

**CBE Z22000521 Exemption from course unit****DECISION**

In the matter of A., hereinafter also referred to as the Appellant,

and

the Board of Examiners for Engineering of the Faculty Science and Engineering, hereinafter also referred to as the Defence,

concerning the denial of the request for exemption from the course unit Simulation of Logistics System that forms part of the Master's degree programme in Industrial Engineering & Management.

**I. Description of the disputed decision**

The decision taken by the Defence on 16 February 2022 to deny the Appellant's request for exemption from the course unit in Simulation of Logistics System.

**II. The hearing**

The appeal was heard in open court on Thursday 21 April 2022, where the Appellant appeared via a video link and where the Defence appeared in person, represented by V. and W., Vice-Chair and administrative secretary of the Board of Examiners respectively.

**III. Origin and course of the proceedings**

The Appellant requested the Defence to exempt him from the course unit in Simulation of Logistics System. The Defence denied this request in an email dated 16 February 2022. On 21 February 2022, the Appellant submitted an appeal to the Board of Appeal for Examinations (CBE) via CLRS against the denial of his request. A settlement meeting was held on 25 February 2022. However, no settlement was reached and the Defence submitted a statement of defence. The appeal was subsequently heard by the Board of Appeal on 21 April 2022.

**IV. The parties' positions**

The **Appellant's** position, as set out in the appeal and explained at the hearing, can be summarized as follows.

The Appellant is not happy with the professor who teaches the course unit in Simulation of Logistics System. He took the examination three times without achieving a pass mark. The mode of assessment continuously changes, making it impossible to prepare properly. The professor also changed the format of the assignment. The professor provides incorrect information and unprofessional answers. Moreover, he gave a fellow student two extra points during the postmortem, as a result of which she passed the course unit. The Appellant wonders why the professor does not help him too.

The Appellant has completed his entire degree programme except the above-mentioned course unit. It is very important to him, in financial terms as well as for his position on the job market,

to complete his degree programme as quickly as possible. In addition, the Appellant is experiencing a lot of psychological stress as a result of the situation.

In conclusion, the Appellant requests that the disputed decision be reversed and he be granted the exemption requested.

The **Defence** defended itself as follows during the hearing and in its statement of defence.

Firstly, the Defence has never taken a formal decision with regard to the exemption. The email dated 16 February 2022 was not a formal decision. The Defence informed the Appellant that he should submit more information before any decision could be taken in response to his request for exemption from the course unit in Simulations of Logistics System. A resit examination for this course unit was scheduled for 14 April 2022. The Appellant could use this resit opportunity first, before requesting an additional resit.

Incidentally, the Defence would not grant exemption based on the information already known, because the Appellant has not demonstrated that he possesses sufficient knowledge. This is in accordance with Article 5.3.1 of the Teaching and Examination Regulations.

The Defence has discussed the Appellant's complaints with the programme coordinator and the study advisors. They have provided the Appellant with as much support as possible in the course unit in Simulations of Logistics System. The Defence argues that the Appellant did not attend the seven lecturers of this course unit this year.

The Defence requests that the Board of Appeal declare the Appellant's appeal unfounded.

#### **V. Review**

The Board must first assess the admissibility of the appeal. Contrary to the Defence's standpoint, the email sent by the Defence on 16 February 2022 can be regarded as a decision, against which an appeal may be lodged with the Board of Appeal. The decision states that the Appellant is not granted exemption from the course unit in Simulations of Logistics System.

*'However, we cannot exempt you for this course, or allow it to substitute it with another course, since this is a compulsory course of our programme.'*

The Board of Appeal thus declares the Appellant's appeal admissible.

The Board of Appeal points out that the content of the appeal must be tested against Article 7.61.2 of the Higher Education and Research Act (WHW). The question is whether the disputed decision was made in all fairness.

A request for exemption can be assessed bearing in mind Article 5.3.1 of the Teaching and Examination Regulations, which stipulates that exemption from an examination may be granted in consultation with the relevant examiner, if the student in question:

- a. has completed part of a university or university of applied sciences degree in the Netherlands or abroad that is equivalent in content and level
- b. can demonstrate by work experience that they have sufficient knowledge and skills with respect to the course unit in question.

The Appellant has not submitted any documents to the Defence to support his request for exemption. His request is not based on any actual circumstances as listed above under a. or b. This alone constitutes reason enough for the Defence to deny the Appellant's request.


The Appellant indicated in his appeal that he was not happy with the professor involved in the course unit in Simulations of Logistics System. During the session, the Board of Appeal explained to the parties that it is not authorized to pass judgement on this in the context of the appeal against the decision made on 16 February 2022. The Board of Appeal will exclude these grounds for appeal from its ruling. However, the Board of Appeal does state that the displeasure expressed about the professor involved in the course unit cannot constitute a reason for the Defence to grant exemption from the course unit. The Teaching and Examination Regulations do not accommodate this.

The Board of Appeal understands that it is in the Appellant's interest to complete his degree programme as quickly as possible. However, given the above, the Board of Appeal sees no reason to reverse the disputed decision. The above has led to the conclusion that the disputed decision may stand.

**VI. Decision**

The Board of Appeal for Examinations declares the Appellant's appeal unfounded.

As decreed on 4 May 2022 by Dr E. van Wolde, chair, Dr M.G.J. Boot and J.W. de Rijke, members, in the presence of M.E.A. Donkersloot, Secretary.



Chair



Secretary

**In accordance with the General Administrative Law Act and Article 7.66 of the Higher Education and Research Act (WHW – *Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*), interested parties have the right to appeal against this decision to the national Higher Education Appeals Tribunal (CBHO – *College van Beroep voor het Hoger Onderwijs*), P.O Box 16137, 2500 BC The Hague within six weeks of the decision being sent to them.**