



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 05 024
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Date	30 July 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 Capstone Project (PP3V19007), defendant,

I. Origin and course of the proceedings

The appellant lodged an appeal on 15 May 2020 against the defendant's decision to grade the paper of the appellant with a 6,725, which resulted in the final grade 7, registered in Osiris on 20 April 2020. 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 Board of Examiners on 18 May 2020. An amicable settlement was not achieved and the Board received a statement of defence from the Board of Examiners, representing the defendant, on 4 June 2020. The appellant replied with his point of view in regard to the statement of defence on 5 June 2020.

Due to the developments in relation to Corona it was not possible to organize a live hearing. Instead of the hearing, the plaintiff chose a second round of responding in writing. He sent his response to the statement of defence on 23 June 2020. The defendant sent her response on 12 July 2020.

II. Grounds

The defendant assessed the paper of the appellant for the course Capstone Project with the grade 6,725 . The paper is 70% of the overall mark.



The appellant stated in his notice of appeal and his emails of 5 and 23 June 2020 the following.

He feels that he put a lot of effort and time in this paper. This especially counts for the fact that the topic did not allow easy access to the insights for each of three disciplines, taken into account the strict requirements of the interdisciplinary process. He highlighted these difficulties in the personal meetings with the two teachers. The challenge to stretch and adjust the disciplinary research around this topic to create a red thread throughout this interdisciplinary paper with a pre-given structure, took up most of his time, creativity and efforts and affected his writing style negatively. He feels that the paper still transmits a relevant message, based on good research and thinks his grade too harsh a judgement, also considering the written comments he received which indicated that the content of the paper was good.

The appellant stated that the current final course grade worsens his overall bachelor's grade average (GPA) considerably. This is important for his future.

The appellant explained in his response of 23 June 2020 in detail which of the substantive comments of the defendant he disagrees with, concerning the intro, disciplinary research, analysis & common ground and the conclusion.

The defendant stated the following in the statement of defence and the email 12 July 2020.

The defendant acknowledges that the appellant put a lot of work into the course. However, this cannot translate directly into the grade he got. The plaintiffs' argument that he chose a hard subject to write about and that this should be reflected in his grade, is not valid. Plaintiff should have realized that choosing a difficult subject could result in a lower grade. This is his own responsibility and not a valid reason to improve his grade.

The second argument on which the appellant based his appeal, is that his final course grade lowers his GPA. The GPA is not relevant in grading the final paper in course PP3V19007.

The main question is whether or not the paper has been graded fairly. Defendant states that she went very far in explaining how she came to the final grade. Moreover, appellant had access to clear rubric outlining the criteria for evaluation, prior to the submission deadline. The emails that were sent between her and the student demonstrate a high degree of transparency of grading. Hence defendant does not see evidence of unfair evaluation in this case. During the meeting on the 4 June 2020, the defendant proposed to grade one part of the paper, the part that relates to writing and structuring of the written product, slightly more positive (from 4 to 5.5). This would increase the paper's grade from a 6,725 to a 6,9. In her response of 12 July 2020 the defendant replied to all specific comments made by the appellant in his email of 23 June 2020 in regard to her feedback.

Considerations of the Board

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

The Board has noted that during the meeting to discuss an amicable settlement the defendant agreed to increase the grading on the structure of the paper from 4 to 5.5 resulting in a final grade for the paper of 6,9. The Board therefore considers this settled. However, this does not change the final grade of 7 for the course and therefore appellant has not revoked his appeal.

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 explanation and 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 by the law. The arguments put forward by appellant in his appeal have not been sufficient to persuade the Board to take a different view.

The defendant has given an initial explanation about the grading and the credits earned by appellant according to the several aspects of the objective rubric. When the appellant requested more feedback she motivated her grading on each aspect in more detail in her email of 27 April 2020. In the second round of writing during the appeal procedure she adequately and extensively explained why she disagrees with the arguments put forward by appellant. The Board therefore, considers the assessment to be sufficiently substantiated and sees no reason to assume the assessment has not been fair or made with due care.

The appellant has clarified that his remarks on the effort he has put in to the course and on the impact of the grade on his GPA, were not meant as arguments to improve his grade but to enlighten the reasons for his appeal. Therefore the Board will not comment further on these considerations.

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 PPE Board of Examiners, the management of the Faculty of Humanities and made available to interested parties.

Thus decided by mr. P.M.E. Bernini, chair, prof. dr. J.J.S. Dubas, J.M. Zandgrond, members, in presence of X.L. Westenburg LLB, secretary, and announced on 30 July 2020.

Signed,

X.L. Westenburg LLB

mr. P.M.E. Bernini, 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.