

DECISION 18 - 256

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of the Examination Appeals Board of Leiden University
regarding the appeal of
[name] in Leiden, appellant
against
the Examination Committee of Psychology, respondent

1. The course of the proceedings

In a decision of 28 August 2018, the respondent rejected the petition by the appellant to be granted partial exemption from the *Interpersoonlijke Beroepsvaardigheden* (Inter-personal Professional Skills, “IBV”) bachelor’s course unit.

The appellant sent a letter on 4 October 2018 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached and had a number of meetings with the appellant and the Course Unit Coordinator regarding this. No amicable settlement was concluded.

The respondent submitted a letter of defence on 20 November 2018.

The appeal was considered on 19 December 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared at the hearing in person. [names], respectively, appeared on behalf of the respondent.

2. Facts and circumstances

It was established that, on 10 April 2018, the appellant’s participation in the IBV course unit was awarded a grade 5 on a scale of 10. The appellant did not submit an appeal to the Examination Appeals Board against this result.

The appellant holds that the assessment was not established on proper grounds. Moreover, he does not wish to participate in the course unit again, and in particular not in the “personal and professional development” part. It is for these reasons that the appellant is requesting partial exemption from the course unit. It

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is a course unit that focuses on group interaction and reflection on behaviour. The appellant has found it very taxing to participate in the topic due to his social anxiety and avoidant personality disorder. He does not intend to be subjected to this again.

It was established that the IBV course unit consists of three parts that are assessed separately. The “personal and professional development” part was awarded a grade of 5, the “communication skills” part a grade of 6.4, and the “reflective skills” part a grade of 5.9 (Examiner’s email dated 9 April 2018). Consequently, the final grade is unsatisfactory.

It is not in dispute that the appellant had much to overcome in participating in the course unit. The respondent deems it brave of the appellant to have attended the course unit.

The appellant’s aim is to gain his bachelor’s diploma in Psychology. The IBV course unit is part of the mandatory course units of the programme and will, consequently, have to be completed successfully.

3. The contested decision

The contested decision is based on the respondent’s position that a petition for exemption or partial exemption can only be awarded in cases in which a student teaches social and/or communicative skills at an academic level and has at least two years of experience in this respect (in 0.5 FTE). That situation is not relevant and, therefore, there are no grounds for granting an exemption. Furthermore, the respondent established that the appellant’s participation in the IBV course unit was awarded an unsatisfactory grade. The appellant will have to pass the course unit in order to graduate. The appellant and the Course Unit Coordinator have, after intervention by the respondent, discussed the manner of assessment and the substance of the assessment. Furthermore, options were offered that may lead to better results if the appellant follows the course unit for a second time.

4. The grounds for the objection

The appellant argued that he does not agree with the manner of assessment of his participation in the course unit. He deems that the Examiner did not exercise adequate care and that the assessment was arbitrary and discriminatory. The assessment consists of reflections on behaviour during participation in the course unit by the Examiner, the student, and fellow students. For him, the course of affairs in combination with his social anxiety and avoidant personality disorder is reason to request exemption for the “personal and professional development”

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part. He does not want to attend the course unit again and, moreover, he is afraid and considers that there is a high risk that he will again fail.

5. Relevant legislation

Article 7.12, the first paragraph, the introduction and article d, of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW), stipulates:

Besides the tasks and responsibilities, as referred to in Articles 7.11 and 7.12, paragraph two, a Board of Examiners has the following tasks and responsibilities: (...) d. granting exemption for sitting one or more examinations.

Article 7.12b, paragraph three, of the WHW stipulates:

The Board of Examiners sets out rules concerning the execution of their tasks and responsibilities as referred to in paragraph one, items a, b, and d, and in paragraph two, and regarding the measures they can take in this respect.

Article 4.9 of the Course and Examination Regulations of the programme in Psychology (*Onderwijs- en Examenregeling van de masteropleiding Psychologie*, "OER") stipulates:

4.9. The Board of Examiners may grant the student on his or her request, after hearing the relevant Examiner, exemption from sitting one or more exams or from participating in practical courses, provided the student:

- a. has completed a course unit at a university or university of applied sciences which was similar in substance and level and study load, or;
- b. demonstrates, whether or not in addition to the provisions under a., that he or she has sufficient knowledge and skills gained through work or professional experience with regard to the relevant course unit.

The *e*-Prospectus, part of the OER, stipulates in addition:

Exemptions for IBV will only be granted to students who teach social skills and/or communication skills themselves at university/university of applied sciences level, with relevant work experience of at least 2 years, in at least 0.5 full time appointment. Other work experience or other previous education do not qualify for granting an exemption from IBV. Students who believe they qualify for exemption from IBV must submit a petition to OSC before 1 November (https://studiegids.leidenuniv.nl/courses/show/86467/interpersoonlijke_beroepsvaardigheden).

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6. Considerations with regard to the dispute

The dispute focuses on the question of whether the respondent has rightfully rejected the petition for exemption. Since no appeal was lodged against the assessment itself, those parts of the letter of appeal that relate to the disagreement with the manner of assessment will not be dealt with on substance and do not constitute part of the dispute.

In accordance with article 7.61, paragraph two of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

At the hearing, the respondent explained that the OER - as detailed in the *e-Prospectus* - specifies the circumstances in which an exemption can be granted by the Board of Examiners. The appellant does not meet the rules for exemption from the course unit. The respondent asked the appellant to consider re-taking only the “reflective skills” part. The respondent remarked that re-taking this part of the course unit (five weeks) will provide the best opportunity for the appellant’s self-improvement.

The respondent stressed that he guarantees the quality of the programme. It is not permitted to award a grade to an appellant who has not successfully completed the IBV course unit. This would mean that he would not have met the final objectives of the programme in Psychology. Once more, the respondent demonstrated willingness to support the appellant in participating in the course unit (such as by providing extra counselling by means of a personal counsellor and supervision, engaging an extra assessor, providing guidelines to achieve the learning objectives, not attending all tutorials again).

The appellant persists in not wishing to re-take the course unit. He explained that the substance of the course unit will not alter and that the only difference will be that it be taught by another trainer/lecturer. He believes that he has, in view of his personal circumstances, demonstrated sufficient commitment and that the course unit has in his view been completed. He no longer has confidence in the Examiners.

The Examination Appeals Board considered the following.

In order to complete the Bachelor’s Programme in Psychology it is mandatory to complete the IBV course unit successfully. Exemption from the course unit can be granted based on Article 4.9 of the OER provided the student has qualified elsewhere for the course unit, with similar content, level and study load, or provided work or professional experience can be demonstrated. The Examination Appeals Board endorses the respondent’s position that the appellant does not comply with the requirements for granting an exemption.

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On the contrary, the Examination Appeals Board holds that it has been established that the appellant does not meet the requirements for the IBV course unit yet, as demonstrated by the unsatisfactory assessment of the course unit. Granting an exemption for the course unit in that situation would mean that not all final objectives of the programme will be achieved. This is not what exemptions are intended for.

It has been demonstrated that the appellant shows very limited willingness to cooperate in achieving a reasonable solution. He does not show an interest in the proposals by the respondent which may contribute to his attendance of the course unit in a manner that is acceptable to him. He also demonstrates little willingness to work on his personal problems. The Examination Appeals Board remarks that improving this personal problem will be an important step to advance in this field so that a satisfactory grade in IBV is achievable. The respondent has demonstrated willingness to support the appellant, and Fenestra can also play a part in this respect.

The Examination Appeals Board holds with the respondent that it is not appropriate to grant a diploma when it has been established that the course objectives have not been complied with on one element. Consequently, the decision not to grant the appellant's petition was taken on proper grounds. In view of the above, the Examination Appeals Board holds that the appeal is unfounded and that the contested decision will be upheld.

The appeal of the appellant is unfounded.

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7. 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.

Established by a chamber of the Examination Appeals Board, comprised of H.M. Braam, LL.M, MA (Chair), Dr A.M. Rademaker, L.N. Kluinhaar LL.B., Dr W.M Lijfering and Dr J. Kluinhaar, LL.M. (members), in the presence of the Secretary of the Examination Appeals Board, M.A.C. de Boer, LL.M.

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

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

Certified true copy,

Sent on: