

# VRIJE UNIVERSITEIT AMSTERDAM



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## EXAMINATION APPEALS BOARD

No 2022/43/1078

### THE EXAMINATION APPEALS BOARD

Ruling on the appeal of [name], hereafter: appellant, student at the KIT Royal Tropical Institute, against the decision of the Examination Board of the KIT Royal Tropical Institute, hereafter: defendant, to deny the request of the appellant for an extension of the modules Health Systems Research and Sexual and Reproductive Health and Rights, and the request for an extension of the period of validity for the study results of the Core course modules.

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

On 6 July 2022, the appellant lodged an appeal with the Examination Appeals Board, hereafter the Board, against the defendant's decision of 30 June 2022.

On 26 July 2022, the Board asked the defendant to consult with the appellant and see whether this dispute could be settled amicably. On 10 August 2022, talks were held via videoconferencing between the appellant and the defendant. No amicable settlement was reached. On 16 August 2022, the defendant submitted a written defence.

The appeal was heard at the Board's session on 27 September 2022. The appellant was present. B. Gerritsen (member) appeared on behalf of the defendant.

#### **II. The facts**

Based on the documents and the explanations presented at the hearing, the Board assumes the following facts.

The appellant has submitted a request to extend the period of validity of the study results for the in-depth modules Health Systems Research and Sexual and Reproductive Health and Rights and an extension of the period of validity for the Core course modules. The defendant has rejected the request for an additional opportunity to take the Health Systems Research and Sexual Reproductive Rights modules, because the appellant had already been granted an additional opportunity of a resit for one of the in-depth modules, and because the defendant, based on the 2021-2022 Teaching and Examination Regulations for the Master's in Public Health (OER MPH), as a rule, can only provide an additional opportunity for exams if it is in reference to the final modules required for graduation. The defendant denied the request for an extension of the period of validity of the study results for the Core course module, because they only grant an extension of the study results if, based on the Teaching and Examination Regulations for the Master's programme in Public Health (TER MPH), outdated knowledge or skills have not been shown in the student's exam. The appellant will have to once again complete all

components of the Core course module in order to continue with the in-depth modules of the study programme.

### **III. Positions taken by the parties**

The appellant does not agree with the defendant's decision. The appellant has previously been granted an additional exam opportunity by the course coordinator for one of the modules within the Core course module, but has unfortunately not been able to complete the Core course module with a pass mark. With a 5.3, the appellant is just below a pass mark and she assumes that she will complete the remaining modules and receive a pass mark if she is allowed to resit them.

The appellant is from Nigeria and suffered adjustment issues when she started her Public Health Master's degree programme in the Netherlands. The culture and the educational system in the Netherlands are very different compared to what she was used to in her home country. A major cause of problems for her was the fact that technology and computers are used extensively here. Communication was a struggle and the first lessons were confusing to her. Because the knowledge and communication was so new for the appellant, she was also unable to ask questions about the content of the lessons or to ask for clarification. The situation was very stressful for the appellant and has affected her mood and health. Now that the appellant is more comfortable and has already completed the modules once, she is better able to follow the lessons and is capable of asking questions when she does not understand something. The appellant has also adjusted her way of studying and will discuss more with fellow students. She is convinced that she will perform better in the modules this year.

The appellant has submitted a request to extend the period of validity of the study results for the Core course module, because she will otherwise have to complete the entire Core course modules again. The Core course module consists of six components. Of these components, the appellant did not receive a pass mark for the modules Epistat 1 and Epistat 2. Because the appellant did not complete the entire Core course module before the end of the academic year, she now has to retake all components. In addition to that, the appellant will be unable to continue on with the in-depth modules of the Master's programme if she has not completed the Core course module.

Taking and completing a Master's programme at the KIT Royal Tropical Institute is very important to the appellant. The appellant has to do everything on her own. She is also unable to help her family while she is studying. Problems during the degree programme are affecting her personal situation and the living situation of her family, who are financially supporting her, in her home country. The appellant comes from a family of three kids and they hope she will be able to provide a better future for them. Returning to her home country without a degree certificate would be very difficult for her.

The appellant wishes to emphasise that she does not wish to have a dispute with the defendant and that she has learned a lot during her study programme. Due to the difference in culture and educational systems, the appellant has encountered problems and has found herself in the position of having to appeal the decision of the defendant.

The defendant stands by their decision to deny the appellant an additional opportunity for the Health Systems Research module and the Sexual and Reproductive Health and Rights module. Based on the 2021-2022 Teaching and Examination Regulations MPH, the defendant can only grant an additional exam opportunity when the exams in question are the last exams before the final exam. This is not the case for the appellant. The appellant has also already been granted another opportunity for the in-depth modules, and she did not receive a pass mark for these modules. Based on the situation of the appellant, the defendant has not seen any reason to deviate from the rules and grant her another opportunity for the modules.

The defendant has also denied the appellant's request to extend the period of validity of the study results for the Core course module. Article 8.2 of Teaching and Examination Regulations MPH states the period of validity of the study results achieved. For constituent examinations and practical examinations, it has been determined that the study results are valid until the end of the academic year in which the grades were obtained. As a result, grades obtained for the Core course module components are valid until the end of the academic year. Based on Article 8.2 section 2 of the Teaching and Examination Regulations MPH, a student can request an extension of the period of validity of the study results. If the exam

contains knowledge that is outdated, or if the student has shown to possess outdated knowledge or skills, the Examination Board can deny the request for an extension of the period of validity or decide to let the student sit an additional examination. In the case of the appellant, the defendant has judged that the appellant failed to demonstrate sufficient knowledge to become eligible for an extension of the period of validity of the achieved study results. The defendant has made this decision based on the appellant's study results.

In reference to the statement of the appellant that she is unable to take part in the advanced modules of the study programme because she failed the Core course modules, the defendant explains that the Core course modules are vital to the ability to continue on in the study programme. In the Core course modules, students acquire the basic knowledge and skills necessary to continue on in the study programme. Experience has shown that students are incapable of completing the advanced modules within the study programme without the necessary basic knowledge and skills. As a result, at the recommendation of the defendant, the Core course modules are a mandatory part of the programme and have been set up as constituent examinations. The defendant explains that the appellant was able to take part in the first three advanced modules of the study programme but that she was unable to take part in the track-related modules or start on her graduation project.

Using Article 8.2 section 3 of the Teaching and Examination Regulations MPH, the defendant provided scope for exceptions in the event of exceptional circumstances. The defendant has carefully reviewed the situation of the appellant and the grounds she submitted in her request and her appeal. A previous request to be given another opportunity to complete the advanced modules within the Core course module was granted on this basis. However, the defendant has yet to see reason to provide another opportunity for the modules based on the situation.

In assessing the appellant's request to be granted an extension for the period of validity of the study results for the Core course modules, the defendant has reviewed the study results obtained by the appellant among other things. The appellant failed to perform well in various components of the Core course module and showed limited improvement in the resit. In addition to this, plagiarism was also suspected in one of the components of the Core course modules, meaning the appellant only passed this component at the resit. The appellant also performed poorly in the advanced modules. Based on this the defendant has decided that the appellant's knowledge and skills are insufficient to warrant an extension of the period of validity of the study results for the (partial) modules of the Core course module. The required knowledge and skills are insufficient, and, as a result, the appellant will be required to retake all Core course modules in order to continue on with the advanced modules of the study programme. In the assessment of a request for the extension of the period of validity of the study results, the defendant takes into account the design of the modules and whether or not the knowledge and skills are outdated. The defendant has not taken into account the circumstances shared by the appellant, including problems adjusting and a lack of experience using computers. The defendant is very understanding of the adjustment issues suffered by the appellant, but these are general issues that a lot of foreign students face. At the start of the study programme, attention is paid to developing some computer skills. These include learning to use and search the internet. For other skills, such as learning to use Microsoft Word, no support is offered because this programme is easy to use.

#### **IV. Findings of the Board**

The appellant's appeal was lodged on time and also meets the requirements. The appeal is thus admissible.

Based on Article 3.5 section 4 of the general section of the 2021-2022 Teaching and Examination Regulations MPH, the defendant may decide to offer a student an extra opportunity for exams and assessments. The defendant has rejected the request for an additional opportunity to take the Health Systems Research and Sexual Reproductive Rights modules, because the appellant had already been granted an additional opportunity of a resit for one of the advanced modules, and because the defendant, as a rule, can only provide an additional opportunity for exams if it is in reference to the final course required for graduation.

In reference to the request for an additional exam opportunity for the module, the Board has decided that the defendant reasonably denied this request. The Board takes into consideration that the appellant

had previously been offered an additional opportunity to take the modules and that, as a rule, the defendant can only provide an additional opportunity for exams if it is in reference to the final course required for graduation. The circumstances are not deemed exceptional enough to require the defendant to provide a fourth opportunity for the modules.

Article 8.2 section 1 of the Teaching and Examination Regulations MPH states the period of validity of the study results obtained. For study results obtained in components of a module, the rule is that these are valid until the end of the academic year. Based on Article 8.2 section 2 of the Teaching and Examination Regulations MPH, a student can request an extension of the period of validity of the study results. The defendant has denied the appellant's request to extend the period of validity of the study results for the Core course modules, based on the knowledge and skills, and has estimated the level of the appellant, based on her study results achieved in the study programme. Based on this the defendant has decided that the appellant's knowledge and skills are insufficient to warrant an extension of the period of validity of the study results. The defendant has explained that they have reviewed the appellant's specific situation, but the decision does not adequately show if the defendant has taken into account the appellant's circumstances with regard to a knowledge gap (regarding the use of computers), communication issues and adjustment issues with regard to the culture and the educational system in the Netherlands, in their decision. It is the opinion of the Board that the defendant was wrong to base their decision solely on their own interpretation of the appellant's knowledge level, and that they were wrong to not take into account the circumstances put forward by the appellant. As a result, the decision of the defendant shows an inadequate statement of reasons and, as such, was not made with due care.

The above considerations lead to the following ruling.

#### **V. Ruling**

The Board:

- declares the appeal against the decision of 30 June 2022 to deny another opportunity for the Health Systems Research module and the Sexual and the Reproductive Health and Rights module to be unfounded;
- hereby declares that the appeal against the decision of 30 June 2022 to not grant an extension of the period of validity of the study results for the Core course modules is well-founded and hereby rejects the decision of 30 June 2022 in reference to this point;
- asks the defendant to review the appellant's request to extend the period of validity of the study results for the Core course modules, taking into account the Board's considerations.

Thus delivered in Amsterdam, on 21 November 2022 by Dr N. Rozemond, chairperson, Prof. J.J. Beishuizen and I. Atay, members, in the presence of S.A. Snoeren, secretary.

Dr. N. Rozemond,  
Chairperson

S.A. Snoeren  
Secretary