

DECISION 21 - 214

Rapenburg 70
Postbus 9500
2300 RA Leiden
T 071 527 81 18

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

[name] from [place], appellant,

against

the Board of Examiners of [X], respondent.

The course of the proceedings

On 12 February 2021, the appellant requested to be allowed to submit study credits (“transfer credits”) in the Bachelor’s Programme at [X] for a number of course units completed in the “[X]” in [X].

The respondent rejected the appellant’s request in its decision of 18 February 2021.

The appellant asked the respondent to review this decision on 31 March 2021.

The respondent rejected the appellant’s request in its decision of 14 April 2021.

On 23 May 2021, the appellant lodged an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached on 31 May 2021. No amicable settlement was reached.

The respondent submitted a letter of defence on 15 June 2021.

On 28 June 2021, the appellant confirmed that he had authorised [name] to attend the hearing on his behalf.

**Decision
21-214**

Blad 2/7

The appeal was considered on 7 July 2021 during an online hearing of a chamber of the Examination Appeals Board. The appellant did not attend the hearing, nor was his authorised representative present at the meeting. [name], Chair of the Board of Examiners, attended the hearing on behalf of the respondent.

Considerations

1 – The grounds for the appeal

The appellant does not agree with the decision. He holds that unclear information was provided with regard to the deadline for “credits transfer” and he believes legal inequality applies in this case. This is because the respondent has indeed taken a positive decision on a request from another student, even though this request had also been submitted after the deadline.

He does not have a hard copy of the [X] Student Manual and holds that the respondent did not provide sufficient information to him about the manner in which to apply for exemption. This was due to the Corona pandemic. As a consequence, contacts with study advisers were limited and less supervision was provided.

The appellant referred to the decision that was taken at the request of another student. This request was also filed after the deadline, but the “credit transfer” was indeed allowed as she had been misled by the “academic adviser”. She had also completed a year of higher education before she requested a “credit transfer”. The “academic adviser” was unaware of the deadline. The appellant wants the respondent to take the same decision regarding his request. He believes it is unjust that the respondent takes the position that the deadline, as indicated on pages 25-26 of the [X] Student Manual, should be considered binding.

On 4 December 2020 (which was before the deadline), the appellant discussed his study plan and submitting credits with his “academic adviser”. The “academic adviser” encouraged him to do so; however, she failed to point out the deadline. The “academic adviser” appeared to be unaware of the deadline.

**Decision
21-214**

2 – The position of the respondent

Blad 3/7

The respondent rejected the request, since the request for a “credit transfer” had not been submitted in time (as it was filed after the deadline). In accordance with Article 3.2.1 of the Course and Examination Regulations (*Onderwijs- en Examenregeling; OER*), this request must be submitted during the first semester in the first study year. This deadline is also stated in the Student Manual, on the website, and on the form used to submit the request. The deadline ends on the final day of week 8 of block 2, which was 20 December 2020. The appellant filed the request on 12 February 2021; it was rejected as it had not been filed in time.

The respondent holds that sufficient information was provided about the manner in which to effect a “credit transfer”. Besides, students can always discuss a study plan with their study adviser. Even though the study advisers were extremely busy in the 2020-2021 academic year due to issues linked to the Corona pandemic, they were always available to students for questions relating to the study plan. Requests by mail were most often processed within a working week.

The respondent holds that the comparison that the appellant now makes with the case of another student was only raised at the last moment. He did not raise this in his first response. Moreover, the respondent holds that the case mentioned cannot be compared as the “academic adviser” of the relevant student contacted the respondent herself to advise that she had informed the student incorrectly. Furthermore, the study plan is not the responsibility of the “academic adviser” but of the study adviser.

At the hearing, the respondent stated in addition that there are differences between submitting credits. A “transfer credit” relates to submitting ECTS from another programme attended by the student. Therefore, those credits are known when the programme at [X] is started. “Transfer credits” can be submitted as exemption or in the elective courses. It depends on the course unit and this must be investigated properly in advance before the request can be granted. Furthermore, “external credits” can be completed during the time that students attend the programme at [X]. Such credits must be submitted two weeks before a block starts. The “transfer credits” must be requested well in time, since it must be investigated how these credits were achieved and what the basis is. They may not have been deployed to be admitted to the programme. Quite often, such credits were completed at another - foreign - university, which requires further investigation. The study plan and programme will be adapted to the submission of credits. The [X] offers a programme that is specifically tailored to a student. The respondent holds that students themselves are responsible for investigating how to submit credits, where applicable. The same goes for complying with deadlines.

**Decision
21-214**

Blad 4/7

In the 2020-2021 academic year, six requests for a “transfer credit” were approved. All other requests were rejected and the respondent considers it important to uphold the deadline.

3 – Relevant legislation

The Course and Examination Regulations of the Bachelor's Programme in [X]: Global Challenges of the [X] 2020-2021 (“OER”) state, in so far as relevant here:

Article 3.2.1 In addition to the components referred to in 3.1.1, students select components from those on offer worth a total study load of 135 credits. At least 105 of these credits must be earned within the College, except in cases where the Board of Examiners decides otherwise. Language courses taken at Leiden University which are used to fulfil the Global Citizenship requirements are considered to be earned within the College. (...) s. Upon enrolment at the College students may request to transfer a maximum of 30 credits completed at a recognised and/or accredited institution of higher education. This includes any credits obtained at [X] as a non-degree student (exchange student, visiting student or independent study abroad student). Such requests must be filed to the Board of Examiners during the first semester of enrolment. (...)

Article 3.2.2 The Board of Examiners must approve the student's selection of components. The Board of Examiners bases its evaluation of the student's selection solely on the coherence and level of the components selected. The approval of the Board of Examiners is not required for minor programmes with a study load of 30 credits that are recognised as such by Leiden University nor for the minors recognised by Delft University of Technology and Erasmus University Rotterdam.

Article 3.2.3 In addition to the components taught at this university, and subject to the approval of the Board of Examiners, students may also select components offered by other Dutch or foreign universities, or components offered by another legal entity offering accredited undergraduate higher education programmes.

Article 3.2.4 Because [X] is an international [X] college, components in which the student participates in the framework of the [X] College of Leiden University can be used as optional courses. The 30 ECTS [X] tracks are designed as extra-curricular tracks and cannot be included in their entirety in the [X] elective space.

Article 3.2.5 Students who are enrolled in the programme may assemble their own curriculum of components that are taught by an institution, as long as these

**Decision
21-214**

Blad 5/7

are concluded with a final examination. They will require the permission of the most appropriate Board of Examiners. When granting such permission, the Board of Examiners also indicates to which University programme the curriculum is considered to belong.

If necessary, the Executive Board designates a Board of Examiners to take this decision.

Article 4.9.1 At the student's request and after consultation with the examiner in question, the Board of Examiners may grant the student exemption from one or more examinations or practical assignments if the student:

- has completed a component at a research university or university of applied sciences that is similar in content and level to the component for which the student is requesting exemption, or
- has demonstrated, through relevant work or professional experience, that he or she has acquired sufficient skills and knowledge in relation to the component in question, or
- has passed Pre-University College, in which case, the Board of Examiners determines the component(s) for which the exemption is granted.

Article 4.9.2 If the exemption concerns the components that belong to a minor, the Board of Examiners responsible first consults the Board of Examiners of the programme that provides the minor before deciding whether to grant an exemption.

4 - Considerations with regard to the dispute

In accordance with article 7.61, paragraph two, of the Dutch Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), the Examination Appeals Board must consider whether the contested decision contravenes the law.

The Examination Appeals Board considers that Article 3.2.1 of the OER clearly demonstrates at what time a "transfer credit" may be requested. It must be effected in the first semester after enrolment in the programme. It was established that the appellant enrolled in the programme on 1 September 2020. This means that the request for "transfer credit" should have been filed ultimately on the final day of the last week of the first semester of the programme. Aside from whether clarity was provided on behalf of the respondent about what should qualify as the final day of the first semester, it has been established that the day on which the appellant filed the request, 12 February 2021, was not that final day. The Examination Appeals Board remarks that determining the last day of the semester is not at the discretion of the respondent. [X] too must adhere to what the common interpretation of that term is within the university. From that

**Decision
21-214**

perspective, 29 January 2021 is the final working day of the first semester which ends on 31 January 2021. It is not relevant in this matter that [X] has a 'winter break' in the final weeks of December.

Blad 6/7

However, the appellant does not contest having filed the request too late, but rather states that the respondent has not provided sufficiently clear information about it and acted contrary to the equality principle when it rejected the request.

At the hearing, the respondent explained why it is important for [X] that the request to include study credits be submitted at the earliest possible stage. This is because the request has to be verified since this may also concern study credits from other Dutch or foreign universities, or study credits from a course unit that qualifies as an admission requirement to [X]. Moreover, the curriculum of the programme is aligned to the structure of the course units.

It was not contested that both the OER, and the Student Manual (which was available to students - including the appellant - digitally), and the website, as well as the form to be used to submit the request stated that the request should ultimately be filed on the final day of the first semester. The Examination Appeals Board did not establish that the appellant was provided with incorrect information in this respect. The respondent stated at the hearing that a comparison with the case raised by the appellant at the hearing does not qualify, since the "academic adviser" had provided incorrect information about the deadline in that case. In the appellant's case, the discussion centred on the study plan, which is not the responsibility of the "academic adviser".

This leads the Examination Appeals Board to decide that the respondent took the decision on proper grounds. The other arguments put forward by the appellant did not alter the decision of the Committee. This means that the appeal is unfounded and the contested decision is to be upheld.

The Examination Appeals Board would like to remark that the appellant is free, however, to request exemption from exams with regard to course units he has completed before at another educational institution. In this respect, no final date applies to submit the request based on the WHW, and [X] does not have the discretion to include such a deadline - as yet - in the OER.

The decision

**Decision
21-214**

The Examination Appeals Board of Leiden University

holds the appeal unfounded

Blad 7/7

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, M.C. Klink, MJur (Oxon.), J.H.M. Huijts LL.M., and J.J. Christiaans (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

O. van Loon, LL.M.,
Chair

I.L. Schretlen, LL.M.,
Secretary

Certified true copy,

Sent on: