

DECISION 24 – 052

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of the Examination Appeals Board of Leiden University
in the matter of the administrative appeal of

██████████, appellant

against

the Board of the Faculty of Archaeology, respondent

The course of the proceedings

The appellant applied for admission to the Research Master's Programme in Archaeology (hereafter: the Programme).

The respondent rejected the appellant's request in its decision of 1 February 2024.

The appellant sent a letter on 12 February 2024 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 4 March 2024.

The appeal was considered on 20 March 2024 during a public hearing of a chamber of the Examination Appeals Board. The appellant attended the hearing. ██████████, ██████████ the Board of Admissions, and ██████████, ██████████ Education Office, appeared on behalf of the respondent.

Considerations

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1 - Position of the appellant

The appellant does not agree with the decision not to admit him to the Programme. The letter of rejection states that he cannot be admitted because he has not met the required conditions. The Appellant believes that he did meet the first condition.

The appellant's conditional admission letter dated 9 December 2023 listed two conditions for admission to the Programme. Firstly, to complete the first semester of the Master's in Global Archaeology with an average grade of 7.5. Secondly, to successfully complete an interview with the Admissions Committee.

The appellant argues that he did meet the first condition for admission to the Programme. He argues that he completed the first semester of the Master's in Global Archaeology with an average grade of 7.75. In that first semester, he successfully completed two course units. This resulted in 10 study credits.

The rejection letter states that the appellant did not obtain the required 30 EC study credits in the first semester. The appellant claims this criterion was not mentioned anywhere and that he was not made aware of it.

Furthermore, the appellant believes that the request to obtain 30 credits in the first semester is unreasonable. According to the appellant, it follows from the guidelines of the Master's in Global Archaeology that completing the first semester results in 15 study credits. In the appellant's case, he obtained 10 study credits in the first semester. The reason why 10 study credits were obtained is the fact that one course unit was changed drastically during the first semester. In short, he believes he has fulfilled the completion of the first semester.

Finally, the appellant argues that he is indeed - contrary to what is stated in the rejection letter - a passionate, research-oriented, and proactive student.

2 - The position of the respondent

First and foremost, the respondent argues that it is bound by the conditions mentioned in the Programme's Course and Examination Regulations (*Onderwijs- en Examenreglement*, OER).

The respondent argues that the appellant did not meet the condition to complete the first semester with an average grade of 7.5. This is because he only obtained 10 out of the available 30 study credits in the first semester. The respondent interprets completing the first semester as obtaining 30 credits since the entire

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academic year consists of 60EC. The respondent notes that in practice this limit is not applied very strictly; if at least 20-25EC have been obtained in the first semester, it can be decided that this first condition has also been met. However, the 10EC obtained by the appellant are insufficient.

Furthermore, the respondent points out that admission based on first-semester results combined with a successful interview is a 'back door' in admission to the Research Master's Programme. The appellant was not eligible to enter through the regular route based on his results from the Bachelor's Programme. That said, the respondent argues that it is bound by the strict terms of the OER.

The respondent received and assessed the appellant's application on 15 October 2023. At that time, the appellant did not meet the conditions for admission to the Programme. However, he stood a realistic chance of meeting the conditions in the time up to the start of the Research Master's Programme. Consequently, the respondent decided to admit the appellant conditionally to the Programme. The conditional admission letter dated 9 December 2023 stated the conditions - as set down in the OER.

Subsequently, on 1 February 2024, the appellant's application was assessed anew by the respondent. At that time, it was found that the appellant had obtained only 10 study credits. In view of the fact that the regular master's consists of 60 study credits, the first semester comprises 30 credits. The respondent holds that obtaining 10 credits is not the same as completing the first semester. Consequently, the respondent argues that the appellant did not meet the condition to complete the first semester with an average grade of 7.5.

3 – Considerations with regard to the dispute

In accordance with article 7.61, paragraph two, of the Higher Education and Academic Research Act (*Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*, WHW), the Examination Appeals Board must consider whether the contested decision contravenes the law.

Article 5.2.4.1 of the OER stipulates that admission to the Programme requires completion of the first semester with an average grade of at least 7.5. The second condition refers to successful completion of an interview with the Admissions Committee.

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This dispute mainly focusses on the first condition: completing the first semester with an average grade of 7.5. This raises the question of what is meant by completing the first semester. The current OER states the following:

"The first semester of the MA of archaeology with at least a 7.5 average."

The Examination Appeals Board notes that it cannot be concluded specifically from the OER that it should be 30 credits as claimed by the respondent. There is no reference that this should be a specific number of study credits. The explanations given at the hearing showed that the respondent also assumes fulfilment of the condition when the number of credits is 20-25 EC with an average grade of 7.5.

The Examination Appeals Board concludes, also in view of the respondent's discretion in determining whether the first condition has been met, that Article 5.2.4.1 of the OER should be understood to refer to obtaining a substantial part of the number of credits in the first semester in which the average must be 7.5. Departing from 60 study credits in the entire study year, it can be assumed that a student can achieve 30 credits in the first semester. In view of the explanations by the respondent at the hearing, the Examination Appeals Board holds that, since the OER does not explicitly refer to the number of ECs to be obtained, 20 EC is the lower limit for the substantial part of the first semester.

The Examination Appeals Board concludes as follows. If 30 study credits have been obtained with an average grade of 7.5, the condition has clearly been fulfilled. If a substantial part of the credits are obtained - at least 20EC - the respondent has the discretion to decide whether the condition has been met.

In this case, the appellant obtained only 10 study credits. This does not constitute a substantial part of the credits to be obtained in the first semester.

The respondent decided justly not to admit the appellant to the Programme as he had not completed a substantial part of his first semester. Consequently, the administrative appeal is unfounded.

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The decision

The Examination Appeals Board of Leiden University

holds the administrative appeal unfounded

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

Established by a chamber of the Examination Appeals Board, comprised of M.G.A. Berk (Chair), LL.M., Dr A.M. Rademaker, Dr A.M.C. van Dissel, T.E.V. Claessen, and S.H Bartels, BSc, LL.B. (members), in the presence of the Secretary of the Examination Appeals Board, R.R. van der Vegt, LL.M.

.....,

Chair

.....,

Secretary

Sent on:

Certified true copy,