



## EXAMINATION APPEALS BOARD

Decision of the Examination Appeals Board (CBE) of Tilburg University

in the case between

X, **appellant**

and

the Examination Committee of the Bachelor's Degree Program in International Business Administration, **appellee**

### **1. Course of the proceedings**

The appellant requested the appellee to offer him an extra examination opportunity for the first midterm of the course "Mathematics 1 for IBA".

The appellee rejected the appellant's request in a decision of October 3, 2017 (hereinafter: "the contested decision").

The appellant submitted a notice of appeal against this decision on November 7, 2017, therefore in good time.

The Examination Appeals Board of Tilburg University (hereinafter: "the Board") invited the appellee to consult with the person concerned to see whether an amicable settlement of the case would be possible. A settlement meeting was held. The parties did not reach an amicable settlement.

The appellee submitted a written defense on November 29, 2017.

The appellant made an addition to his notice of appeal in an e-mail of December 6, 2017.

The appellee made an addition to its written defense in an e-mail of January 16, 2018.

The appellant made an addition to his notice of appeal in an e-mail of January 20.

The appellee made an addition to its written defense in an e-mail of January 23, 2018.

The appellant made an addition to his notice of appeal in an e-mail of January 24.

The Board handled the appeal at the hearing on January 25, 2018. Although properly invited to it beforehand, the appellant failed to appear at the hearing without any notice or statement of reasons. Y and Z appeared on behalf of the appellee.

## **2. Facts and circumstances**

- 2.1 The Board proceeds from the following facts and circumstances. As of the academic year 2017-2018, the appellant has been enrolled in the Bachelor's Degree Program in "International Business Administration". The curriculum of this Bachelor's Degree Program includes the course "Mathematics 1 for IBA" (hereinafter: "the course").
- 2.2 The examination for the course consist of 5 modular tests (also called midterms), which determine the final grade together. In addition, there is a "resit" that counts for 100%.
- 2.3 The first of those modular tests was given on September 8, 2017. The appellant did not take this modular test.
- 2.4 On November 30, 2017, the appellant was granted an exemption from taking exams for the course.

## **3. Positions of the parties**

- 3.1 In summary, the appellant argues the following on appeal. The appellee wrongfully rejected his request for an extra opportunity to take the modular test by not taking account of his special circumstances. Moreover, the appellee did not prepare the decision carefully by not taking the relevant facts into account.
- 3.2 The appellant acknowledges that he has already been granted an exemption from the course, but he would like to have his skills assessed.
- 3.3 In summary, the appellee argues the following. The appellee rightly rejected the appellant's request because the examination for the course consists of 5 modular tests that determine the final grade together. Although the midterms cannot be retaken, there is always an opportunity to take a re-examination for the whole course. The request for an extra examination opportunity was, therefore, submitted prematurely and thus rightly rejected. Furthermore, because the appellant has been granted an exemption from taking examinations for the course, the appellant has no interest in the proceedings.

## **4. Grounds of the Board**

4.1 At the hearing, the appellee confirmed that, at his own request, the appellant was granted an exemption from the course. Moreover, the appellee stated at the hearing that the appellant may well have missed the first midterm, but he participated in the other 4 modular tests (midterms) of the course, and, despite missing the first modular test, the modular tests were assessed with an average grade of 8 in total.

4.2. The Board therefore establishes that, if only because of his request for an exemption from the course, he cannot achieve anything more or different with his appeal. It follows from this that, in the

Board's opinion, he has no or not enough (legal) interest in a substantive handling of his appeal against the contested decision.

4.3. Consequently, the Board is of the opinion that the appeal is inadmissible, and the Board will not proceed to make a substantive assessment of the appeal.

## **5. Decision**

The Examination Appeals Board declares the appeal inadmissible.

Decided on January 25, 2018 by the Examination Appeals Board.

*You can file an appeal against this decision within six weeks after publication of this decision at the Appeals Tribunal for Higher Education (CvBHO), P.O. Box 16137, 2500 BC The Hague. For more information, see [www.cbho.nl](http://www.cbho.nl). This is a translation and therefore not signed. No rights may be derived from this translation.*