



## EXAMINATION APPEALS BOARD

Decision of the Examination Appeals Board of Tilburg University

in the case between

X, **appellant**

and

the Examination Committee of the Bachelor's Degree program Econometrics and en Operational Research, **appellee**

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

In a decision of January 22, 2018, the appellee decided that the examination taken by the appellant on January 11, 2018 for the course "Macroeconomics for EOR" would not be presented to the instructor for grading, because the appellant was unable to identify himself at the proctor's request with a prescribed proof of identity (hereinafter: "contested decision").

The appellant filed a notice of appeal against this decision in good time.

The Examination Appeals Board of Tilburg University (hereinafter: "the Board") invited the appellee to consult with the persons concerned to see if an amicable settlement was possible. Settlement consultations were held. The parties did not reach an amicable settlement.

The appellee filed a written defense.

The Board handled the appeal at the hearing on March 8, 2018. Although called in good time and properly, the appellant was absent without prior notice. Y, Z and A appeared on behalf of the appellee.

## **2. Facts and circumstances**

- 2.1 The appellant has been enrolled in the Bachelor's Degree Program Econometrics and Operational Research since September 1, 2017.

## **3. Positions of the appellant**

- 3.1 The appellant disagrees with the decision that the work he did will not be graded. According to the appellant, everyone who was present in the examination room can confirm that he took the examination.
- 3.2 In addition, the appellant asserts that the contested decision is unfair because he had not slept for several nights. One of the reasons he left his bag in the bus was that he had stayed up all night to study for the examination.

## **4 Positions of the appellee**

- 4.1 Under Article 17, paragraph 8 of the Rules and Guidelines for the Examination Committee of the Tilburg School of Economics and Management (TiSEM) of Tilburg University 2017/2018 (hereinafter: R&G), a student who takes an examination must identify him/herself during the examination at the request of the proctor by means of a Tilburg University student card, valid passport, identity card, driver's license or public transportation card provided with a recent photo. If a student cannot identify him/herself on participating in the examination, the appellee will decide not to grade the examination (Art. 17, paragraph 10 R&G). The use of witnesses is not one of the prescribed methods of identification, and cannot guarantee that the persons concerned can be identified with certainty.
- 4.2 These rules are for the purpose of preventing fraud. This does not mean that fraud actually had to take place. The mere fact that a student cannot identify him/herself results in the decision that the examination may not be checked. In this context, the appellee always applies the principle of equal treatment.
- 4.3 According to the appellee, it is the appellant's own responsibility to identify himself during examinations. The appellee cannot be held responsible for the fact that the appellant had left his bag behind in the bus.

## **5. Findings of the Board**

- 5.1 Section 7.61 subsection 2 of the Higher Education and Research Act (hereinafter: WHW) provides that appeal can be brought on the ground that a decision is in conflict with the law. It follows from this that review by the Board must be limited to lawfulness criteria, such as the question whether the decision is in accordance with the regulation(s) and whether the appellee acted with due care, or the question whether it must be said that the appellee could not reasonably have arrived at the contested decision.

- 5.2 Under Section 7.12b of the WHW, the appellee has a discretionary power to adopt rules and policy relating to the proper course of affairs during examinations. This includes the obligation to identify oneself, as laid down in the R&G, under which a student is required to identify him/herself at the proctor's request by way of a Tilburg University student card, valid passport or identity card, valid driver's license or valid public transportation card, provided with a recent passport photo. If a student who is unable to identify him/herself participates in the examination, the Examination Committee, in accordance with Article 17 paragraph 10 R&G, will decide not to grade the examination.
- 5.3 It is established that the appellant could not identify himself with one of the means of identification specified in Article 17 paragraph 8 R&G, and that the examination was not graded on that basis. The appellee has an interest in strict enforcement of the obligation to identify oneself. The purpose of an examination is, after all, to enable the formation of a correct opinion on the knowledge, insight and skills of the examinee in question. Therefore, in order to prevent any fraud during the examination, it must be possible to establish properly whether the person taking the examination is actually the person whose name is on the examination and the attendance list.
- 5.4 Furthermore, it is the appellant's own responsibility to be aware of and be able to comply with the rules relating to the obligation to identify oneself. Those rules are included in the R&G in understandable words.
- 5.5 Consequently, the appellee was able to determine that the appellant's identity was not properly established and was entitled in all reasonableness to attach the consequence to this not to grade the examination.

## **6. Decision**

The Examination Appeals Board declares the appeal unfounded

Decided on March 8, 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.*