

Examination Appeals Board

OFFICAL REPORT EAB 22-460

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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)

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

The course of the proceedings

The appellant lodged an administrative appeal on 25 August 2022 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 Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, hereinafter "WHW").

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On 29 August 2022, the respondent filed a letter of defence.

Considerations

According to the respondent, the appellant did not meet the BSA standard of 40 ECTS that applied at Leiden University for the 2021-2022 academic year (BSA - binding recommendation on continuing one's studies). She obtained a total of 35 ECTS in that year. Moreover, she did not fulfil one of the additional requirements of the course, namely she did not pass the [X] course unit.

One day before the hearing, the appellant submitted a statement of functional impairment, indicating that she had been impaired in her study performance during the second semester. According to the respondent, this means that she was able to study at a level of 75%. The BSA standard was therefore reduced to 30 ECTS for her.

The appellant indicated that her personal circumstances have since changed, so she believes she will be able to perform better in the next academic year.

The respondent has established that the appellant was awarded 30 ECTS in the first semester. The appellant was awarded 5 ECTS in the second semester. However, she did not meet the additional requirement. In view of the statement of functional impairment that was issued only very recently and the fact that the appellant passed the first semester in its entirety, the respondent held there was reason to issue a deferred binding study advice.

In view of this, the Examination Appeals Board considers that the appellant deserves a second chance and should be given the opportunity to show in the coming academic year that she is fit to complete the course within a reasonable time. The respondent was unable to consider the statement of functional impairment as it was only issued very recently.

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The Examination Appeals Board will therefore convert the negative study advice into a deferred study advice (article 5.7.2 of the Regulations on Binding Study Advice - *Regeling bindend studieadvies*). This means that the appellant will receive a positive recommendation if she meets the the BSA standard set by Leiden University for the 2022-2023 academic year by 15 August 2023 at the latest. By that time, she must also comply with the additional requirement.

The Examination Appeals Board advises the appellant urgently to draw up a study plan in consultation with the Study Adviser with the aim of catching up with the study delay she has accumulated.

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Decision

The Examination Appeals Board holds the appeal founded, quashes the contested decision, and instructs that the appellant must meet the BSA standard set by Leiden University for the 2022-2023 academic year by 15 August 2023 at the latest.

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

O. van Loon, LL.M,
Chair

I.L. Schretlen, LL.M,
Secretary

Certified true copy,

Sent on: