

DECISION 19 - 072

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of the Examination Appeals Board of Leiden University
in the matter of the appeal of

[name], appellant,
against
the Board of Examiners, respondent

The course of the proceedings

The appellant requested to be allowed to replace the [X] course unit from the second year of the Bachelor's Programme in [X] with the [Y] course unit.

In his decision of 26 February 2019, the respondent rejected the appellant's request.

The appellant sent a letter on 18 March 2019 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached and informed us on 2 May 2019 that the parties had not reached a settlement.

The respondent submitted a letter of defence on 1 May 2019.

On 20 May 2019, the appellant requested - in addition to his letter of appeal - that all study credits (a total of 24) that he has achieved at [name] University in the 2016-2017 academic year in an exchange programme be considered as study credits for the electives of the study programme. In addition, the appellant requested that study credits achieved in a summer school in [city], in the study year prior to the Bachelor's Programme in [X], also qualify for the electives.

The appeal was considered on 5 June 2019 during a public hearing of a chamber of the Examination Appeals Board.

The respondent submitted a proposal for a settlement on 13 June 2019. This proposal was accepted by the appellant on 25 August 2019.

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In an email of 26 August 2019, the respondent stated that the study credits achieved in [city] will be added to the appellant's programme, but that the appellant failed to pass his thesis and that the settlement has lapsed as a consequence.

The appeal was considered anew on 18 September 2019 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not attend the hearing and his authorised representative sent a notice of absence shortly before the start of the hearing. [name], of the Board of Examiners, appeared on behalf of the respondent.

Considerations

1 – Facts and circumstances

The appellant asked for approval to replace a mandatory course unit [X] (hereinafter: the mandatory course unit) from the second year with another course unit [Y].

Furthermore, he requested that all study credits he achieved at [name] University and at a summer school in [city] be used to complete his elective course units.

The appellant and the respondent reached agreement after the hearing on 5 June 2019 that all study credits achieved at [name] University can be used to complete the electives and that this also applies to study credits yet to be achieved at a summer school in [city] in the summer of 2019. With regard to the mandatory course unit, it was agreed that an alternative solution would be found to examine this course unit, provided these are the final 5 ECs to be achieved by the appellant to be awarded his bachelor's degree.

On 26 August 2019, the respondent informed the appellant that, since he failed to pass his thesis and, as such, did not meet the conditions of the agreement, the settlement agreement will consequently lapse.

The appellant registered as a student in the 2019-2020 academic year. The respondent is aware that the appellant did not register for the course units that the appellant has yet to complete: the thesis and the mandatory course unit.

2 – The position of the respondent

The respondent rejected the appellant's request to be allowed to replace the mandatory course unit. The reason is that the proposed course unit [X] does not equate with the mandatory course unit in respect of substance and learning path.

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The course unit is one of the cornerstones of the programme and must be passed in order to meet the learning outcomes at the end of the programme. Moreover, the programme does not provide for a comparable alternative course unit.

3 – The grounds for the appeal

According to the appellant, the course unit [X] offers comparable substance, and it is taught by the same lecturer. It is also a course unit of a higher level (300) which qualifies for more study credits.

4 – Relevant legislation

In so far as relevant, the Course and Examination Regulations of the Master's Programme in International Studies 2018-2019 (*Onderwijs en examenregeling*, "OER") stipulates:

"Article 2.3 Learning outcomes

The Bachelors of Arts in International Studies provides students with the tools to investigate globalization, and its regional effects, from a humanities perspective. They study these effects through the prism of four disciplinary perspectives: culture, history, politics and economics, coupled with in-depth knowledge of one of eight world regions. The humanities perspective is ensured by placing an understanding of the historic and cultural context central in the programme, and linking this directly to the political and economic conditions. *Students learn to apply the acquired knowledge of the four disciplinary approaches in the analysis of a geographical area of their choice with the aid of a language native to that area.* Graduates of the programme who started before the academic year 2017-2018 have attained the following learning outcomes, listed according to the Dublin descriptors:

A. Knowledge and understanding

1. Knowledge and understanding of the most important classic and contemporary theories necessary for the understanding of the regional effects of globalization, used in the disciplines offered in the programme:

- history;
- culture (including cultural studies and socio-linguistics);
- economics;
- politics and international relations.

2. Knowledge and understanding of key concepts and concept structures used in the disciplines offered in the programme necessary for the understanding of the regional effects of globalization.

3. Basic knowledge and understanding of disciplinary methodologies used in the programme relevant for an understanding of the regional effects of globalisation'.

4. Knowledge and understanding of the history, culture, economy and politics of *one of the eight geographical areas defined by the programme:*

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- Africa;
 - East Asia;
 - Europe;
 - Latin America;
 - Middle East;
 - North America;
 - Russia and Eurasia;
 - South Asia and Southeast Asia.
5. Knowledge of the historical, cultural, political and economic aspects of international relations.
6. Knowledge and understanding of the historical, cultural, economic and political developments in the chosen geographical area from a global perspective.
7. In-depth knowledge of a specific aspect of a geographical area in its global context. (...).”

5 – Considerations with regard to the dispute

The dispute centres on whether – once the settlement proposal had lapsed - the respondent considered on proper grounds that the mandatory course unit cannot be replaced by the [X] course unit as proposed by the appellant.

The substance of the proposed course unit does not cover the topics dealt with in the mandatory course unit. In particular, the [X] topics in relation to [X] are missing. At the hearing, it was made clear that the two course units may indeed be lectured by the same person, but that the course units are not interchangeable in respect of their content. This was also confirmed by the lecturer.

The Examination Appeals Board holds that it has been made sufficiently clear that the mandatory course unit is essential for the study programme chosen by the appellant. It follows from the learning outcomes of the programme in Article 2.3 of the OER that the mandatory course unit is one of the key course units of that programme.

Furthermore, the appellant indicated in his letter of appeal that he expects the respondent to cooperate in processing his request so that he can graduate in the 2018-2019 academic year and avoid incurring a delay in studies.

The Examination Appeals Board concludes that at the present time the appellant still has to complete his thesis, and that he will have to enrol and attend lectures to that end. The appellant has to take the necessary actions in this academic year to achieve this. The mandatory course unit on which these proceedings focus is taught in the first semester of this study year. The Examination Appeals Board holds, therefore, that any delay in studies incurred at present by the appellant is,

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as such, not exclusively due to the consequence of having to complete the mandatory course unit. Furthermore, the Examination Appeals Board remarks that the respondent has been very cooperative in devising and finding solutions to facilitate the appellant's study progress. The respondent cannot be required to make concessions on the quality and substance of the programme, simply in order to accommodate the appellant.

The Examination Appeals Board holds that the respondent considered on proper grounds that the mandatory course unit cannot be replaced by the course unit as proposed by the appellant. Therefore, the contested decision can be upheld. The other arguments put forward by the appellant did not lead the Committee to reach an alternative decision.

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

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Established by a chamber of the Examination Appeals Board, comprised of:
Braam, LL.M., (Chair), Dr K. Beerden, J.J. Hylkema, MA, Y.D.R. Mandel, LL.B,
Z.I. de Vos, LL.B, M.S. van der Veer, BSc (members), in the presence of the
Secretary of the Examination Appeals Board, M.A.C. de Boer, LL.M.

H.M. Braam, LL.M.,
Chair

M.A.C. de Boer, LL.M
Secretary

Certified true copy,

Sent on: