

OFFICIAL REPORT EAB 22-424

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Oral decision of 31 August 2022 of the Examination Appeals Board of Leiden University in the matter between:

[name], appellant,

and

the Board of the Faculty [X], respondent.

Present:

O. van Loon, LL.M. (Chair),
Dr A.M. Rademaker,
Dr A.M.C. van Dissel,
J.J. Christiaans BA,
G.S. Cornielje BA (Members),
I.L. Schretlen, LL.M. (Secretary),

[name], Msc, Administrative Secretary of the Board of Examiners, of [X]

The appellant did not appear in person at the hearing.

The course of the proceedings

On 16 August 2022, the appellant lodged an administrative appeal against the decision comprising a negative advice for the appellant in respect of the continuation of the Bachelor's Programme in [X], to which a rejection is attached pursuant to article 7.8b, third paragraph, of the Higher Education and Academic

Decision Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*,
EAB 22-424 hereinafter "WHW").
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On 25 August 2022, the respondent filed a letter of defence.

Considerations

The appellant met the BSA standard of 40 ECTS that applied at Leiden University for the 2021-2022 study year (BSA - binding recommendation on continuing one's studies). She obtained a total of 40 ECTS in that year. However, she did not fulfil the additional requirement of the Programme, of passing either the [X] course unit or, alternatively, the [X] course unit.

The appellant does not have a statement of functional impairment with regard to an impairment in achieving study results.

The appellant indicated that she experienced difficulty in the second semester of the academic year in attending two different study programmes. Meanwhile, she has been in contact with the Study Advisers of the two programmes, which means she expects to perform better in the coming academic year.

The respondent indicated that pursuing a second study programme is a student's own choice, which cannot be taken into account when issuing a Binding Study Advice. Attending a second programme does not alter the fact that the appellant must still meet the requirements of the Binding Study Advice. In view of the exemptions totalling 25 ECTS (15 ECTS for [X] and 10 ECTS for [X]), she would have had to achieve only 15 ECTS in the academic year, including one course unit for the additional requirement, in order to obtain a positive BSA. The respondent holds that she had ample time to do so.

However, the appellant did not meet this additional requirement. Her results in the written examination of [X] were a grade 1.0 (first sit) and a 4.0 (resit). Indeed, she did achieve a 7.5 for the paper, but both elements must be satisfactory (5.5 or higher) in order to conclude the course unit successfully. Her results in the quiz of course unit [X] was 1.5 (10% of the final grade), 6.25 for the paper (30%), and 1.5 for the final exam (60%). She did not sit the resit of this course unit; the Study

Decision Coordinator explained that the appellant was confident she would pass the resit
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The respondent notes that the Student Counsellor has indicated that no circumstances exist that would warrant a statement of functional impairment. According to the respondent, there is no reason either to apply the hardship clause.

The Examination Appeals Board considers that since the appellant's study results do not meet the requirements set by Leiden University, the respondent has rightfully, and on proper grounds, taken the position that it lacks confidence that the appellant will be able to complete the Bachelor's Programme within a reasonable term.

The Examination Appeals Board has not been informed of any other facts or circumstances that should lead to an alternative decision. The appeal must therefore be held unfounded. This means that the contested decision is upheld and that the appellant cannot continue the Bachelor's Programme at Leiden University.

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Decision

The Examination Appeals Board holds the appeal unfounded.

Of which this official report was drawn up, and has been signed by the Chair and the Secretary.

O. van Loon, LL.M,
Chair

I.L. Schretlen, LL.M,
Secretary

Certified true copy,

Sent on: