

CBE Z23003117 Subject assessment**DECISION**

in the matter of A., hereinafter also referred to as the Appellant,

and

the examiner of the Marketing Communication subject (WBM078A05) forming part of the HRM Master's degree programme, hereinafter also referred to as the Defence,

concerning the results for the Marketing Communication subject (WBM078A05), part of the HRM Master's degree programme of the Faculty of Economics and Business Administration.

I. Description of the disputed decision

The decision of 9 May 2023 by the examiner of the course unit Marketing Communication to award a mark of 6 to the Appellant.

II. The hearing

The appeal was heard in an open session on Thursday, 14 September 2023, where the Appellant appeared in person. The Defence, represented by V., examiner, appeared in person.

III. Origin and course of the proceedings

The Appellant completed the course unit Marketing Communication with a rounded-off mark of 6. The Appellant lodged an appeal against this mark to the Board of Appeal for Examinations via the Central Portal for the Legal Protection of Student Rights (CLRS) on 9 June 2023. No settlement meeting was held. The Board received a statement of defence on 30 June 2023. The appeal was subsequently heard at a hearing of the Board on 14 September 2023.

IV. The parties' positions

The **Appellant's** position, as set out in the appeal and further explained at the hearing, can be summarized as follows. The Appellant argues that no fair assessment took place. Points were deducted for his answers even though the questions did not ask for specific answers. The Appellant furthermore is of the opinion that he did receive feedback but that due to the nature of this feedback, it was unclear how he could improve the next assignment. The Appellant would like his work to be looked at by another independent reviewer. In particular, the Defence wrongly awarded too few points for questions 3 and 4.

The Defence put forward the following defence in the statement of defence and at the hearing. Contrary to what the Appellant claims, the Defence did not deduct any points for the fact that the Appellant had changed the layout of the assignment. This is also evident from the fact that the mark was increased from 4.6 to 5.5 (rounded up to 6). After this increase, the Appellant again asked the Defence to award more points for some questions. The Defence examined the work again and subsequently rejected this request. The Appellant then contacted the Defence for the third time, requesting a meeting. That meeting took place on 2 June 2023, where the assignment, feedback and assessment were discussed in detail for over an hour. This is discussed in more detail in the statement of defence. All in all, the Appellant's work has been extensively assessed four times: once after it was submitted and three times after the mark was announced. For this reason, the Defence did not agree to the Board's request to hold a settlement meeting. Everything had already been discussed.

At the hearing, the Defence explained that feedback was given in two ways: by using rubrics and additional feedback with comments typed in bold. This assessment method is prudent and sufficiently transparent.

Finally, the Defence requested the Board to declare the Appellant's appeal unfounded.

V. Review

The Board points out that the content of the appeal must be tested against Article 7.61.2 of the Higher Education and Research Act (WHW - Wet op het Hoger onderwijs en Wetenschappelijk onderzoek). The question is whether a legal rule or legal principle has been transgressed. A content-related assessment of whether an examination component was correctly awarded a certain mark falls outside of this assessment framework. The Board cannot therefore intervene substantively in the assessment. Nor is it within the authority of the Defence to determine that a third, independent examiner should assess the assignment made by the Appellant.

However, the Board can check whether the Defence has made his decision based on proper grounds. To this end, the Board of Appeal can assess whether the assessment procedure has been followed with due care.

The Defence explained that the Appellant's work has now been assessed four times based on the answer model. The mark was increased from 4.6 to 5.5 and was then rounded up to the final mark of 6. The Board further notes that the Defence used the appropriate rubrics during the assessment, and additional feedback was also provided.


A substantive assessment of the correct answers falls outside the assessment framework of the Board, so this ground for appeal cannot be considered further.

Given all the facts and circumstances, the Board of Appeal thus concludes that there is no reason to judge that the assessment of the Marketing Communication exam was careless. The disputed decision can be upheld.

VI. Decision

The Board of Appeal for Examinations declares the Appellant's appeal unfounded.

Thus established on 26 September 2023 by Dr E. van Wolde, chair, Professor Dr L.J.A. Koster and S. van de Beek, members, in the presence of M.E.A. Donkersloot, secretary.



Chair



Secretary

In accordance with the General Administrative Law Act and Article 7.66 of the Higher Education and Research Act (WHW), the Appellant has the right to appeal against this decision to the Administrative Jurisdiction Division of the Council of State, P.O. Box 20019, 2500 EA The Hague within six weeks of the decision being sent to them.