

Examination Appeals Board

DECISION 17 - 231

of the Examination Appeals Board of Leiden University

in the matter of

the appeal of [name], appellant

against

the Board of the Leiden Law School, respondent

1. Origin and course of the proceedings

The appellant sent a letter on 13 July which was received on 31 July 2017, to lodge an appeal against the decision of the respondent of 13 June 2017, rejecting the appellant's application for admission to the Master's Programme in Law (*Rechtsgeleerdheid*).

In short, the appellant argued that she does meet the admission requirements. The appellant is highly motivated to take the master's.

The parties have had discussions to try and reach an amicable settlement. However, this did not result in the appeal being withdrawn.

No letter of defence was submitted.

The appeal was considered on 29 November 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear. [name], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 13 June 2017 by means of the letter dated 13 July 2017 that was received by the Examination Appeals Board on 31 July 2017. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act (*Algemene wet bestuursrecht*, "Awb") and the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, "WHW"). Consequently, the administrative appeal is admissible.

3. Considerations with regard to the dispute

The appeal relates to the decision of 13 June 2017 which rejected the appellant's application for admission to the Master's Programme in Law.

In accordance with article 7.61, paragraph two, of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

Article 5.2.1. of the Course and Examination Regulations (*Onderwijs en Examenregeling*, OER) states that direct admission to this master's programme is only possible with a Bachelor's diploma in Law from Leiden University or a Bachelor's diploma in Law from one of the other Dutch academic faculties of Law, provided this is a so-called court-career-path programme (togatraject). Since the appellant does not have this diploma, she does not qualify for direct admission. The request for admission must therefore be assessed on the basis of the requirements stipulated by or pursuant to article 5.2.2 of the OER.

The appellant wishes to be admitted to the Master's Programme based on the Master's Programme in "Communication" she completed at the University of Southern California (USA).

At the hearing, the respondent explained that the appellant did not complete any course units in the field of law in her previous education. Furthermore, it was stated that no pre-master's programme is available currently. However, support is provided to inform prospective students about the course units they can attend elsewhere with the aim of qualifying for admission. As such, the appellant was contacted about the course units she should complete, abroad, in order to qualify for admission.

Now that it has been assessed that the appellant did not complete any course unit in the field of law in her previous education, we cannot establish otherwise than that she does not possess similar capacities with regard to knowledge, understanding and skills compared to those that must have been acquired upon completion of a bachelor's programme as referred to in Article 5.2.2 of the OER. The respondent correctly adopted the position that the respondent cannot be admitted due to the nature and scope of the deficiencies found.

Now that the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded.

Examination Appeals Board

Decision
17-231
Page 3/3

4. The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University
holds the appeal UNFOUNDED.

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Established by a chamber of the Examination Appeals Board, comprised of: O. van Loon, LLM, (Chair), Dr A.M. Rademaker, Dr K. Beerden, D.E. Mulder, LLM BA, and M. Heezen (Members), in the presence of the Secretary of the Examination Appeals Board, W.J. de Wit, LLM.

O. van Loon, LLM
Chair

W.J. de Wit, LLM
Secretary

Certified true copy,

Sent on: