1,6,8) and two (2,4) were handed in significantly after the deadline leading to a Fail, and one assignment (3) had not been handed in by the appellant. With the retake assignment, the student passed three assignments out of seven. The defendant was not able to find a solution, that would be fair and consistent with how other students in the course are treated. The standard procedure for handling requests from the chamber has been applied.

The defendant stated at the hearing that there is a rubric. The teachers were briefed on the grading. The students did not get the rubric, but it was explained in a lecture. The defendant talked with the course coordinator and asked how many assignments were passed and asked about the other requirements. Based on the overall assessment, the defendant did not find that the appellant should get the exemption, also in fairness to the rest of the group.

Considerations of the Board

On the grounds of the documents submitted in these proceedings, the Board considers the following.

The appeal against the grade NVD

Article 7.59a, section 4 of the Higher Education Act states that you have to file your appeal within 6 weeks after the decision was made. The grade for the course was published in Osiris on 27 November 2021. The term for appeal started 28 November 2021 and ended 8 January 2022. The appeal was filed on 18 January 2022, which means the appeal was filed too late.

Article 6:11 of the Dutch Administrative Law Act states that an appeal that has been filed after the end of the time limit shall not be ruled inadmissible on this ground if it cannot reasonably be held that the submittant was in default.

Under the results in Osiris is stated the following:

"You can submit an appeal against your grade to the Examination Appeals Board within 6 weeks after the announcement (if announced via Osiris: date of change), using the digital complaints form found at www.uu.nl/students/appeals. Please note that the date for review



and/or discussion of the assessment does not extend the period in which an appeal can be filed."

The appellant explained that he wanted to appeal against the NVD grade, which is why he asked the Board of Examiners for an exemption from the requirements. The course coordinator had suggested this to him. He did send this request to the Board of Examiners quickly after the results were made known.

The Board has considered that the message under the results in Osiris is clear. The appellant was informed about the appeal procedure and the term correctly. That he did not know about this, should therefore come at his own risk.

The Board is also of the opinion that the argument of the appellant that he did state that he wished to appeal against the grade, was not sufficiently substantiated.

In his original request to the defendant, he did not mention that he wished to appeal against the grade. Furthermore, according to his appeal, the decision he wished for was an exemption or another chance to pass the course. At the hearing the appellant explained that he had contacted the course coordinator and talked about passing the course and the requirement of assignments. This statement does not provide with any evidence that the appellant filed an appeal elsewhere within the UU in time.

Therefore, the Board concludes that the appeal against the grade should be ruled inadmissible.

The appeal concerning the Exemption

The Education and Examination Regulations 2021-2022 state in article 5.13 the following:

article 5.13 – exemptions and credit transfer

"1. Acting at a student's request, the Board of Examiners may grant them an exemption from a unit after consulting the examiner in question, provided that the student:

a. has completed an equivalent unit of a university or higher vocational study programme in respect of both content and level;

b. can show through work or professional experience that they have sufficient knowledge and skills in relation to the relevant unit.

2. Any unit for which an exemption is granted must be replaced with an elective involving an equivalent workload. By way of an exception to this, the Board of Examiners may decide that a unit, representing no more than 16 credits per student per programme, does not need to be replaced. Also, in case of credit transfer based on clause (3) and (4) of this article, the Board of Examiners may decide that units need not be replaced; in such a case no maximum number of credits is applied.

[..]"

The Board considers the following.

According to the rules above, a student can show through work or professional experience that he has sufficient knowledge and skills in relation to the relevant unit. The statement of defense of 17 February 2022, as well as the statement of 1 March 2022, only address the assessment of the assignments. The defendant has not provided the Board with sufficient and substantiated explanation of the reasons for denying the exemption (such as skills of the appellant, already shown during the course or professional experience in relation to the learning objectives of the course). This is particularly important, because the appellant stated



that the course coordinator and the student advisor have advised him to ask for this exemption. If the course coordinator did advise him to ask for this exemption, the question arises if this means that in his eyes the knowledge and skills of the appellant are sufficient to pass the course. The argument that an exemption would not be fair to other students that had to complete all assignments, does not hold/ is not valid if the appellant has the required knowledge and skills. In that case, according to the rules mentioned above, the exemption should have been granted.

The Board is therefore of the opinion that the appeal concerning the exemption should be found grounded.

The Board decides as follows.

III . Decision

The Board

- I. Finds the appellant's appeal against the grade for the course Data wrangling and data analysis inadmissible.
- II. Finds the appellant's appeal against the denial of his request for an exemption from the assignment requirements for the course Data wrangling and data analysis, founded.
- III. Annuls the decision of the defendant of 16 December 2021.
- IV. Instructs the defendant to take a new decision, in accordance with the above considerations, within two weeks after sending this decision;
- V. Requires that copies of this decision be sent to the parties, to the Board of Utrecht University, to the Board of Examiners and the management of the Faculty of Science and made available to interested parties.

Thus decided by Prof A.M. Hol LLM, chair, Prof J.J.S. Dubas, Dr. P. van der Sluijs, Dr. C. Pafort-Overduin, J. Rooijmans, members, assisted by X.L. Westenburg LLB, secretary, and announced on 20 April 2022.

Signed,

X.L. Westenburg LLB,
secretary

Prof A.M. Hol LLM,
chair

If you disagree with this decision you may submit an appeal to the College van Beroep voor het Hoger Onderwijs (CBHO), P.O. Box 16137, 2500 BC Den Haag, (www.cbho.nl) within six weeks of the date of its dispatch. The appeal should be written in Dutch. There is a registry fee involved.