

VRIJE UNIVERSITEIT AMSTERDAM



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EXAMINATION APPEALS BOARD

No 20189/11/855

THE EXAMINATION APPEALS BOARD

Ruling on the appeal of Mr [name], appellant, of [residence], against the decision of the Examination Board of Amsterdam University College of Vrije Universiteit Amsterdam, defendant, pertaining to the rejection of appellant's request to delete two subjects from his degree certificate.

I. Course of the proceedings

On 14 September 2018, the appellant lodged an appeal against the decision by the defendant dated 13 September 2018. The notice of appeal was not received until 18 October 2018, but still within the statutory period. The notice of appeal did not meet the legal requirements. On 22 October 2018, the appellant was requested to submit the missing details before 31 October 2018. On 23 October 2018, appellant responded to the request. The other conditions governing the appeal were also met. The appeal is therefore admissible.

On 23 October 2018, 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.

On 6 December 2018, the defendant filed a written defence. The appeal was heard in a session of the Appeals Board on 31 January 2019.

The appellant failed to appear at the session. The defendant was represented by Dr C. Zonneveld and Dr A. Brown, Deputy Chair and member of the AUC Examination Board, respectively. The defendant gave an oral explanation of its position.

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.

As the appellant had taken two extra subjects, he had obtained 192 EC instead of 180 EC at the end of his Liberal Arts and Sciences Bachelor's programme. The extra subjects were not necessary for meeting the final attainment levels of the programme.

Since the defendant specified the two subjects on the degree certificate and the two subjects counted towards the appellant's GPA, his average grade has lowered to such a level that he is no longer eligible for graduation with distinction. The appellant has explained that upon graduation the GPA is determined by the results from the second and third academic year, as described in Article 3.7.1 of the Academic and Examination Regulations (OER) 2016-2017. When a student takes longer to graduate, the last 180 EC

form the basis for calculating the GPA. However, it has not been laid down anywhere which subjects should be included in the GPA calculation.

The degree certificate is dated 31 July 2017 and was ready to be collected as of 25 August 2017. The appellant did not pick up his degree certificate until April 2018, at which point he noticed that the extra subjects were also stated on the degree certificate, which lowered his GPA and due to which he could not graduate with distinction. But for post-doctoral programmes and certain jobs graduation with distinction can be a decisive element, or so claims the appellant. Therefore, the appellant requested the defendant for a correction of his degree certificate on 20 April 2018. The defendant rejected the request, as the appellant had failed to submit his request within six weeks following the announcement of the decision to issue the degree certificate. The appellant's degree certificate is dated 31 July 2017 and the issuance decision was announced on 25 August 2017.

In May 2018, the appellant applied to the Examination Appeals Board, which quashed the contested decision on 27 August 2018. The defendant was ordered to take a new decision. However, the new decision is not that materially different from the quashed decision. Therefore, the appellant has applied to the Examination Appeal Board again. He persists in his wish to have the two study results, to be designated by him, removed from the transcript.

The defendant refers to Article 3.4.8 of the Academic and Examination Regulations 2016-2017. This Article states that upon graduation a student receives an overview of all attempted exams and attained grades. The average grade per semester and the average final mark (GPA) are also stated on this overview. A footnote has been added to this Article, in which it is stated that upon graduation the average final mark is calculated based on all successful study results obtained in the final four semesters. The defendant points out that the two subjects the appellant does not wish to see stated on his transcript form part of the results that were obtained during the final four semesters.

III. Positions at the session

The defendant explains that the appellant wishes to see the two optional subjects for which he obtained the lowest grades removed from the transcript. However, the Academic and Examination Regulations state that the GPA is determined based on all study results after the first academic year. No exceptions are made for any extra subjects a student might have taken. This means that such subjects also count towards the GPA. There is one exception: unsatisfactory study results. These results are stated on the diploma supplement, but do not count towards the GPA. The appellant's GPA was calculated in the manner described above.

Graduation with distinction requires a GPA of 3.50 or up, which furthermore must have been attained in six semesters. The appellant's GPA was not quite high enough. The defendant fails to see why it should decide to apply a different calculation method.

Only for medical reasons may studies take longer than six semesters without affecting the awarding of the 'with distinction' designation. Such a situation does not apply to the appellant.

IV. Relevant regulations

Article 3.4.8 of the AUC Academic and Examination Regulations states the following:

Upon graduation each student receives a degree certificate and a diploma supplement. This supplement lists all courses attempted for the degree and the grades obtained, as well as a final GPA (see Article 3.8.1).

Article 3.7.2 of the AUC Academic and Examination Regulations states the following:

The following degrees will be awarded:

...

With distinction: 3.50 to 3.89 GPA.

Article 3.8.1 of the AUC Academic and Examination Regulations states the following:

The final grade point average (GPA) upon graduation will be calculated over all courses completed from the third semester of study onwards.

V. Findings of the Board

The Board has established that the defendant has followed the procedure for determining the appellant's GPA, as laid down in the AUC's Academic and Examination Regulations. A student may not choose subjects at random to arrive at a GPA. In his notice of appeal, the appellant fails to substantiate why the procedure to be followed should and can be deviated from. The appellant's argument fails.

VI. Ruling

The Board rules that the appeal is unfounded.

Delivered in Amsterdam on 25 February 2019 by Prof F.J. van Ommeren, Chair, Dr J.R. Hulst, Prof H.A. Verhoef and Prof W. van Vlastuin, 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 Board, PO Box 16137, 2500 BC The Hague, by the relevant party and accompanied by proper justification. The statutory period for lodging an appeal is six weeks. The filing fee is €47.