

# VRIJE UNIVERSITEIT AMSTERDAM



De Boelelaan 1105  
Telephone: (+31) (0)20 598 5337

EXAMINATION APPEALS BOARD

No. 2018/24/815

THE EXAMINATION APPEALS BOARD

Rendering a decision on the appeal by Mr [name], the Appellant, residing in [residence], the Netherlands, directed against the decision by the Examination Board of Amsterdam University College ('AUC'), the Respondent, not to delete from the Appellant's degree certificate the two extra subjects which he took during his programme.

## **I. Course of the proceedings**

On 17 May 2018, the Appellant lodged an appeal against the Respondent's decision dated 17 May 2018. The notice of appeal was timely received by the University of Amsterdam and was forwarded to VU Amsterdam's competent Examination Appeals Board on 23 May 2018. The other conditions have likewise been satisfied. The appeal is therefore allowable.

On 31 May 2018, the Respondent was notified on the Board's behalf that the required procedure mandated that the Respondent consult with the Appellant to see whether the dispute could be settled amicably. The Respondent timely invited the Appellant to consult with it, but an amicable settlement was not reached.

The Respondent filed a written defence on 11 June 2018. The appeal was heard at the Board's session on 6 July 2018.

The Appellant did not appear, although he had been properly summoned. The Respondent was represented by Dr C. Zonneveld and Dr M. Schut, vice-chair and member, respectively, of the Examination Board. The Respondent explained its position orally.

## **II. Facts and dispute**

Based on the documents and the hearing, the Board will assume the following facts.

The Appellant took two extra subjects, so that he attained 192 ECTS credits at the end of his Liberal Arts and Sciences Bachelor's programme. The extra subjects were not necessary to satisfy the programme's final attainment levels.

Because the two subjects were listed by the Respondent in the degree certificate and calculated into the Appellant's grade point average ('GPA'), his average was lower than it would have been otherwise, such that he was not eligible to graduate cum laude.

The degree certificate was dated 31 July 2017 and could be picked up from 25 August 2017. The Appellant did not pick up his degree certificate until April 2018 and noted then that the extra subjects had been listed on the certificate, lowering his GPA and causing him not to graduate cum laude. He felt, however, that graduating with a cum laude distinction was very important for subsequent educational programmes and certain jobs. Thus, on 20 April 2018, he asked the Respondent to correct his degree certificate. The Appellant contends that AUC has a year or even 24 months (he mentions both possibilities) to correct degree certificates or to issue new degree certificates.

The Respondent maintains its position that the Appellant should have submitted his request to amend the degree certificate within six weeks after the decision issuing the certificate had been announced. The Respondent refers in this connection to Article 3.4.5 of the Academic and Examination Regulations ('AER'). The Appellant's degree certificate was dated 31 July 2017 and was announced as a decision on 25 August 2017. The Appellant did not ask the Respondent until 20 April 2018 to delete the two extra subjects from his list of grades and then indicate on the degree certificate that the Appellant had graduated from his Bachelor's programme cum laude. Hence, the Appellant far exceeded the appeal period.

### **III. Respondent's further arguments**

The Respondent gives students who have graduated the opportunity from late August to pick up their degree certificates. Graduates have until October to ask the Respondent to correct inaccurate information. The Appellant did not contact the Respondent until late April.

The Respondent explains that an appeal against a decision by the Respondent must, by law, be filed within a six-week period. The Appellant far exceeded this six-week period. The Respondent disallowed the request and did not reach a substantive judgement about it. Had the Respondent substantively judged the request, however, it would have construed it as an appeal by the Appellant against the determination of his grades and a refusal to award the distinction cum laude.

### **IV. Findings by the Board**

Contrary to the Respondent's assertions, the Board concludes that the Appellant submitted a request to change the degree certificate and did not file an appeal within the meaning of Article 3.4.5 of the AER. There is no period set for filing a change request. The request must, though, be submitted within a reasonable period. The length of this period depends on the circumstances of the case.

The Respondent will be ordered, then, to take a decision on the Appellant's request. If necessary, the Appellant can subsequently exercise his right to lodge an appeal.

### **V. Decision**

The Board hereby declares the appeal to be well-founded and reverses the disputed decision. The Board hereby orders the Respondent to take a substantive decision on the Appellant's request to delete the two extra subjects from the list of grades and to do so within two weeks after this decision by the Examination Appeals Board has been announced.

Thus rendered in Amsterdam on 27 August 2018 by Prof. F. J. van Ommeren (Chair), Prof. J. J. Beishuizen, Dr A. J. M. Ligtenberg, Ms T. Mekking and Prof. H. A. Verhoef (Members), in the presence of J. G. Bekker (Secretary).

Prof. F. J. van Ommeren  
Chair

J. G. Bekker  
Secretary

An interested party may, providing a proper statement of reasons, lodge an appeal against a decision by the Examination Appeals Board with the Higher Education Appeals Tribunal, P.O. Box 16137, 2500 BC The Hague, the Netherlands. The notice of appeal must be filed within six weeks. The filing fees are €46.