



DECISION 10 - 288

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Of the Examination Appeals Board of Leiden University
in the matter of
the appeal by [name], appellant
against
the Board of Examiners of [X], respondent

The course of the proceedings

On 12 June 2020, the appellant requested the respondent to allow her to graduate in the International Bachelor's Programme in [X], even though she had not completed the [X] ([X]) course unit successfully.

The respondent rejected the appellant's request in the decision of 17 July 2020.

On 28 July 2020, the appellant lodged an administrative appeal with the Examination Appeals Board against this decision. Furthermore, she requested a temporary remedy.

The parties attempted to reach an amicable settlement in a discussion on 10 August 2020. This did not lead to an amicable settlement.

The respondent submitted a letter of defence on 16 August 2020.

The appeal was considered in a fast-track procedure on 19 August 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the hearing. [names], Chair, Member of the Board of Examiners of [X], and Course Unit Coordinator of [X], respectively, participated in the hearing on behalf of the respondent.



**Decision
20-288**

Page 2/6

Considerations

1 – Facts and circumstances

The appellant has been following the International Bachelor's Programme in [X] since the 2016-2017 academic year.

On 21 June 2018, a grade of 2.3 on a scale of 10 was registered in the uSis overview of the appellant in respect of the interim examination for the [X] course component.

In the 2019-2020 academic year, [X] was spread over three blocks (the first semester and part of the second semester).

In a decision of 25 November 2019, the respondent rejected the appellant's request to be granted exemption from the [X] course unit.

In a decision of 4 August 2020, the appellant's request to be admitted to the Master's Programme in [X], with a specialisation in [X], starting on 1 September 2020 was rejected. The decision stated that the appellant will qualify for admission once she has completed a pre-master's programme.

2 – The position of the respondent

The respondent adopted the position that [X] is a mandatory course component of the Bachelor's Programme in [X], and that the appellant cannot therefore be exempted from this course unit. In the 2017-2018 academic year, the appellant did not complete the [X] course successfully. The appellant did not just miss the interim examination, but also failed to complete other components of the [X]. The components that she failed to complete are: one module assignment, 3 polls, 3 meetings, and one career event. She did not register for [X] in the 2018-2019 and 2019-2020 academic years and did not contact the course unit coordinator, the study adviser, or the respondent. The respondent maintains the contested decision because the appellant did not make use of all the interim examination opportunities under Article 4.3.6 of the Rules and Guidelines ("R&R", *Regels en Richtlijnen*) 2019-2020 of the Board of Examiners of [X]. The respondent indicated in the letter of defence that the appellant had not yet completed all other mandatory components of the bachelor's programme when the decision was taken.



Decision
20-288
Page 3/6

3 – The grounds for the appeal

The appellant adopted the position that the respondent unjustly maintains the contested decision. She did indeed fail to submit the [X] module assignment in the 2017-2018 academic year, but this was caused by family matters and health issues. Due to IT issues with her uMail account, she had to miss three out of four mandatory polls. She did not receive a response or support from the university with regard to this issue. Though the respondent states differently, she did attend a career event in October 2017. The event was less relevant to her. For this reason she decided to interview an alumna and was awarded a grade of 8.5 for the interview. Contrary to the respondent, the appellant adopts the position that she did register for [X] in the 2018-2019 academic year. She had to cope with personal circumstances in that year, which is why she decided to prioritize course units in statistics, in view of the mandatory order of course units. She disputes that she did not put enough effort into career orientation or has insufficient experience with scientific literature. The appellant wishes to start the Master's Programme in [X] with a specialisation in [X] as soon as possible. Having to follow the [X] component in the 2020-2021 academic year will delay her studies and she wishes to complete her bachelor's programme in the 2019-2020 academic year.

4 – Relevant legislation

The R&R states, in as far as is relevant here:

4.3.6 The Board of Examiners may, in view of the stipulations in article 4.1.7 of the Course and Examination Regulations (*Onderwijs en examenregeling*, "OER"), allow an extra resit in case of demonstrable personal circumstances. Requests to this effect may only be submitted if a student fails to complete only one component of the final course unit in the study programme and if no regular interim examination opportunity is provided in the relevant academic year. The student must have been awarded a grade of 4.0 at least once in respect of the relevant final course unit and have availed herself or himself of all the interim examination opportunities, unless there are valid reasons for not making use of all the possible interim examination opportunities. Requests will only be considered if all other components of the programme have been processed in uSis. Requests must be substantiated and submitted with relevant evidence.

The Prospectus (*Studiegids*) states the following regarding [X] 2019-2020, in as far as relevant:

Assessment method

The final grade for [X] consists of two constituent grades, which are recorded separately: the seminar grade (90%) and the career event grade (10%). Both of



Decision
20-288
Page 4/6

these constituent grades must be a pass (5.50 or higher). Successful completion of [X] results in five EC credits. The [X] has only been successfully completed if the final grade is a pass. It is not possible to claim a proportion of the five credits. Final grades that are a pass (5.50 or higher) cannot be raised by taking 'resits' of individual assignments or exams. If the seminar grade is a fail (after the resit opportunities for the separate elements described below), the student must follow the seminar groups again in the next academic year, and must complete all the relevant assignments, exams and polls. If the career event grade is a fail (after the resit opportunity described below), the student must (again) attend a new approved career event in the next academic year and submit a report on this career event.

Seminar grade (1-10)

The seminar grade is based on two module assignments, two take-home exams and the completion of two polls. Assignments that are not submitted, not submitted on time, or not submitted via the correct link on Blackboard will receive a grade of zero points.

5 – Considerations relating to the dispute

Based on the documents, and – in particular – the letter of defence, the Examination Appeals Board establishes that, when the contested decision was taken, the appellant did not qualify for the “the final course unit arrangement” as set out in article 4.3.6 of the R&R, since at that time there were ECTS besides [X] that she had not gained. Although the appellant has now acquired 180 ECTS, she has not yet completed the International Bachelor's Programme in [X], since [X] is a mandatory course component of the programme. The respondent adopted the position in the letter of defence that the circumstance that the appellant now has to complete only one remaining course unit does not constitute grounds for amending the decision. This is based on the grounds that the appellant does not meet the condition that she must have been awarded a grade 4.0 at least once for [X] and must have availed herself of all interim examination opportunities.

The appellant explained in the documents the circumstances that led to her having failed to complete the [X] component successfully. However, students themselves bear responsibility for their study programmes. [X] is a mandatory course unit and failure to complete it precludes the bachelor's diploma being awarded. The Examination Appeals Board established that the appellant did not appeal against the rejection of her request for exemption dated 25 November 2019. This decision is consequently established in law.



Decision
20-288
Page 5/6

In view of the above, the respondent has taken the contested decision justly and on proper grounds. uSis only lists the interim examination result of 2.3 in respect of the [X] course component, dated 21 June 2018. The appellant did not avail herself of all interim examination opportunities, nor did she complete all the components of [X] successfully. The appellant's – understandable - desire to start her master's programme (and the pre-master's programme) as soon as possible does not constitute grounds to waive mandatory participation in the [X] course unit.

Since the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded. The request to grant a temporary remedy is rejected.



**Decision
20-288**

Page 6/6

The decision

The Examination Appeals Board of Leiden University

holds the appeal unfounded

in view of article 7.61 of the Higher Education and Academic Research Act.

Also,

the Chair of the Examination Appeals Board

rejects the request to grant a temporary remedy

pursuant to article 7.61, paragraph six, of the Act.

Established by a chamber of the Examination Appeals Board, comprised of: O. van Loon, LL.M, (Chair), Dr A.M. Rademaker, M. Heezen, LLB, Dr C.V. Weeda, and E.L. Mendez Correa, BA (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: