

# Guidelines Binding Study Advice (BSA) procedure 2023-2024

## 1 Introduction

These guidelines must be read in conjunction with AUC's Academic Standards and Procedures (AS&P) article 3.7. In the event of any conflict or inconsistency between these guidelines and article 3.7 of the AS&P, article 3.7 of the AS&P shall take precedence.

Continuation past the first year when eventual graduation is unlikely does not benefit either the student or the higher education institution. The intention of the Binding Study Advice (BSA)<sup>1</sup> is to provide redirection for students unlikely to succeed such that they may explore other opportunities for success. In regular Bachelor programmes, the first year involves orientation, selection and referral, and the BSA is part of this process. This is not the case at AUC because AUC is a selective programme. Orientation, selection and referral is expected to have taken place during the admissions and selection procedure.

## 2 Binding Study Advice (BSA) at AUC

2.1 Students are referred to AS&P article 3.7 for information on who issues the BSA, the BSA Committee, and AUC's BSA standard.

2.2 The expectation is that, with very few exceptions, all students admitted to AUC will re-enrol after their first year, that they will achieve 30 EC per semester and 60 EC per year, and they will graduate in three years (six semesters). If a student fails a course and completes fewer than 30 EC per semester, they are offered extra support and an academic progress plan is agreed upon with them (AS&P article 3.6). The first year, in which students are expected to complete the first 60 EC of the programme, is considered representative of the study programme as a whole. Students who have not fulfilled a credit load of at least 54 EC in their first year at AUC are considered unlikely to succeed, and AUC's BSA standard reflects this.

## 3 Timeline for communications, indications on study progress, actions, and issuing of BSA

### 3.1 Midway through the student's first 16-week period<sup>2</sup>

A general informational communication is sent or published to all first-year students outlining the BSA process. This information coincides with mid-period Tutor meetings in which students discuss their individual progress.

### 3.2 Before the end of the student's first 4-week period<sup>3</sup>

First-year students<sup>4</sup> receive, in writing, the first *indication of their study progress*. 'Green', 'amber' or 'red' indications are issued based on their results from the first 16-week period.<sup>5</sup>

- 'Green' indicates 24 or more EC were achieved. If this level of performance is maintained, the student is on track to achieve 60 EC in their first year and receive a positive BSA.
- 'Amber' indicates 18 EC were achieved. As long as the student does not fall behind any further, they can achieve 54 EC in their first year and receive a positive BSA (AS&P article 3.7.4). Students receiving amber indications are required to meet with their Tutors to fill out academic progress plans as necessary, discuss any personal circumstances (see section 4), and to start thinking about what they will need to do if they do fall further behind (how they would present their case at a hearing with the BSA Committee). Failure to do so can negatively affect their chances of receiving dispensation/postponement, if they do fall further behind.
- 'Red' indicates fewer than 18 EC were achieved. Even if the student passes six courses during the rest of their first year, they are at risk of achieving only 48 EC or fewer and receiving a negative BSA. Students receiving red indications are required to meet with their Tutors to fill out academic progress plans as necessary, discuss any personal circumstances (and ensure these are recorded and documented, see section 4), make a realistic assessment of their chances of catching up their credit deficit, and start to prepare to present their case at a hearing with the BSA Committee. Failure to do so can

<sup>1</sup> 'Bindend Studie Advies' (binding recommendation on the continuation of studies) as specified in article 7.8b of the (Dutch) Higher Education and Research Act (WHW)

<sup>2</sup> September-December for September starters; February starters are referred to the same information in February-May.

<sup>3</sup> January for September starters; June for February starters.

<sup>4</sup> Including second year students who did not receive a BSA at the end of their first year because it was postponed.

<sup>5</sup> As registered in SIS at the time of sending the indication.

negatively affect their chances of receiving dispensation/postponement, if they do not manage to repair their credit deficit and qualify for a positive BSA. In some cases where fewer than 12 EC were achieved, the wisest choice for a student with a red indication may be to deregister entirely from the AUC programme in Studielink **before** the start of their second semester (deregister in Studielink **before 31 January** for September starters), in order to avoid receiving a BSA entirely and be able to explore other pathways to (academic) success (AS&P article 3.7.10).

### **3.3 Midway through the student's second 16-week period<sup>6</sup>**

Students meet with their Tutors to discuss their individual progress and their course registrations for their third semester.

### **3.4 Before the end of the student's second 4-week period<sup>7</sup>**

First-year students receive, in writing, a second *indication of their study progress*. 'Green', 'yellow', 'amber', or 'red' indications are issued based on the combined results<sup>8</sup> from their first semester (16-week and 4-week periods) and the 16-week period of their second semester.

- 'Green' indication - Student already meets AUC's BSA standard (AS&P 3.7.4) and will receive a positive BSA at the end of their first year of studies.
- 'Yellow' indication - Student has fewer than 54 EC but the BSA Committee has already decided to recommend dispensation/postponement to the Dean of AUC on the basis of the student's dossier. The student will be allowed to continue into their second year of studies and will not be required to present their case for dispensation/postponement at a hearing with the BSA Committee. The student is required to meet with their Tutor to fill out an academic progress plan as necessary, discuss any personal or other extenuating circumstances so that appropriate counselling and support can be offered, and make realistic plans to catch up the credit deficit.
- 'Amber' indication - Student has 48 EC and needs to pass their final 4-week period course in order to receive a positive BSA. If they fail that course, the Dean of AUC intends to issue a negative BSA, as they will not meet AUC's BSA standards and the BSA Committee has not recommended dispensation/postponement on the basis of their dossier. In that case, the student will be invited to a hearing with the BSA Committee to present their case for dispensation/postponement before a final decision is made.
- 'Red' indication - Student has fewer than 48 EC and will not meet AUC's BSA standard, even if they pass their final 4-week period course, and the BSA Committee has not recommended dispensation/postponement on the basis of their dossier. The Dean of AUC intends to issue a negative BSA. The student will be invited to a hearing with the BSA Committee to present their case for dispensation/postponement before a final decision is made.

### **3.5 At the end of the students' first year: BSA Committee hearings**

- 3.5.1 Students to whom the Dean of AUC intends to issue a negative BSA are given an opportunity to present their case for dispensation/postponement at a hearing with the BSA Committee. The BSA Committee then gives a recommendation to the Dean of AUC before a final decision is made.
- 3.5.2 The hearing is not for reporting (for the first time) new circumstances that should have already been notified previously to the Tutor and should have already been in the student's dossier. The student can use the hearing to substantiate, for example, that it was not possible to report the circumstances in a timely fashion, or that not meeting the BSA standard was a direct consequence of new and very recent circumstances that could not be notified earlier, or that the reported circumstances in their dossier had a much greater impact on their study progress than expected.
- 3.5.3 The BSA Committee hearings are held in June/July for September starters, and in January/February for February starters.

### **3.6 At the end of the students' first year: BSA decision**

Based on all the results from their first year, students receive the positive BSA (or dispensation that is, in effect, a positive BSA) or negative BSA, or the notification of postponement of BSA. September starters receive the BSA decision (or notification of postponement) in July, February starters in February. See section 7 for information on appealing a negative BSA decision.

## **4 Personal circumstances**

- 4.1 Article 2.1 of the implementation decision on the WHW (Uitvoeringsbesluit WHW 2008) gives a list of personal circumstances to be taken into consideration when a student is at risk of

<sup>6</sup> February-May for September starters, September-December for February starters.

<sup>7</sup> June for September starters; January for February starters.

<sup>8</sup> As registered in SIS at the time of sending the indication.

receiving a negative BSA.<sup>9</sup> These personal circumstances (hereafter PC) are: illness; physical, sensory or other impairment; pregnancy; special family circumstances; certain specified leadership/representative positions,<sup>10</sup> other personal circumstances specified in a programme's Academic Standards and Procedures, and other personal circumstances that, if not taken into consideration by the higher education institution, could lead to serious injustice. In general, students are expected to report PC to their Tutor within two weeks of when circumstances began or became known to the student. A description of the PC and any documentation provided is recorded by the Tutor in the student's dossier.

- **Illness.** The student must notify their Tutor of their illness as soon as possible and indicate that the illness is preventing or has prevented them from completing graded assignments/exams. The notification should be accompanied by a statement from the attending physician or other medical professional, stating the duration and period of the illness. (The attending physician should not be asked to give an opinion on whether the illness might impair the student's (medical) ability or disability to study, as making this assessment is (in the Netherlands) grounds for a doctor to refuse giving such a statement. Only confirmation of the duration and period of the illness is required. The student can however approach an independent physician (not their own doctor) for an assessment of the impact of their illness on their ability or disability to study.)
  - **Impairment.** Students with physical, sensory or other serious functional impairments should notify their Tutor when they start their studies at AUC or as quickly as possible after the onset of the impairment. Where possible, the notification should be accompanied by a declaration from a medical professional or other qualified specialist confirming the impairment and its effect on the student's ability to carry out standard day-to-day activities (including education). (In the Netherlands, the student's own doctor may refuse to give such a declaration, in which case the student can approach an independent physician for an assessment.)
  - **Pregnancy.** Pregnancy should be notified to the Tutor as quickly as possible. The notification should be accompanied by a declaration from a midwife, gynaecologist or attending physician that the student is/was pregnant.
  - **Special family circumstances.** The student must notify their Tutor of the circumstances as soon as possible and indicate that the circumstances are preventing or have prevented them from completing graded assignments/exams. Where possible, the notification should be accompanied by documentation confirming the circumstances.
  - **Other personal circumstances.** The student must notify their Tutor of the circumstances as soon as possible and indicate that the circumstances are preventing or have prevented them from completing graded assignments/exams. Where possible, the notification should be accompanied by documentation confirming the circumstances. If a student is eligible, for example, for extra facilities according to the VU or UvA because of their top athlete status, then this should be notified to the Tutor as quickly as possible together with the documentation confirming the top athlete status.
- 4.2 The BSA Committee will be informed by the Senior Tutor<sup>11</sup> which students who are at risk of a negative BSA have reported PC. The student will be given an opportunity to present their case at a hearing with the BSA Committee, unless the BSA Committee already decides to recommend dispensation or postponement on the basis of the information in the student's dossier. The student needs to demonstrate a causal relationship between the PC and their poor academic performance. In their assessment, the BSA Committee will consider whether the timing of the PC was particularly unfortunate with regard to its negative impact on the student's study progress, how long the PC lasted, the scale of the negative impact of the PC on the student's academic performance, and if the student's academic performance deteriorated after the start of the PC. The Board of Examiners may provide guidelines to the BSA Committee for making these assessments.

<sup>9</sup> Original Dutch: Uitvoeringsbesluit WHW 2.1: "De persoonlijke omstandigheden bedoeld in de artikelen 7.8b, derde lid, en 7.9, derde lid, van de wet, zijn: a.ziekte van betrokkene, b.lichamelijke, zintuiglijke of andere functiestoornis van betrokkene, c.zwangerschap van betrokkene, d.bijzondere familie-omstandigheden, e.het lidmaatschap, daaronder begrepen het voorzitterschap, van:1.bij universiteiten: de universiteitsraad, faculteitsraad, het orgaan dat is ingesteld op grond van de medezeggenschapsregeling, bedoeld in artikel 9.30, derde lid, onderscheidenlijk artikel 9.51, tweede lid, van de wet, het bestuur van een opleiding, de opleidingscommissie, alsmede het lidmaatschap van het bestuur van een stichting die blijkens haar statuten tot doel heeft de exploitatie van voorzieningen, behorende tot de studentenvoorzieningen, dan wel van een daarmee naar het oordeel van het instellingsbestuur gelet op de taak gelijk te stellen orgaan,2.bij hogescholen: de medezeggenschapsraad, deelraad, studentencommissie of opleidingscommissie,f.andere in de regelingen, bedoeld in de artikelen 7.8b, zesde lid, en 7.9, vijfde lid, van de wet door het instellingsbestuur aan te geven omstandigheden waarin betrokkene activiteiten ontplooit in het kader van de organisatie en het bestuur van de zaken van de instelling,g.het lidmaatschap van het bestuur van een studentenorganisatie van enige omvang met volledige rechtsbevoegdheid, dan wel van een vergelijkbare organisatie van enige omvang, bij wie de behartiging van het algemeen maatschappelijk belang op de voorgrond staat en die daartoe daadwerkelijk activiteiten ontplooit,h.andere in de onderwijs- en examenregeling, bedoeld in artikel 7.13 van de wet, op grond van artikel 7.13, tweede lid, onderdeel f, van de wet, vast te leggen persoonlijke omstandigheden,i.andere dan in de onderdelen a tot en met h bedoelde persoonlijke omstandigheden die, indien zij door het instellingsbestuur niet in de beoordeling zouden worden betrokken, zouden leiden tot een onbillijkheid van overwegende aard."

<sup>10</sup> This rarely applies to AUC students (first year students are not eligible for a seat on the Student Council for example).

<sup>11</sup> The Senior Tutor cannot be a member of the BSA Committee. Members of the Board of Examiners are not usually also members of the BSA Committee, but exceptions may be made by the Dean of AUC with the consent of the Board of Examiners.

## **5 Other extraordinary extenuating circumstances**

- 5.1 In exceptional cases, the BSA Committee may advise the Dean of AUC to deviate from the regulations in favour of the student, if, owing to extraordinary extenuating circumstances, application of the regulations would lead to serious injustice (see AS&P 3.7.09). The Board of Examiners may provide guidelines to the BSA Committee regarding what constitutes, and how to weigh, extraordinary extenuating circumstances
- 5.2 The student must notify their Tutor as quickly as possible of any such extraordinary extenuating circumstances, and provide as much documentation as possible. A description of the circumstances and any documentation provided is recorded by the Tutor in the student's dossier. The BSA Committee will be informed by the Senior Tutor which students who are at risk of a negative BSA have reported such circumstances. The student will be given an opportunity to present their case at a hearing with the BSA Committee, unless the BSA Committee already decides to advise the Dean of AUC to deviate from the regulations in favour of the student on the basis of the information in the student's dossier.

## **6 Appealing a negative BSA decision**

- 6.1 An AUC student who has received a negative BSA decision can appeal to the VU Examination Appeals Board (VU COBEX). The appeal, accompanied by sound motivation, must be sent within six weeks of the issuing of the negative BSA decision. <https://vu.nl/en/about-vu/more-about/disputes-procedure>
- 6.2 While awaiting the decision of VU COBEX on the appeal, the student is not permitted to be enrolled on the AUC programme, nor to live in the AUC student residences. If the student requires a speedy decision in order to avoid serious study delay, they can request a provisional ruling (*voorlopige voorziening*) from the chair of the VU COBEX when submitting their appeal. If approved, a provisional ruling suspends the negative BSA decision until the COBEX makes its final decision on the appeal. If the appeal is granted, the negative BSA decision is annulled and the student can remain enrolled at AUC or re-enrol from the next enrolment moment (either 1 February or 1 September). If the appeal is denied, the negative BSA decision is enforced: the student is deregistered from AUC and may no longer live in the AUC student residences.