

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

In a decision of November 9, 2017, the appellee decided that the module test taken by the appellant on October 17, 2017 for the course "Financial Accounting for IBA" would not be presented to the examiner for grading (hereinafter: "the contested decision").

The appellant submitted a notice of appeal against this decision on November 21, therefore in good time.

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

The appellee submitted a written defense on December 14, 2017.

The Board handled the appeal at a hearing on January 25, 2018. Although properly invited 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.
- 2.2 The appellant has been enrolled since September 1, 2016 in the Bachelor's Degree Program in International Business Administration. The curriculum of this Bachelor's Degree Program includes the course "Financial Accounting for IBA" (hereinafter: "the course").
- 2.3 On October 17, 2017, a module test (midterm) took place for the course. The appellant was present during this test, but his name did not appear on the attendance list.

3. Positions of the parties

- 3.1 On appeal, the appellant argues the following. The appellant could not register because the module test did not appear on the list on the 'exam registration' page on Blackboard. The appellant went to the Student Desk two workdays before the examination in question. It was not possible for the appellant to present the technical problem to the Student Desk earlier because of his busy study schedule. The appellant could no longer be registered for the examination at the Student Desk, as this can be done up to 5 workdays before the exam. According to the appellant, the registration problem is among the special circumstances that should be taken into account.
- 3.2 The appellee takes the position that the module test was rightly not presented to the examiner. In accordance with Article 17, paragraph 11, of the Rules and Guidelines for the Examination Committee of Tilburg School of Economics and Management 2017/2018 (hereinafter: R&R), in principle, the appellee decides not to grade a test or exam taken by an examinee who does not appear on the list provided by the Student Administration of those who have registered. According to the appellee, there were no special circumstances that do not justify application of this main rule. During the settlement meeting, it emerged that the appellant had already discovered 20 days prior to the module test that he would not be able to register, and that the appellant had not contacted the Student Desk in time because of his busy study schedule.

4. Grounds of the Board

- 4.1 At the hearing, the appellee stated that the appellant participated in the second examination opportunity for the course on January 8, 2018, and that this examination has already received the grade of 6.5.
- 4.2. The Board therefore establishes that the appellant passed the examination for the course and therefore cannot achieve anything more or different with his appeal. It follows from this that, in the opinion of the Board, 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.

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