

DECISION 23 – 438

Rapenburg 70
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of the Examination Appeals Board of Leiden University
in the matter of the administrative appeal of

[name], appellant

against

the Board of Examiners of Liberal Arts & Sciences: Global Challenges, respondent

The course of the proceedings

In its decision of 17 July 2023, the respondent established that the thesis submitted by the appellant in the Bachelor's Programme Liberal Arts & Sciences: Global Challenges (hereinafter "the Bachelor's Programme") has been assessed in a correct manner with a B+ and that she has received adequate feedback and transparency with regard to the assessment from the reviewers.

The appellant sent a letter on 15 August 2023 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 11 September 2023.

The appeal was considered on 27 September 2023 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared at the hearing supported by [name]. [name], [name] of the Board of Examiners and [name], of the Board of Examiners, appeared on behalf of the respondent.

Considerations

The dispute focusses on whether the assessment of and the grade awarded to the thesis was executed in a proper manner. Her Supervisor and the first reviewer were unable to agree on the grade. The respondent therefore initiated a mediation process, which failed to bring the Supervisor and the reviewer closer together, however. Next, a second reviewer was appointed by the respondent, whose assessment is decisive for the final grade under Article 4.11.1 of the Rules and Guidelines (*Regels en Richtlijnen*, attached to this decision). The respondent interpreted this by awarding the average of the three grades as the final grade. Ultimately, the respondent held that the procedures had been complied with and that the grade had been properly arrived at.

However, the appellant disagrees. She holds that the mediation process was not executed properly. In addition, she believes that the final grade was not arrived at transparently because she did not have insight in the assessments of the two reviewers. Finally, she notes that she is under the impression that her Supervisor and the first reviewer held different views on the method she used and that the first reviewer rated the thesis with a lower grade specifically because of the method she used.

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

Mediation process

The Examination Appeals Board holds that the mediation was properly structured and conducted by the respondent. The respondent has the discretion to design the process, and did so in this case. The fact that the term mediation is not further defined in the Rules and Guidelines or in the thesis manual does not detract from this.

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Disclosure of grades and assessments

The Examination Appeals Board ruled that the grades awarded to the appellant's thesis by the two reviewers should be disclosed to the appellant. Indeed, the appellant should be able to see how those assessments affected the final grade. The same goes for the reviewers' feedback on content in the categories used to reach a final decision. It should become clear to the appellant how she scored on each section in the assessment of both reviewers. However, it is not necessary for each category to be assigned a partial grade by the first and second reviewers. Nor does using the same categories as the Supervisor in the assessment necessarily interfere with the holistic nature of the first and second reviewers' assessments.

The Examination Appeals Board considers that Article 4.11.1 R&R was not correctly applied by the respondent. The Article states that the vote of the second reviewer is decisive, which is the final grade that counts. Averaging the three ratings is therefore incorrect.

Assessment of the method

The Examination Appeals Board cannot endorse the respondent's position that the assessment was executed in a proper and careful manner. First and foremost, the Examination Appeals Board notes that there is no doubt about the substantial qualifications of the first and second reviewers. However, it emerged from the documents submitted and at the hearing that, due to the interdisciplinary nature of the Bachelor's Programme, the various disciplines in the programme hold different views with regard to applying some methods.

There is a strong impression that the first reviewer factored into the considerations when assessing the thesis that the method used by the appellant was, in his opinion, inappropriate for the research area. This also creates the impression that this consideration had a negative impact on the grade with which the first reviewer assessed the thesis. Therefore, the assessment cannot be upheld.

Consequently, the administrative appeal is founded and the contested decision will be quashed. The respondent is ordered to have the thesis re-evaluated and to

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appoint a new second reviewer. This second reviewer, or rather the new second reviewer, should base the assessment on the method, as advocated by the Supervisor.

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The decision

In view of article 7.61 of the Higher Education and Academic Research Act,

the Examination Appeals Board of Leiden University

- I. holds the administrative appeal founded;
- II. quashes the decision;
- III. orders the respondent to appoint a new second reviewer within two weeks of the dispatch of this decision, who will assess the thesis as mentioned above in this decision, within the time limit applicable in the OER.

Established by a chamber of the Examination Appeals Board, comprised of M.G.A. Berk (Chair), LL.M., Dr C.V. Weeda, Dr A.M.C. van Dissel, T.E.V. Claessen and O. Alagöz (members), in the presence of the Secretary of the Examination Appeals Examination Appeals Board, E.M.A. van der Linden, LL.M.

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Chair

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Secretary

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Annex - Relevant legislation

The Rules and Regulations of the Bachelor's Programme in Liberal Arts & Sciences: Global Challenges, stipulate the following as far as it is relevant here:

Article 4.11 Assessment of final paper (Capstone)

4.11.1 The Board of Examiners establishes the criteria for the assessment of the final paper (*eindwerkstuk*), the procedure for the appointment of the first and second examiner, the assessment form and the division of responsibilities between the first and second examiner. The final paper will always be assessed independently by two examiners, and the grade will be determined by agreement between the examiners. If the examiners are unable to reach agreement, the Board of Examiners will appoint a third examiner as third assessor. The third examiner will have the deciding vote.