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norm of 45 ECTS, but she did not comply with the additional requirement applicable to the Bachelor's Programme that she passes the Academic Reading and Writing course.

The appellant did not put forward any personal circumstances – that were known to the study adviser – that could justify the failure to comply with the additional requirement. During the first semester – at the hearing it appeared that this related to the first three or four weeks of the first semester – the appellant had problems with housing. As a result, she was not able to focus fully on her studies.

She also pointed out that she is a motivated student. She therefore believes that the respondent cannot state that she is unsuitable for the programme. The appellant says that she did not pass this course because, once the first assignment was declared invalid due to a high percentage of fraud, she had problems with time management. At the re-sit she suffered from [REDACTED].

Finally, the appellant remarked that the Academic Reading and Writing course is going to change in the coming academic year. She therefore also believes that the negative BSA will have exceptionally serious consequences for her.

The respondent states that there is little confidence that the appellant will be able to complete the Bachelor's Programme in a reasonable space of time. In the rest of the Bachelor's Programme there is more emphasis on writing academic papers, and it is for this reason that the Academic Reading and Writing course is an additional criteria for receiving a positive advice. The appellant has had two opportunities to pass this course; the respondent therefore believes that she has had sufficient opportunity to learn from her mistakes. As she has not succeeded in this, the respondent has too little confidence that the appellant will be able to complete the programme within a reasonable period. The respondent also commented that the appellant cannot derive any rights from the fact that the course will change during the coming year.

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Furthermore, the respondent warned the appellant – with a conditional negative BSA in January and an additional warning on 21 May 2024 – about the possible consequences of not passing the course.

First and foremost, meeting the additional requirement is an independent condition that the Bachelor's Programme can attach to issuing a positive recommendation. Having said this, issuing a negative Binding Study Advice is not an obligatory consequence but is rather a decision where the respondent can exercise some discretion. This means that when taking the decision the respondent must also bear in mind the proportionality of the consequences of the decision in relation to the objective to be achieved by the decision (compare the decision of the Department of Administrative Law, 2 February 2022, ECLI:NL:RVS:2022:285). In this specific case, in the opinion of the Board, the respondent did bear this sufficiently in mind.

At the hearing, the respondent explained that the Academic Reading and Writing course is an important building block for the continuation of the Bachelor's Programme where great emphasis is placed on writing academic papers. The Board recognised the argument of the respondent that the course is an important building block for continuing the Bachelor's Programme.

Finally, the Board remarked that the appellant cannot derive any rights from the fact that there will be changes to how the course is examined during the coming academic year.

The Board finds that the appellant has not met the BSA norm and that the circumstances put forward by her do not excuse this. The respondent has rightly and on proper grounds concluded that there is insufficient confidence that she will be able to complete the Bachelor's Programme within a reasonable period.

The Board was not made aware of any facts or circumstances that could lead to an alternative decision. This means that the disputed decision still holds and the appellant may not continue with the Bachelor's Programme.

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The decision

The Examination Appeals Board of Leiden University,

in view of article 7.61 of the Higher Education and Academic Research Act,

declares the administrative appeal unfounded.

Established by a chamber of the Examination Appeals Board, comprising:
O. van Loon, LL.M. (Chair); Dr A.M. Rademaker; P.C. Kemeling LL.B.;
J.J. Christiaans B.A.; and J.J. But LL.M. (members), in the presence of the
secretary of the Board R.R. van der Vegt, LL.M.

O. van Loon, LL.M.
Chair

R.R. van der Vegt, LL.M.
Secretary

Sent on:

Certified true copy,

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