

DECISION 19 - 282

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of the Examination Appeals Board of Leiden University
in the matter of the appeal of

[name], appellant

against

the Board of Examiners of [X], respondent.

The course of the proceedings

On 16 July 2019, the appellant asked the respondent for exemption from the course units [X], [X], and [X].

In a decision of 12 August 2019, the respondent rejected this request with regard to the course units [X], and [X]. The respondent did grant the request for exemption from the [X] course unit.

On 10 September 2019, the appellant lodged an administrative appeal against the rejection of her request to be exempted from the [X], and [X] course units. This letter of appeal was received by the respondent. The respondent forwarded the letter of appeal to the Examination Appeals Board on 18 September 2019.

On 22 October 2019, the parties discussed the possibility of an amicable settlement.

The respondent submitted a letter of defence on 23 October 2019.

On 27 October 2019, the appellant withdrew her appeal relating to the rejection of her request to be exempted from the [X] course unit. In addition, she submitted further documents to the Examination Appeals Board.

The appeal was considered on 13 November 2019 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. On behalf of the respondent, the following persons appeared at the

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

The appellant presented her grade list at the hearing. The Examination Appeals Board copied it and presented it to the respondent.

Considerations

1 – Facts and circumstances

The appellant’s mother tongue is English. She attended her prior education in the English language. She studied [X] at the [name University] for two years.

2 – The position of the respondent

The respondent takes the position that the appellant has not demonstrated satisfactorily that she meets the learning objectives of the [X] and [X] course units with her prior education. The learning objectives for [X] are listed as follows in the E Study Guide:

“Description

This course uses philosophical texts, themes and problems for training a number of basic academic skills, grouped in five modules:

1. reading and argument analysis: close reading of philosophical sources, identifying arguments, hidden assumptions and flaws of reasoning, summarizing;
2. introduction to library services: online library tutorial;
3. argument design: developing a thesis, finding and using supporting evidence, organising ideas with clarity;
4. research skills: finding information, compiling and referencing bibliographic material;
5. university-level writing: writing a short academic essay, from first draft to final revision.

Course objectives

This course uses philosophical texts, themes and problems for training a number of basic academic skills, grouped in five modules:

Students who successfully complete the course will be able to:

- engage with written philosophical sources;
- use university library services;

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- design arguments of some complexity;
- find relevant information, compile and reference bibliographic material;
- 5. university-level writing: writing a short academic essay, from first draft to final revision.

The respondent explained that the appellant has indeed been granted exemption from the [X] course units based on the courses she attended at the [name University].

3 – The grounds for the appeal

The appellant does not agree with the rejection of her petition to be exempted from [X]. She holds that she has already achieved the learning objectives and attainment targets set for [X] at the [name University]. She studied both primary and secondary sources, covering both old and modern texts. She wrote essays at academic level, in which she made references to library sources. At the [name University] she participated in weekly, obligatory meetings that focussed on philosophical analyses and discussions. She consequently has experience in finding sources, studying primary sources and providing feedback to colleagues. The appellant asked to be exempted from [X], in order to attend an optional course unit instead.

4 – Relevant legislation

Article 4.9 of the Course and Examination Regulations (*Onderwijs- en Examenregeling*, “OER”) of the Bachelor’s Programmes of the Institute of Philosophy Faculty sets the criteria on which exemption may be granted:

4.9.1. The Board of Examiners may grant exemption to a student who makes a request after consulting with the relevant Examiner, from sitting one or more exams or for participation in practical sessions, 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.

- has successfully completed the Pre-University College; in this case, the Board of Examiners determines from which course unit or course unit an exemption will be granted.

5 – Considerations with regard to 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.

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At the hearing, the respondent explained that students' academic skills are further improved in the [X] course unit. The learning objective of this course unit: 'to train students in a number of basic academic skills for working with philosophical texts, themes and problems' means acquiring fundamental academic skills. The word 'basic' refers to fundamental and not to basic. In view of the fact that the respondent has already granted 30 ECTS of exemptions to the appellant for the course units she completed successfully at the [name University], the respondent is not willing to grant further exemptions based on the same course units.

The Examination Appeals Board endorses the position of the respondent and accepts the motivation that was already provided. In doing so, it also takes into account that it is inherent to a course unit such as [X] that knowledge is provided on organisation components of Leiden University, such as the options offered by the library at Leiden University, which cannot be obtained by means of course units attended elsewhere. Neither can it be ignored that the study load is merely 5 ECTS. If the appellant has already mastered the final terms of the course unit, as she maintains, it will only require minor efforts to complete the course unit successfully.

Consequently, the Examination Appeals Board holds that the respondent has rightfully and on proper grounds refused to grant exemption from the [X] course unit. This means that the contested decision is upheld.

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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: O. van Loon, LL.M., (Chair), Dr A.M. Rademaker, Dr K. Beerden, Dr J.J. Hylkema, and Z.I. de Vos LL.B. (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,
Secretary

Certified true copy,

Sent on: