

## **The appeal procedure of the Examination Appeals Board** (Dutch: College van Beroep voor de Examens, in short CBE)

Website: <https://students.uu.nl/en/examination-appeals-board>

### **Receipt of the appeal**

After receiving your appeal, we will first check whether it is complete. This means you need to provide an explanation of why you do not agree with the decision you contest and include that decision. If the appeal is not complete, we will ask you for further information. If the appeal is not filed in time, we may ask questions about this.

### **The attempt to arrive at an amicable settlement**

When the appeal is complete, we will send the appeal by e-mail, as prescribed by law, to the chair of the Board of Examiners, or in case of an appeal about admission to a master's programme to the admissions committee, and in case of an assessment also cc to the examiner. In this email we ask them to check in consultation with you whether an amicable settlement is possible. This attempt is required by law. The intention of this is that the parties first exchange views on the appeal themselves before the formal procedure is started. According to case law, a meeting prior to an appeal cannot exempt parties from this obligation. An attempt to arrive at an amicable settlement often consists of a consultation between the two parties, and this often leads to a settlement in the broad sense of the word. This attempt does not mean that there is an obligation to take a different decision. The outcome ranges from additional explanations about the decision to the student after which the student withdraws the appeal, to honoring the appeal due to additional information provided by the student. Sometimes the parties agree on something completely different, for example that another assessor is called in, or an additional repair opportunity of an assignment is offered.

If any of the parties truly believe that the attempt to reach an amicable settlement in the broad sense of the word explained above is clearly pointless, then a substantiated request can be made to the Board's chair to skip it.

### **Hearing both parties**

If an appeal has not been lodged within 6 weeks of the decision being sent, the Board will consider, after the attempt to arrive at an amicable settlement, if it cannot reasonably be held that you were in default. If it turns out that there is no doubt that there is no valid reason for filing the appeal too late, it is possible that no hearing will be held and the Board may give a ruling immediately. This means that there will not be an assessment of the substance of the case. If an appeal has been lodged in a timely manner and no amicable settlement has been reached, the Board will receive a statement of defence from the Board of Examiners, Admissions committee or the examiner, a report of the attempt amicable settlement and all relevant documents within three weeks after forwarding the appeal. Both parties will then be invited to attend a hearing. On the website you can find the scheduled session days (see the document [zittingsdagen/session days at https://students.uu.nl/praktische-zaken/regelingen-en-procedures/klachten-bezwaar-en-beroep/college-van-beroep-voor-de-examens-cbe/uitspraken-college-van-beroep-voor-de-examens-cbe](https://students.uu.nl/praktische-zaken/regelingen-en-procedures/klachten-bezwaar-en-beroep/college-van-beroep-voor-de-examens-cbe/uitspraken-college-van-beroep-voor-de-examens-cbe)). In rare cases this may change into another date. As the members of the Board are busy, it is not possible to indicate a desired date yourself.

During the hearing, the student is first given the opportunity to explain why the student does not agree with the statement of defence, and then it is the defendant's turn. The members of the Board will also ask questions. There is no need to repeat things that are already evident from the documents. You have the right to be assisted by counsel or a good acquaintance or interpreter during the hearing. You need to arrange this yourself. In addition, if you are prevented from attending the hearing, you may be represented by someone else and you may bring witnesses and experts. Only if you do not speak Dutch, the hearing will be in English.

### **Competence of the Board: assessment/admission to a Master's programme**

It is good to realize that the Board does not have the knowledge to assess the content of an exam or assignment, other than things that are clear even to a lay person. The Board assesses whether the examination assessment has been made with due care and has been sufficiently substantiated. In concrete terms, this means that the Board checks whether all the applicable rules have been properly applied and whether the examiner has explained his assessment and the student's arguments have been adequately addressed. This also applies to a selection for a Master's programme.

### **Decision of the Board**

The members of the Board will consult after the scheduled hearing and in most cases the final decision on the appeal will be announced the same afternoon (whether the Board finds the appeal founded or unfounded). After that, this shall be set out in a document containing the fully reasoned decision and it will be sent by e-mail within 3 or 4 weeks after the hearing. Afterwards, the decision will be placed on the webpage of the Board anonymized.