



CBE, PO box 80125, 3508 TC Utrecht

Examination Appeals Board
ex article 7.60 of the Higher Education Act

DECISION

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Date	6 May 2021
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], appellant,

versus

[University College Roosevelt], defendant.

I. Origin and course of the proceedings

The appellant lodged an appeal on 8 February 2021 against the defendant's decision to award the final grade C+ for the course Research Methods and Statistics. 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 11 February 2021. The Board received a statement of defence from the defendant and all relevant documents on 2 March 2021.

On 1 April 2021 a hearing was held. Due to covid-19 measures, this hearing was held online via MS-Teams. The appellant attended. The defendant also attended, accompanied by [UCR Board of Examiners] and [UCR Board of Examiners].



II. Grounds

The appeal is directed against the grade C+ for the course Research Methods and Statistics. Disputed are the partial grades for the exam and the research project report.

In her notice of appeal and at the hearing, the appellant stated the following:

She believes that she was graded unfairly for circumstances beyond her control. She received a C+ and thinks that she should have received at least a B+.

During the second examination her internet crashed, taking down with it the UU Citrix portal on which she was using SPSS. She was not given the opportunity to retake the exam. While conducting courses online during the extraordinary circumstances of a global pandemic, the appellant thinks it is fair to expect more understanding but there was a lack of empathy. Online examinations are bound to bring up challenges of internet not working as expected, and this is something beyond a student's control.

The appellant also stated there were problems that arose during a group project. Laboratory space was unavailable, and a Life Science professor advised that the research proposal was PhD level work that could not be completed in the short timeframe, but they were asked to continue with the project despite this.

She stated that she is disappointed and frustrated that even though she worked hard during these unprecedented times, her GPA, which would otherwise have been a perfect 4.0, has been reduced to 3.58 from this one Statistics course for a lack of computer infrastructure and an arbitrary grading policy. This grade could hamper her chances of being admitted to competitive master's programmes and going on to have a successful career.

At the hearing the appellant explained that during her exam, her internet connection failed. She thinks that it cost her half an hour of her exam time. She did not know what to do and she was stressed because she was not able to be in Zoom connection, which was required. She was able to continue with the exam after contacting the defendant. The reason she did not buy SPSS was because of the costs. She used the Citrix version.

The appellant also explained that she thought that her fellow students of the group project got a higher grade than she did. The timeframe was too short for the level of the research project, there was no lab available and they had to work at home with limited equipment.

In her statement of defence and at the hearing the defendant stated the following:

According to the Board of Examiners the defendant is a very experienced examiner of this course. The defendant is aware that UCR students can use the software package SPSS for all assignments in the course, including the online exams, via the UU Citrix Portal server, but she warns students explicitly that this connection to a cloud server does not always work and that they should not rely on this connection. In order to avoid internet problems, especially during online examinations, she urges students to install a version of the software package SPSS locally on their own device. She provided her students with instructions well before the actual online exam. The appellant decided herself that she did not want to invest the amount of 10 Euros for this software package. Students can get a cheap student license for SPSS via Surfspot. According to the UCR Board of Examiners, the examiner of the course took sufficient measures for the online exam to minimize the risk of internet problems during the online exam by telling students multiple times to install this package on their own device.

According to the Board of Examiners, it would be unfair towards other students in the course to give the appellant the opportunity to retake this exam for this reason. The defendant is of the opinion that the appellant should have taken her own responsibility to fully prepare for this exam including a locally installed version of the software. She was not the only student who encountered internet problems during the second exam, but other students were able to



continue working on the exam during their own unstable internet connection and to reconnect to the internet in order to submit their work on time. The UCR Academic Rules and Procedures do not allow students to resit a test or exam.

The assessment of the research project paper does not focus on the actual experimental design and the quality of the experiment and the data obtained, but focuses on communicating research findings by way of a quantitative research report, which provides justification for methodological choices and a critical analysis on what conclusions can be drawn in light of the limitations of the research. Issues pertaining to the limitations of the study were the most important aspect of the research project report. According to the examiner the research project report submitted by the group of students the appellant was part of, contained serious flaws in the application of the statistical methods.

At the hearing the defendant stated that not being on Zoom was not held against the appellant. The recommendation to buy SPSS was not included in writing in the course syllabus, but was expressed verbally by the defendant *vis-à-vis* the students on several occasions during the course. In the future, SPSS will be a requirement for the course. As for the group project, all students in that group received the same grade. It is true that the students felt the research project was too challenging, but the defendant explained to them a lighter version of the project would suffice.

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 appellant's exam and group project can be upheld at law. What the appellant has put forward in her appeal has not been sufficient to persuade the Board to take a different view.

The Board considers the following.

The main argument of the appellant regarding the exam, is the lack of empathy concerning the internet connection problem that occurred on her computer during the exam. Although the Board understands that this can be very stressful, it is not something that could lead to a higher grade. A grade should always be based on the quality of the answers to the exam questions.

In regard to the research project report, the appellant stated at the hearing that she understands the grading but thinks that the research project was not doable within the timeframe and without the equipment at the lab needed. The defendant explained that the



project report contained serious flaws in the application of the statistical methods. At the hearing she also stated that she had told the appellant and her fellow students, to do a light version of the research project. In her opinion it was not needed for the assignment to have access to the microscope at the lab, the data collection was not part of the grade. The Board therefore considers the assessment to be sufficiently substantiated and sees no reason to assume the assessments have not been made with due care.

With respect to the arguments about GPA and chances to be admitted to a master's programme, the Board considers that the consequences of a grade are not considered as part of the assessment. As stated before, a grade is based on the quality of the work.

This means that the appeal against the grade should be declared unfounded.

Finally, the Board would like to add the following remark about a resit of the exam. Regarding the problems using the UU Citrix Portal server to run SPSS on, the Board is of the opinion that when it is known that problems using this server may occur during an exam, these problems should be resolved by UCR. If the solution is to buy software and install this on the student's computer, then it would be reasonable to make this a formal requirement for the course rather than a mere recommendation. If the appellant would formally ask for a resit, this responsibility of UCR should weigh heavily in the decision of the Board of Examiners.

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 Board of Examiners and the management of UCR and made available to interested parties.

Thus decided on 1 April 2021 by E.F.D. Engelhard LLM, chair, Dr. C. Pafort-Overduin, Dr. F.W. Lantink, Dr. P.J.C.M. Franssen, J. Rooijmans, members, assisted by X.L. Westenburg LLB, secretary, and announced on 6 May 2021.

Signed,

X.L. Westenburg LLB,
secretary

E.F.D. Engelhard 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.