

DECISION 18 - 111

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of the Examination Appeals Board of Leiden University
in the matter of
the appeal of [name] from The Hague, appellant
against
the Board of Examiners of International Studies, respondent

1. Origin and course of the proceedings

The appellant sent a letter on 22 June 2018 which was received on 26 June 2018, lodging an appeal against the decision of the respondent of 29 May 2018, announcing the results achieved by the appellant at Ohio State University converted into the Leiden grade scheme.

The respondent investigated whether the dispute could be settled amicably, and contacted the appellant to this end on 27 July 2018. This did not lead to a settlement.

The respondent submitted a letter of defence on 30 July 2018.

The appeal was considered on 8 August 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. [names], BCom, Member and Administrative Secretary, respectively, of the Board of Examiners, appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 29 May 2018 by means of the letter that was received by the Examination Appeals Board on 26 June 2018. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). The administrative appeal is therefore admissible.

3. Relevant Information

The internet page¹ of Leiden University states the following, in as far as relevant:

Grade transfer

In the months following your exchange period, the partner/host university will send a transcript of your results to Leiden University. Leiden will transfer those credits that have been successfully obtained at the host university to your programme here. A number of resources and sources of expertise are employed to assist with determining Leiden equivalents to foreign grades. Grades are not transferred on a pass/fail basis. Students will receive a Leiden University grade equivalent to their grades at the host university.

4. Considerations with regard to the dispute

The appeal relates to the decision of the respondent dated 29 May 2018, announcing the results achieved by the appellant at Ohio State University converted into the Leiden grade scheme.

In short, the appellant argued that - after conversion - the grades awarded do not do properly reflect the grades recorded by Ohio State University. The appellant achieved the following results at Ohio State University:

Legal Environment of Business: 77% / B
Introduction to International Business: 88.95% / B+
Foundations of Accounting: 96% / B
Entrepreneurship: 93% / B
Principles of Macroeconomics: 106.65% / B
Analysis and Display of Data: 109.5% / B

The appellant argued that, unlike other American universities, Ohio State University does not award A+ as a grade. Besides, he attended the course units at Fisher College of Business within Ohio State University, which offers a more challenging curriculum. Conversion to the Leiden grade scheme results in a lower GPA than the GPA to which the appellant believes he is entitled.

¹ <https://www.student.universiteitleiden.nl/en/study--studying/studying-abroad/upon-your-return/upon-your-return/humanities/international-studies-ba?cf=humanities&cd=international-studies-ba#tab-2>

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The crux of the respondent's point of view is – in concise terms - that the conversion of the results that were achieved abroad is at the discretion of the respondent. The respondent based the awarded grades on information from various conversion tables and NUFFIC (the Dutch Organisation for Internationalisation in Education) and does not distinguish between different American universities when making the conversion. The respondent also takes into account that a grade 10 is very rarely awarded in the Dutch education system (to 0.6% of students) and that awarding an A is more common in the United States (to 37% of students). The respondent therefore always converts an A into a grade 8 on a scale of 10.

First and foremost, the Examination Appeals Board holds that a student cannot assume automatically that grades awarded at another university than Leiden University will be adopted automatically by the relevant Board of Examiners. The Board of Examiners cannot be denied the right to 'convert' results that were achieved elsewhere into a result that is equivalent to the result that the student would have achieved in Leiden. It is also conceivable that study results that were achieved elsewhere may not be converted into a grade at all, but that the result 'pass/fail' be recorded on the grade list. With this method, results achieved elsewhere will not be included in the GPA calculation.

As demonstrated by the above-mentioned information on the University's website, the programme in International Studies did not opt for the latter option. This means that the results that were achieved by the appellant in the United States (letter grade F up to A) must be converted into the Leiden equivalent (a grade on a scale from 1 to 10).

The website states: Students will receive a Leiden University grade equivalent to their grades at the host university. This suggests an individual conversion of the achieved grades, which will - apparently - take into account the university at which the results were achieved. This refers not only to the level of the university, but also to the grade system it uses (what is the equivalent of a grade 10 in Leiden?) and how these grades are distributed over the student population at that university or - as the case may be - even in the programme in which the student achieved the results compared to the grade distribution at Leiden University, or, alternatively the programme in International Studies. This is all the more problematic when the student achieved the results at a partner university of Leiden University, such as Ohio State University.

In view of this partnership, which distinguishes this university from many other universities, it would have been more appropriate for the respondent to

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endeavour to gain an insight in the educational / grading system of Ohio State University and the distribution of results over its student population. NUFFIC has published a description of the United States education system on its website which demonstrates that there are many variations and fine-tunings to the letter grades F up to A. Ohio State University does not award an A+, i.e.; consequently, an A is the maximum achievable result at that university, instead of an A+.

The Examination Appeals Board holds that a general conversion model which does not take into account individual results and circumstances, as used by the respondent, is incompatible with a system in which individual results are converted into a specific grade that is included in the GPA calculation. By converting the results that were achieved by the appellant into an 8 on a scale of 10 without taking into account the actual results he achieved, the respondent did not prepare and substantiate the contested decision with the required care and decided contrary to Articles 3:2 and 3:46 of the Awb. Consequently, the appeal is founded and the contested decision will be annulled. The respondent will be required to take a new decision with due regard of the present decision and inform the appellant. The Examination Appeals Board will set a term to do so of two weeks after dispatch of this decision.

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5. The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University,

- I. holds the appeal founded;
- II. annuls the decision of 29 May 2018;
- III. instructs the respondent to redefine the grades that were achieved by the appellant in the course units at Ohio State University, taking into account the findings of the Examination Appeals Board, and to inform the appellant of the results within two weeks after dispatch of this decision,

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Established by a chamber of the Examination Appeals Board, comprised of: O. van Loon, LL.M., (Chair), Dr J.J.G.B. de Frankrijker, G. Boogaard, LL.M., L.N. Kluinhaar LL.M. BA and Dr W.M. Lijfering (members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

O. van Loon, LL.M.,
Chair

M.S.C.M. Stoop - van de Loo, LL.M.
Secretary

Certified true copy,

Sent on: