

# VU UNIVERSITY AMSTERDAM



De Boelelaan 1105  
Telephone: (+31) (0)20 598 5337

## EXAMINATION APPEALS BOARD

No. 2017/20/751

## THE EXAMINATION APPEALS BOARD

Rendering a decision on the appeal by Mr [name], the Appellant, residing in Amsterdam, the Netherlands, directed against the decision by the Examination Board of Amsterdam University College (AUC), the Respondent, to not exempt the Appellant from the obligation to attend all of the classes for the course The Global Identity Experience.

### **I. Course of the proceedings**

The Appellant lodged an appeal against the Examination Board's decision dated 9 March 2017 on 10 April 2017, which appeal was received on 19 April 2017. The notice of appeal did not satisfy the statutory requirements. The Appellant was asked on 2 May 2017 to furnish the missing information by 15 May 2017. The Appellant satisfied this requirement. The other conditions have likewise been satisfied. The appeal is therefore allowable.

On 15 May 2017, the Respondent was notified on the Board's behalf that the required procedure mandated that the Respondent consult with the Appellant to see whether the dispute could be settled amicably. The Respondent timely invited the Appellant to consult with it. An amicable settlement was not reached, however.

The Respondent filed a written defence on 1 June 2017. The appeal was heard at the Board's session on 13 June 2017.

The Appellant appeared personally. The Respondent was represented by C. Zonneveld and M. Schut, vice-chair and member, respectively, of the Examination Board. The parties explained their positions orally.

### **II. Facts and dispute**

Based on the documents and the hearing, the Board will assume the following facts.

The Appellant is pursuing the Bachelor's programme in Liberal Arts and Sciences at AUC. The Appellant was unable to attend classes during the last week of January 2017, because he was sick (mononucleosis). The treating physician told the Appellant that stress could result in a recurrence of the illness.

Attendance is mandatory for the course The Global Identity Experience, but the Appellant missed four courses as a result of his illness. He did, however, contribute to the research and preparation for the presentation. The Appellant also took the final exam, but did not receive a mark for this.

The Appellant asked the Examination Board to be given the opportunity to still participate in the group work. The Examination Board denied this request on 2 April 2017. The Appellant will now have to take this course again next year.

The Appellant notes that he had to write a presentation for another course before the Christmas recess. He had to do this by himself, because the other study group members had gone on holiday. This was not held against these students. Because of illness, the Appellant was unable to fulfil his obligations, but now he is being penalized for his non-attendance.

The Respondent indicates that the Appellant did not achieve the learning objectives for the course The Global Identity Experience.

At the Appellant's request, the Respondent asked the examiner for the constituent marks for the course The Global Identity Experience. Contrary to what the Appellant expected, he did not pass the course based on the components in which he was able to participate. The result was 45 (on a scale of 100). This was due to the different weights of the subject's components. The Appellant did not attend enough classes (10% of the final mark). The examiner gave the Respondent a specification of the Appellant's results. Because the Appellant was absent during the presentation (15%), no result was recorded. The Appellant could not contribute to the research report of the study group to which he belonged, either (25%). Based on the results which were recorded (individual assignment: 25% and exam: 35%), a final mark of 45 was determined.

### **III. The parties' positions**

The Global Identity Experience is, in the Appellant's view, an intensive course. During the four weeks that the course is given, the class meets 24 times. The Appellant says that the group which he was part of had a clear research plan. Consequently, he was already able to write portions of the introduction during the first few weeks of the teaching period. The Appellant emphasizes that he also helped to compile data. He brought a statement from a fellow team member, which showed that the Appellant had contributed to both the research for the report and the report's introduction. Of the more than 5,700 words constituting the report, 1,000 were written by the Appellant. The Appellant realizes that he missed portions of the course, but asserts that he contributed to the result to a sufficient degree.

The Appellant informed the examiner in the first week that he was sick (the fourth (and last) week of the teaching period). The Appellant's tutor asked the Examination Board to exempt the Appellant from the attendance obligation on account of the Appellant's illness.

Another team member was likewise sick during the research period. This student nonetheless participated in the final presentation and passed the course. The Appellant was still sick at the time of the presentation, however.

The Appellant argues that the constituent mark given to the other team members for the report should be given to him, too. If this constituent mark is added to the other constituent marks attained by the Appellant, he will have passed the course.

Moreover, if he were given the opportunity, the Appellant would be prepared to give his own presentation of the research.

The Respondent inquired further with the examiner. The Global Identity Experience is a course which is taught during a four-week period. In the final week, the students must conduct practical research, write the final report, and prepare and conduct the presentation for the project. The Appellant was sick that week. The Appellant did not timely report this to the examiner. Because of his illness, the Appellant could not participate in the aforementioned components, nor, it is clear, in the preparation for the presentation. Insofar as the Appellant contributed to the research, this was too little or too late to fulfil the learning

objectives for the course. Under these circumstances, it cannot be determined whether and, if so, to what extent the Appellant fulfilled the course's ultimate objectives.

The Respondent states that exceptions to the requirements under the Academic and Examination Regulations are possible in exceptional cases. In this instance, such an exception could be applied to the attendance requirement because of the illness which the Appellant had to contend with during the last week of the teaching period. Yet, even in that case, the learning objectives need to have been satisfied in the examiner's judgement. These include working in a group and compiling and analysing data. Without the Appellant's having contributed to these components, an assessment for him cannot be made.

#### **IV. Findings by the Board**

Chapter 4 of the Academic and Examination Regulations (ASP) provides that students should attend all classes. If that is not possible, the student must inform the lecturer of his/her absence, indicating the reason. For a course taught in a four-week period, missing three classes will result in the student's not passing the course. The Examination Board (the Respondent) may nonetheless decide in exceptional circumstances that an assessment will follow.

In the Examination Appeals Board's opinion, the Appellant has sufficiently demonstrated that he was sick during the final week of the four-week period in which he participated in the course The Global Identity Experience.

The Examination Appeals Board believes that the Respondent's refusal to make an exception to the requirement of attendance during all of the classes of the four-week course did not sufficiently take into account the Appellant's medical situation, which he has convincingly demonstrated.

The Respondent's decision implies that the examiner should have failed the Appellant for this course. The examiner, however, did not give any assessment at all. The Appellant did, though, contribute to the course's components, for example, to the pilot report which preceded the research report concluding the course and in writing the introduction. The Respondent has not contested that awarding the Appellant the constituent mark for the report would, if added to the other constituent marks, result in the Appellant's having passed the course. All things considered, the Examination Appeals Board does not deem the Respondent's decision reasonable.

For this reason, the Board will declare the appeal to be well founded. The Board suggests that the Appellant be given the opportunity as soon as possible – preferably, in the academic year 2016-2017 – to do a supplemental assignment, through which he, in conjunction with the components to which the Appellant had already contributed, can still achieve a pass mark for the course The Global Identity Experience. This could be an individual assignment, too.

#### **V. Decision**

The Board hereby declares the appeal to be well founded and reverses the disputed decision. The Board hereby orders the Respondent to make a decision again on the Appellant's request with due observance of the Appeals Board's findings, and, specifically, within two weeks after this decision is announced.

Thus rendered in Amsterdam on 4 July 2017 by Dr N. Rozemond (Chair), and Prof. L. H. Hoek and Ms T. Mekking (Members), in the presence of J. G. Bekker (Secretary).

Dr N. Rozemond  
Chair

J. G. Bekker  
Secretary

An interested party may, providing a proper statement of reasons, lodge an appeal against a decision by the Examination Appeals Board with the Higher Education Appeals Board, P.O. Box 16137, 2500 BC The Hague, the Netherlands. The notice of appeal must be filed within six weeks. The filing fees are €46.