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EXAMINATION APPEALS BOARD

No 2019/41/885

THE EXAMINATION APPEALS BOARD

Ruling on the appeal of Mr [name], appellant, residing in [residence], against the decision of the Examination Board of Amsterdam University College, defendant, for refusing to recognise the results obtained for a language course.

I. Course of the proceedings

On 8 May 2019, the appellant lodged an appeal against the decision by the defendant dated 11 April 2019. The appeal was received within the statutory period. The other conditions governing the appeal were also met.

On 13 May 2019, the Board informed the defendant that the prescribed procedure dictates that the defendant, in consultation with the appellant, should determine whether this dispute could be settled amicably. The defendant invited the appellant to engage in this procedure within the statutory period. However, an amicable settlement was not reached.

The defendant requested to postpone the submission of a notice of objection. The notice of objection was submitted on 14 August 2019. The appeal was heard in a session of the Board on 30 August 2019. The appellant appeared in person and was accompanied by his father. The defendant was represented by Dr C. Zonneveld and Dr M. Schut, chairperson and member respectively. The parties clarified their positions orally.

II. The facts and the dispute

On the basis of the documents and the matters presented at the hearing, the Board is taking the following facts into consideration.

The appellant completed a Chinese language course at the private Purple Bamboo Language School in Beijing. The defendant usually only approves courses taught and completed at universities. In this case the course was not taught at a university, but the defendant recognizes that the appellant had in fact requested permission to complete a language course at a basic level at this institution.

The appellant requests that the defendant assess this course in the same way as two consecutive levels of the same language, as intended in Article 2.6 of the Academic and Examination Regulations (AER) ('Two consecutive levels of a single language'). This would be equal to receiving 12 EC. As a result, the appellant would have obtained a total of 180 EC, meaning he would meet the requirements set by the programme in order to graduate. However, the defendant is only prepared to assess this course at the same level as a one-level language course with a study load of 6 EC. The appellant refuses to accept the

amicable settlement offered by the defendant on the grounds that he would not have enough credits to graduate.

The defendant remarks that an agreement was reached with the appellant that he would complete the 'HSK & spoken elementary course' at 100-level. The next step for the appellant would be to complete the standardized international test in Chinese at HSK-level 4. However, as it turns out, the appellant has completed another course entirely, namely: 'Spoken course: Survival Chinese Language' without receiving prior permission to complete this course. The appellant is unable to provide a valid test result. Nevertheless, the defendant is prepared to award the appellant assessment mark C (just above a pass mark) and grant 6 EC. The defendant hereby notes that, formally, the course only consisted of three 'local credits', as demonstrated by information provided by the language school which is not part of a university.

The defendant explains that students can only graduate if they have obtained at least 180 EC and have also complied with the requirements of the programme. One of those requirements is that the student in question has successfully completed two consecutive levels of a language course.

III. Positions of the parties

At the hearing, the appellant presented a certificate issued by the aforementioned Language School, as proof that the appellant completed a language course there. The Language School does not work with European credits (ECTS), but the number of hours spent by the appellant completing the course justifies the 6 EC granted. The appellant points out that, in this context, the Rules and Guidelines stipulate that (Art. 10.2 b) knowledge and experience acquired outside of higher education may also result in credits awarded. Article 15 (hardship clause) may also provide a solution.

The appellant needs 12 EC in order to meet the requirement of 180 EC for the final Bachelor's degree assessment. This requirement will be met in the event that the appellant is awarded credits for both language courses.

The defendant refuses to accept the certificate provided by the Language School. At the time of the amicable settlement, the appellant was asked to provide proof of completion of the language course at the Bamboo School. The appellant failed to provide this evidence until now. The defendant would have preferred to have been given the opportunity to assess the certificate issued by the Bamboo School in advance. The defendant adds that a request for the recognition of credits must always be based on the agreement reached in advance between the student and AUC. The Head of Studies only gave permission to award the appellant credits for one course (3 credits). No permission was granted for credits for the follow-up course. The course now completed by the appellant was not the course previously agreed upon. The appellant has also failed to supply evidence showing that he completed the course with a pass mark. In the amicable settlement, the defendant proved willing to grant 6 EC; a generous offer that was unfortunately not accepted by the appellant.

IV. Considerations of the Board

The Examination Appeals Board has established that the Head of Studies has approved the completion of one basic Chinese course, provided by the Purple Bamboo Language School. No permission was granted for a second course. Article 2.6 of the Academic and Examination Regulations states that the degree programme requires the successful completion of two foreign language courses of consecutive levels. The appellant has completed only one course and has therefore not met the requirements in order to graduate.

At the hearing, the appellant disclosed his ADHD and depression diagnoses, perhaps with the intention of making a claim based on exceptional circumstances. However this information will not be taken into account by the Board as proof of these disorders was not submitted. He has also not provided justifiable proof of a causal relationship between his disorders and his failure to complete the language courses.

V. Ruling

The Board rules that the appeal is unfounded.

Delivered in Amsterdam on 1 October 2019, by Prof F.J. van Ommeren, Chair, Dr A.J.M. Ligtenberg, Ms T. Mekking, Ms D. Mensink, Prof H.A. Verhoef, members, in the presence of J.G. Bekker, secretary.

Prof F.J. van Ommeren,
Chair

J.G. Bekker
Secretary

An appeal against a ruling by the Examination Appeals Board may be lodged with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague, by the relevant party and accompanied by proper justification. The statutory period for lodging a notice of appeal is six weeks. The filing fee is €47.