

OFFICIAL REPORT EAB 22-426

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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),

appellant,

[names], Chair and Administrative Secretary respectively of the Board of Examiners, of [X].

The course of the proceedings

On 16 August 2022, the appellant lodged an administrative appeal against the decision comprising a negative advice to 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 22-426 hereinafter "WHW").

On 24 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 50 ECTS in that year. However, she did not fulfil one of the additional requirements of the course, namely to pass the course unit [X].

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

The appellant indicated that she was impaired by personal circumstances in the resit for the [X] course unit on 29 June 2022. On 20 June 2022, she [X] and for the following five days she was ill and unable to study. In the period of 25-28 June 2022, she did try to study, and on 29 June 2022, she sat the resit. Afterwards, she contacted the Study Adviser as she did not feel good about it. The Study Adviser referred her to the Student Counsellor. However, the latter could not issue a statement of functional impairment, because the appellant did not have an official [X]. Indeed, she does have several screenshots of WhatsApp conversations with friends in which she shows the [X]. She spent a lot of time on the [X] course unit, as it was so important to pass this course unit to meet the BSA requirement. She asked for feedback from the teacher and inspected the examination she had sat. Unfortunately, only 15 minutes were available for the review. In the summer, she attended an additional course unit in [X], and now she plans to take private classes to achieve the desired [X] level; this is why she would like to receive a deferred BSA. She would like to point out that her average final grade is a 7.4.

The respondent has indicated that the [X] course unit is an important indicator for successful completion of the programme. [X] course units are a substantial part of the bachelor's curriculum of 30 ECTS. Passing the [X] course unit is a

Decision requirement for attending [X], and further. By failing this course, students incur a year's study delay, as the course unit is only offered once a year.
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It is the respondent's experience that students who struggle to pass [X] will also experience difficulty in the course units that build on it.

The respondent expresses regret that the appellant was impaired by [X] when preparing for the resit in June. However, the respondent also notes that preparing for an examination of a [X] course unit should not boil down to a week's preparation time. In addition, the appellant scored significantly below the standard in both the mid-term examination and the final examination; as such she already had clear indications that her knowledge and skills were not up to standard.

The Examination Appeals Board notes that the appellant would only need to pass the [X] course unit of 10 ECTS in order to meet the requirements of the binding study advice. However, the Examination Appeals Board does consider the respondent's position that passing a [X] course unit is an important indicator for successful continuation of the Programme. The respondent has genuine concerns - in view of the results achieved by the appellant - about whether the appellant has sufficient talent for the [X]. The Examination Appeals Board endorses this position of the respondent.

According to the Examination Appeals Board, the appellant would be wiser to increase her [X] skills first in order to demonstrate to the respondent that she may be considered capable of completing the course successfully within a reasonable term. In this regard, the respondent indicated its willingness to readmit the appellant to the Programme early in that case. In doing so, the appellant is advised to contact the respondent to discuss how she could demonstrate her improved [X] skills plausibly.

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.

Decision

EAB 22-426 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.

Decision **Decision**
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The Examination Appeals Board holds the appeal unfounded.

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

O. van Loon, LL.M,
Chair

I.L. Schretlen, LL.M,
Secretary

Certified true copy,

Sent on: