



DECISION 2 1 - 4 8 3

Rapenburg 70
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of the Examination Appeals Board of Leiden University

in the matter of the appeal of

[name], appellant

against

the Board of Examiners of [X] of the [X] of the Faculty [X], respondent.

The course of the proceedings

On 31 May 2021, the appellant submitted her master's thesis.

On 1 April 2020, the respondents awarded the appellant's thesis a grade of 6.5.

On 16 August 2021, the appellant asked the respondent to re-assess her master's thesis.

On 31 August 2021, the respondent informed her that they saw no reason to review the grade 6.5 for the master's thesis.

The appellant sent a letter on 13 September 2021 to lodge an administrative appeal against this decision.



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The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached between the parties. No amicable settlement was reached.

The respondent submitted a letter of defence on 12 November 2021.

The appeal was considered on 15 December 2021 during an online hearing. The appellant did not appear in person at the hearing. [name], Chair of the Board of Examiners, attended the hearing on behalf of the respondent.

The appellant sent her pleading notes to the Examination Appeals Board after the hearing.

Considerations

1 – Facts and circumstances

The appellant attends the Master's Programme in [X].

On 31 May 2021, the respondent submitted her master's thesis on the topic "[X]".

On 5 July 2021, the supervisor awarded the thesis a grade of 7.

On 7 July 2021, the second reviewer awarded the thesis a grade of 6.

The master's thesis of the appellant was then awarded a grade 6.5 on a scale of 10.

2 – The grounds for the appeal

The appellant does not agree with the assessment of her thesis, the counselling provided by her supervisor and the feedback she received on it. She had regular consultations with her supervisor, but found his counselling rather unclear and confusing. The criticism she received on the [X] and the lack of definitions and explanation of theories was indeed justified, but was not provided to her after the first version of the thesis. She only received remarks on a few topics with regard to the first draft so she assumed that the draft version was correct in other respects. The supervisor informed her that she had to start all over again and carry out a



Decision new [X] and focus on [X]. She did so. This is why she was very upset about the
21-483 feedback and low grades following the second version of the thesis.

The appellant would like her thesis to be assessed anew by another supervisor. She would like to focus on her career and feels disadvantaged by the assessment.

3 – The position of the respondent

The respondent adopted the position that the assessment of the thesis was arrived at in the right manner and that the assessment of the thesis is correct.

After she filed the appeal, the appellant stated that she does not want to review the thesis and to submit it anew as she has insufficient time due to a full-time job. The thesis procedure encompasses two blocks of one semester. Group supervision is provided in the first block and students prepare for the thesis. Next, they write a proposal guided by two examiners, including the supervisor. The proposal is assessed and students get a chance to review and re-submit the thesis. Also “weak” thesis proposals, such as the appellant’s, still qualify for improvement. Next, the draft version of the thesis is submitted and students receive feedback on it. No grade is yet awarded to the thesis. Finally, the final version is submitted and assessed by two examiners. The appellant’s thesis was awarded a grade of 6.5. The respondent tried to arrange a meeting with the appellant to discuss an amicable settlement, but failed to do so. The supervisor informed the respondent that he spent a lot of time on counselling the appellant, more time than was spent on other students. Many brainstorm sessions were held with the appellant to assist her to obtain a clearer view on the structure of the thesis. The respondent maintains that the supervisor advised the appellant on her thesis in a professional, dedicated and correct manner. The supervisor provided feedback on 24 items of the thesis. Most of the feedback is critical; only 2 items received positive feedback. The essence of the feedback is that the thesis lacks structure. The second reviewer also provided negative feedback on the thesis. This is why the appellant was advised to review the thesis and re-submit it. According to the respondent, the thesis was assessed in the correct manner and no irregularities occurred in the procedure. The respondent maintains that the examiners awarded the grade 6.5 to the thesis on proper grounds.



Decision 4 – Relevant legislation

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See Annex “Legal Framework”.

5 – The assessment of the dispute

In accordance with article 7.61, paragraph two, of the Dutch Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*) the Examination Appeals Board must consider whether the contested decision contravenes the law.

The Examination Appeals Board seconds the opinion of the respondent that assessment of an interim examination, assignment, or thesis is a power vested exclusively in the examiners who have been appointed by the Board of Examiners in respect of the relevant course unit. The respondent maintains its position that the assessment was arrived at in a proper manner.

In view of the documents and the explanation of the respondent at the hearing, the Examination Appeals Board can endorse the position of the respondent that the prescribed procedure was carried out in the proper manner. It was not demonstrated that guidance by the supervisor fell short or was in any way careless. If anything, the supervisor spent more time than usual on supervising the appellant. The Examination Appeals Board deduced from the documents submitted that the appellant received comprehensive feedback from both the supervisor and the second reviewer on the version of her thesis she had submitted. Although the appellant was offered the opportunity to do so, she chose not to submit an improved version of her thesis.

The position of the respondent that the appellant’s master’s thesis was assessed in accordance with the prescribed procedure is therefore held by the Examination Appeals Board to be correct.

This means that the contested decision is upheld. The administrative appeal filed against the decision by the appellant is unfounded. The arguments put forward by the appellant against the decision do not lead the Examination Appeals Board to arrive at an alternative decision.



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The decision

The Examination Appeals Board of Leiden University

holds the appeal unfounded

in view of article 7.61 of the Higher Education and Academic Research Act.

Established by a chamber of the Examination Appeals Board, comprised of G.G.A.J.M. van Poppel, LL.M. (Chair), Dr K. Beerden, Dr C.V. Weeda, Z.I. de Vos, LL.B., and E.L. Mendez Correa BA (Members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

G.G.A.J.M. van Poppel, LL.M.,
Chair

I.L. Schretlen, LL.M,
Secretary

Certified true copy,

Sent on:



Decision Legal Framework Annex
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As far as relevant, the Course and Examination Regulations (“OER”) of the Master's Programmes in [X] state the following:

4.10.1 The Board of Examiners awards a degree certificate when there is sufficient proof that the final examination has been passed.

4.10.2 As part of the final examination, the Board of Examiners is entitled to conduct its own evaluation of the knowledge, understanding and skills of the examination candidate and assess the results.

4.10.3 The degree is only conferred once the Executive Board has declared that all procedural requirements (including the requirement to pay tuition fees) have been met. One degree certificate is awarded for each programme. The degree certificate states that the programme or specialisation was delivered by Leiden University.

The Rules and Regulations (R&R) of the Board of Examiners of the programmes offered by the Institute of [X] stipulate the following, as far as relevant:

2.2.1 The Board of Examiners is the body that is charged with assessing in an objective and expert manner whether a student meets the requirements set by the OER in respect of knowledge, understanding and skills that are required to obtain a degree.

2.2.2 Without prejudice to the law and the contingent regulations, the Board of Examiners is at least charged with the task of:

- a) guaranteeing the quality of the interim examinations and final examinations;
- a) bearing responsibility for guaranteeing the quality of the organisation and procedures in respect of interim examinations and final examinations;
- c) establishing guidelines and instructions within the framework of the OER to assess and establish the results of interim examinations and final examinations (including the rules pertaining to passing or failing an examination).



Decision Article 4.8a.1 The Board of Examiners adopts the criteria for assessment of final
21-483 papers (or, alternatively, theses (MSc) and the concluding thesis of the bachelor's project), the procedure for appointment of a first and second reviewer, the assessment form, and the allocation of responsibilities between the first and second reviewer. The final paper will always be assessed by two examiners independently and the final grade will be established in consultation. If the first and second reviewer fail to reach agreement, the Board of Examiners will appoint a third examiner to the position of third reviewer.