

VRIJE UNIVERSITEIT AMSTERDAM



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EXAMINATION APPEALS BOARD

No 2017/19/750

EXAMINATION APPEALS BOARD

Decision on the appeal of Ms [name], the appellant, residing in [place], against the decision of the Examination Board of the Amsterdam University College, the defendant, not to grant her request to replace the subject Spanish B1.1 with Dutch A1.

I. Course of the proceedings

By way of an undated letter, received on 24 March 2017, the appellant lodged an appeal against the decision of the defendant, dated 28 February 2017. The letter of appeal was received within the set time limit, but did not meet the legal requirements. On 6 April 2017 the appellant was requested to provide the missing information before 17 April 2017. The appellant met this request on 10 April 2017. All other conditions were also satisfied. The appeal is therefore admissible.

On 11 April 2017 the defendant was informed on behalf of the Board that the procedure requires the defendant to seek an amicable resolution of the dispute together with the appellant. The defendant extended an invitation for this purpose to the appellant within the set time limit. However, parties failed to reach an amicable resolution. The defendant submitted a statement of defence on 4 May 2017. The appeal was dealt with in the Board session of 13 June 2017.

The appellant did not attend. The defendant was represented by C. Zonneveld and M. Schut, respectively vice-chairman and member of the Examination Board. The parties provided an oral clarification of their standpoints.

II. Facts and dispute

Based on the documents and the deliberations during the session, the Board assumes the following facts. The appellant is doing a Bachelor's degree programme in Liberal Arts and Sciences at the Amsterdam University College. She opted to specialize in Humanities. To complete the programme successfully, the student must do a language course and attain level 300 in the third year. A native speaker or bilingual student is not allowed to choose their own language.

The appellant chose Spanish as her foreign language. Her preference was French, as she already had some prior knowledge of that language. However, the AUC cancelled the French course. Spanish has proved to be a problematic language for the appellant. She completed the first-year course with some difficulty. She failed the Spanish exam in the second year and resat the exam in June 2016. She passed the resit.

After this exam, the appellant left the Netherlands. After doing vacation work in the United Kingdom, the appellant stayed from August to December in Hong Kong as an exchange student. In January 2017 the appellant was an intern in London. During her entire period abroad, the appellant had no education in Spanish.

Since returning to Amsterdam, the appellant has experienced physical problems in the form of heart palpitations, panic attacks and skin problems. The appellant's GP blames these health issues on the pressure of her studies. The appellant sees a specific connection with the Spanish course. Her request is to replace Spanish (B1.1) with Dutch (A1) as the foreign language in her curriculum. She fears that she will be unable to complete the degree programme in June 2017 if she is forced to do the third-level Spanish course.

The defendant is of the opinion that the appellant's request cannot be granted because it is not in accordance with the Academic and Examination Regulations of the degree programme. Fear of failure cannot be a reason to make an exception to these regulations. However, the defendant has offered to reduce the study load and/or to take measures in order to make allowances for the appellant's physical impairment. The appellant made it known that she wished to make use of the opportunity to take such measures.

III. Standpoints of the defendant

The defendant has discussed with the appellant to what extent the educational programme could be adjusted to make allowances for the problems that the appellant is experiencing. However, the final attainment level of the programme cannot be changed. It was the defendant's understanding that the appellant had agreed with the defendant's proposal to accept facilities that would make allowances for the appellant's problems. The appellant would discuss and agree on the required facilities with the relevant teacher. The defendant would play no role in this matter. The defendant is surprised that the appellant is now continuing her appeal despite this arrangement.

The appellant should have submitted the proposal to replace Spanish with Dutch at a much earlier stage than the third year of study. She can now no longer achieve the required level 300 for Dutch. It is true that the French course was cancelled for economic reasons: there was not enough interest in the French course.

The defendant points out that the appellant's stay in (non-Spanish speaking) foreign countries does not provide an excuse for granting the appellant's request. The appellant could also have kept up or improved her knowledge of Spanish in these countries and she could have made use of the AUC's language clubs.

IV. Considerations of the Board

The Examination Appeals Board notes that the appellant has not withdrawn her letter of appeal. During the session it was not established that the appellant makes use or has made use of the defendant's proposals to make allowances for the appellant's problems. The appeal must therefore be dealt with. Judging from the documents submitted by the defendant and the explanation provided at the session, it has been made sufficiently plausible that proposals were made to the appellant that could have enabled her to continue and complete her programme, and which made as much allowance as possible for the appellant's problems, while respecting the final achievement level as determined for the degree programme. Taking all things into consideration, the defendant reached its decision on reasonable grounds.

V. Decision

The Board rules that the appeal is unfounded.

Thus drawn up in Amsterdam, on 4 July 2017 by Dr N. Rozemond (Chair), and Prof. L. H. Hoek and Ms T. Mekking (Members), in the presence of J. G. Bekker (Secretary).

N. Rozemond,
chairman

J.G. Bekker
secretary

An appeal, stating sound reasons, can be lodged against a decision of the Examinations Appeal Board with the Higher Education Appeals Board (*College van Beroep voor de Examens*), P.O. Box 16137, 2500 BC The Hague. The letter of appeal must be submitted within six weeks. The court registry charges are € 46.