



CBE, PO box 80125, 3508 TC Utrecht

Examination Appeals Board

ex article 7.60 of the Higher Education Act

Visiting address

Heidelberglaan 8, Utrecht

DECISION

Our reference	CBE/K20 02 014
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Date	22 April 2020
subject	appeal [appellant]

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

[appellant], of [...], appellant,

versus

[defendant], examiner of the course European Union Politics (SSCPOL1302) at University College Roosevelt, defendant,

I. Origin and course of the proceedings

The appellant lodged an appeal on 14 February 2020 against the defendant's decision of 8 January 2020 to assess the work submitted by the appellant with final grade F (fail). By virtue of the applicable stipulations of the Higher Education and Research Act and Art. 7 of the Rules of Procedure, the notice appeal was sent to the chair of the Examination Board on 19 February 2020. An amicable settlement was not achieved and the Board received a statement of defence from the Board of Examiners, representing the defendant, on 5 March 2020. Due to the developments in relation to Corona no hearing was held. The appellant chose a second round of responding in writing. He sent his response to the statement of defence on 26 March 2020. The Board of Examiners responded on 6 April 2020. The defendant sent an additional explanation on 15 April 2020, as requested.

II. Grounds

The defendant assessed the work of the appellant with final grade F for the course European Union Politics. The Midterm exam, which contributes 15% to the final grade, was awarded 6 of 100. The Final exam, which contributes 40% to the final grade, was awarded 54 out of 100. Other partial grades that are not disputed: Multiple Choice quizzes (5%; grade 0), presentation (15%; 60), column text (10%; 60), Capita Selecta materials 15%; 68).



The appellant stated in his notice of appeal and his email of 26 March 2020 the following.

He feels the midterm exam and final essay were graded unfairly and in no way represent the effort he put into the assignments.

Midterm exam

Concerning the midterm exam the appellant explained in his response of 26 March 2020 why he thinks that extra points should have been awarded for his answers to questions 1a and b, 3a, 4a and b, 5a and b. The appellant feels it is unfair towards students to not give any credits if an answer is not exactly correct. According to him partial credits is normal practice, especially in the field of social sciences, where the definition of an exact answer can be subjective.

Research paper

The appellant does not understand why the examiner focusses on drafts and does not give an explanation of the grading method, if there is no bias towards the appellant.

The appellant explained why he thinks he should receive more credits for each of the 5 criteria. He feels the examiner is biased against him, because of the difference between the grading applied and the statement of defence.

The appellant feels that this grade determines whether or not he can continue to go to UCR.

The defendant stated the following in the statement of defence and the emails of 6 and 15 April 2020.

Midterm exam

For the midterm exam students were expected to answer four out of five questions with a factual and analytical component. All (sub)questions contributed evenly to the grade for this exam, i.e. maximum score of 12.5% per question. Answers to the questions had to be succinct and to the point and should not exceed half a page per question. The appellant wrote four short answers to these essay questions. The exam has not been graded in a binary manner. The fact that a student scores zero points for an answer, does not prove that points for questions are allocated in a binary fashion. The grading template clearly indicates per question a subdivision of points that a student can collect depending upon the completeness and correctness of the answer. The defendant explained the way he assessed the work of the appellant in general and explained per disputed question the reasons for not awarding more points as the appellant requested. The defendant noticed during the appeal procedure, that the appellant had correctly identified that he did not get the two points for question 3b which raises the grade for his exam from 6 to 8 points. This does not change the initial final grade F. According to the Board of Examiners, the assessment of the examiner is accurate and precise. Furthermore, the Board of Examiners does not observe anywhere in the assessment anything that points to a possible bias regarding the appellant.

Research paper

For the final essay for the course, students were expected to write a 3,000-4,000-word research paper in which they analyze a capita selecta theme using appropriate academic sources. Papers are graded on five aspects: specificity, conciseness, analytical leverage, accuracy, and exposition. The defendant explained his assessment of each of these criteria and responded to the arguments of the appellant.

Students had two opportunities to receive extensive formative feedback on their paper. His outlines and draft were very short so he missed the opportunities to get feedback.

The grade for the research paper is 54%. The defendant stated that papers are not one shot exercises, in particular not in 300 level courses. The appellant started too late on this paper, so that there was never the opportunity to properly advise him.

Regarding the research paper, the Board of Examiners does not observe anywhere in the assessment anything that points to a possible bias regarding the appellant.



Considerations of the Board

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

It should be stated first and foremost that the duties and powers of the Board do not extend to assessing or reassessing any part of an examination. The Board assesses whether the examination assessment has been made with due care and has been sufficiently substantiated. Furthermore, the assessment of an examination or any part thereof is one of the discretionary powers of the individual examiners concerned. This means that, in addition to the assessment given above, it will only be possible to consider setting aside the assessment of an examination or any part of it if there has been a conflict with any rule of written or unwritten law.

On the grounds of the documents submitted in these proceedings, and on the grounds of the defendant's justification of the assessment, the Board takes the view, judging the matter within the limits set out above, that the assessment of the paper by the defendant can be upheld at law. What the appellant has put forward in his appeal has not been sufficient to persuade the Board to take a different view.

Midterm exam

The defendant explained what was missing in the answers of the appellant, and he specified how each answer was graded with a short explanation and the answer model. In his response of 15 April 2020 he has explained in detail why the arguments of the appellant in regard to awarding more points do not hold water.

The Board therefore considers the assessment to be sufficiently substantiated and sees no reason to assume the assessment has not been made with due care.

Concerning the statement of the appellant that he was treated unfairly, because the examiner convinced him not to discuss the exam, the Board considers that the appellant also states that the examiner invited him via email and in class to do so and that he went to the examiner twice but did not find him. The Board feels it is the responsibility of the appellant to try again. The appellant stated that he feels the defendant is biased. The Board considers that these claims are unsubstantiated.

Research paper

The defendant specified on each criterion how it was graded with a short explanation. Later on, he provided an explanation in detail. The Board therefore, considers the assessment to be sufficiently substantiated and sees no reason to assume the assessment has not been made with due care. The Board is also of the opinion that the appellant is informed about the grading in the instructions for the paper in which the criteria are explained.

The defendant explained that he embedded an intensive writing procedure in this course. The appellant could have gotten more feedback during the course, which could have led to a better grade. The appellant missed several opportunities. The Board does not share the opinion of the appellant that stating this proves bias against him. The Board considers this an explanation of the level that needed to be attained and, according to the defendant, was not attained by the appellant.

Concerning the effort putting in to a course, the Board is of the opinion that the quality of the work should be graded, not the effort.

Having an independent third party grade the midterm exam and this paper is not mandatory according to any rule.

The Board decides as follows.



III . Decision

The Board

I. Finds the appellant's appeal unfounded;

II. Requires that copies of this decision be sent to the parties, to the Board of Utrecht University, to the management of University College Roosevelt and made available to interested parties.

Thus decided by Prof. A.M. Hol, chair, Prof. J.J.S. Dubas, Dr F.W. Lantink, Dr B.M. Verdel, R. Ravestein, members, in presence of X.L. Westenburg LLB, secretary, and announced on 22 April 2020.

Signed,

X.L. Westenburg LLB

Prof. A.M. Hol, chair

Any party whose interests are directly affected by this decision may submit an appeal to the Appeals Tribunal for Higher Education, P.O. Box 16137, 2500 BC Den Haag (www.cbho.nl) for a period of six weeks after the day on which this decision was announced. The appeal should be written in Dutch, mentioning your address, telephone number and email address. There is a registry fee involved.