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EXAMINATION APPEALS BOARD

No 2022/09/1044

THE EXAMINATION APPEALS BOARD

Decision on the appeal of [the appellant], against the decision of the Examination Board of Amsterdam University College, hereinafter: the respondent, in which the respondent converted the 8 obtained by the appellant outside Amsterdam University College at the Amsterdam Summer School for the course “How to Evaluate Psychological Interventions Through Systematic Review and Meta-Analysis” into an A- in the Amsterdam University College (hereinafter: AUC) academic transcript.

I. Course of the proceedings

On 29 September 2021, the appellant lodged an appeal with the Examination Appeals Board (hereinafter: the Board) against the respondent’s decision of 21 September 2021. On 4 October 2021, the Board asked the respondent to consult with the appellant to see whether the dispute could be settled amicably. The respondent held a conversation with the appellant on 26 October 2021. On 5 November 2021, the respondent notified the appellant by letter that the respondent would not be making any settlement offer and that it would be keeping to its decision, while asking the appellant to notify it by 12 November 2021 at the latest of whether she intended to uphold her appeal. In response to this letter, the Board’s secretary made repeated requests to the respondent for information on the situation. On 14 December 2021, the Board’s secretary requested the respondent to submit a statement of response by 12 January 2022 at the latest. On 21 December 2021, the respondent referred to the letter it sent the appellant on 5 November 2021 and did not submit a statement of response.

The appeal was heard at the Board’s meeting of 1 February 2022 via a video call. The appellant was present at this hearing. Present on behalf of the respondent were M.L. Schut (member) and A.C. Lankreijer (member). Those present stated their positions orally.

II. The facts

Drawing on the documentation and the proceedings at the hearing, the Board bases its position on the following facts.

In the summer of 2021, the appellant took the course “How to Evaluate Psychological Interventions Through Systematic Review and Meta-Analysis” at the Vrije Universiteit Amsterdam’s Amsterdam Summer School. On the transcript received by the appellant, it is stated that the course followed is weighted at 3 ECTS at Master’s level 400 (“Master’s course, first year”) and that she been awarded a mark of 8. The transcript includes explanatory notes and a table. The table states that the best 10% of students are awarded marks of between 8.0 and 10.0 and that this is equivalent to an A.

III. Positions taken by the parties

The appellant argues that the respondent wrongly awarded her an A- for the course taken outside AUC. The decision was taken on the basis of article 3.1.1. of AUC's Academic Standards & Procedures, hereinafter AS&P, which includes a table for the conversion of marks awarded outside AUC into AUC marks. The appellant advances two arguments.

Firstly, the appellant claims that the mark she received for the course at the (VU Amsterdam) Summer School was based on the Summer School's own table and not that of AUC. In the explanatory notes to the Summer School table, it is stated that an 8 or higher will be awarded to the best 10% of participants. An A- does not do justice to such a high score.

Secondly, the appellant argues that the course which she took outside AUC was at the level of the first year of the Master's (level 400). The AUC table for the conversion of marks is intended for the conversion of marks from Bachelor's level to Bachelor's level. The table cannot be applied to the request made by the appellant.

The respondent maintains its position that the AUC conversion table included in the AS&P should apply in all cases. As described in the table in article 3.1.1. of the AS&P and further explained in paragraph 5 of article 7 of the Rules and Guidelines of the Board of Examiners (hereinafter: R&G), an A awarded elsewhere, in this case at the Summer School, is converted into an AUC A-.

IV. Findings of the Board

The appellant's appeal was lodged within the specified time and also meets the statutory requirements applicable thereto.

The appellant received the respondent's unqualified permission to take the optional subject in question outside AUC, i.e. at the Vrije Universiteit Amsterdam's Amsterdam Summer School. Therefore, the appellant was entitled to assume that the respondent recognised the optional subject and the institution's system of assessment to be reliable and valid. Paragraph 5 of article 7 of the R&G describes the manner in which the respondent converts results awarded outside AUC using its own assessment table, as stated in article 3.1.1. of the AS&P. It is stated that the respondent adopts the letter marks of other institutions in its own transcript, unless the letter mark is lower than a C. Letter marks lower than C which are nonetheless pass marks in other institutions are rounded up by the respondent to a C. It follows from this that the respondent respects and adopts the A, B and C marks of other institutions. The respondent's doing so fits in with the correct assumption that it recognises the assessment system of the other institution as reliable and valid. Moreover, VU Amsterdam's assessment system is in line with European agreements regarding the application of the ECTS system, such as is also stated in the explanatory notes to the Transcript of Records with which the Summer School provided the appellant.

However, it is also stated in paragraph 5 of article 7 of the R&G that the respondent itself directly converts numerical marks into letter marks between pass and the maximum score on the basis of its own table in article 3.1.1. of the AS&P. The Board cannot follow the respondent's line of reasoning here. As the appellant asserts, in the Dutch assessment system, marks of between 6 and 8 are awarded primarily, and higher marks are almost never awarded. When converting marks, AUC must take into account cultural differences regarding the manner in which institutions make assessments. AUC must take into account that a table has been developed within the ECTS system precisely in order to neutralise cultural differences as a factor within the ECTS system, whereby the results of the entire student population are represented in percentages, from the best 10% of students to the worst 10% of students, alongside the marks awarded to the students in each group. Therefore, the table must also be applied to the numerical mark the appellant has received. In the table, it is stated that the mark 8 pertains to the best 10% of results for the course. Consequently, AUC might have been expected to draw on the percentage in the ECTS table when converting the numerical mark to a letter mark.

However, the respondent is overlooking that interpretation of the weighting of the mark 8 awarded by the Amsterdam Summer School, which is based on the ECTS system, and is introducing its own method of calculation instead.

The Appeals Board has established that the appellant's study results were converted in accordance with the AUC's conversion table. However, the question is whether the conversion is a fair reflection of the results achieved. As the Board found in decision 2020/22/943, the Board considers that the assessment of study results awarded by another institution are to be adopted by AUC in full, on the condition that the other institution's assessment system is considered reliable and valid. Should it not be possible to adopt the study result directly because another form of registration is used, then AUC must ensure that the study result is translated into an AUC registration of the same level. AUC is therefore being requested to once again weight the marks awarded to the appellant by the Amsterdam Summer School in this manner.

As the appellant's appeal is already considered well-founded on this ground, the Board has not considered the other grounds brought by the appellant.

Lastly, the Board finds that the respondent has not done that which is required of it under the Higher Education and Research Act (WHW) in respect of amicable settlement. The respondent needs only to investigate whether it is able to reach an amicable settlement with the appellant. Should an amicable settlement unfortunately fail to be reached, the respondent must notify the Board hereof, submitting the documents relating thereto, and doing so within three weeks of receiving the notice of appeal (see art. 10 paragraph 4 of the Board's Procedural regulations). The respondent is also requested to submit a statement of response. When no amicable settlement is achieved, proceedings are continued *automatically* by the Board. The question of whether or not the proceedings are to continue is not therefore at issue. The Board deems the putting of this question to the appellant and the attachment of a deadline to it as entirely spurious. Certain events have in this case resulted in delay and unnecessary misunderstandings on the part of the appellant concerning the course of the proceedings. It is therefore appropriate that the new decision will be taken by the respondent as a matter of priority.

The above considerations have led to the following decision.

V. Decision

The Board upholds the appeal and overturns the disputed decision. The Board orders the respondent to reach a decision once more within two weeks of the publication of this decision and in due observance of the Appeals Board's findings.

Delivered in Amsterdam on 3 March 2022 by Prof. F.J. van Ommeren, Chairperson, Prof. J.J. Beishuizen and S. Bekkenutte, members, in the presence of F. Donner, Secretary.

Prof. F.J. van Ommeren,
Chairperson

F. Donner,
Secretary

When accompanied by adequate justification, an appeal against a decision of the Examination Appeals Board may be lodged by the party concerned with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague. The term for lodging a notice of appeal is six weeks. The registry fee is €50.