

DECISION 18 - 049

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of the Examination Appeals Board of Leiden University
in the matter of
the appeal of [name] from Leiria (Portugal), appellant
against
the Board of the Faculty of Humanities, respondent

1. Origin and course of the proceedings

The appellant sent a letter on 10 April 2018 which was received on 16 April 2018, to lodge an appeal against the decision of the respondent of 22 March 2018, in which it rejected the appellant's application for admission to the Master's Programme in Linguistics, specialising in Language and Communication.

In short, the appellant argued that the level of her previous education is sufficient and that its curriculum does sufficiently match the master's programme. The appellant expressed her motivation to start the master's programme.

The respondent investigated whether an amicable settlement could be reached. However, this did not result in the appeal being withdrawn.

The respondent submitted a letter of defence on 25 April 2018.

The appeal was considered on 23 May 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, and did not give notice of absence. [names], both Policy Officers at the Humanities Faculty, and [name], Head of the Linguistics Admission Office, appeared on behalf of the respondent.

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2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 22 March 2018 by means of the letter dated 10 April 2018 that was received by the Examination Appeals Board on 16 April 2018. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act (“Awb”, *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act (“WHW”, *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

3. Relevant legislation

The programme-specific Course and Examination Regulations (*Onderwijs- en Examenregeling* of the Master’s Programme in Linguistics, hereinafter OER) stipulates, in so far as relevant:

Article 5.2 Admission to the programme

5.2.1 Pursuant to Article 7.30b, first paragraph, of the Act, holders of one of the following degrees may be admitted to the programme and one of its specialisations: Master’s *specialisation*

(...)

Language and Communication

Admission on the basis of bachelor’s programme, with the specialisation in (...)
Linguistics: Language and Communication (Leiden University)

5.2.2 The Faculty Board may, on request, grant admission to the programme, or to one or more of the specialisations of the programme, to applicants who do not meet the requirements as specified in 5.2.1 but who can demonstrate to the satisfaction of the Faculty Board that they possess a level of knowledge, understanding and skills equal to that of holders of a degree specified in 5.2.1, possibly on further conditions.

To be considered as holding a degree equal to the one specified in 5.2.1, applicants must meet the following requirements:

- a bachelor’s degree from a research university, equivalent to the level of a Dutch academic bachelor’s degree, or demonstrate that they meet the requirements for such a degree, including the General Academic Skills listed in Appendix B.

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In addition, applicant must also meet the following specific requirements per specialisation:

(...) Language and Communication:

- Knowledge of and insight in linguistics comparable with the qualifications acquired by students graduating from the bachelor's programme referred to in article 5.2.1.

4. Considerations with regard to the dispute

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

It was established that the appellant is currently attending the Bachelor's Programme in Applied Portuguese Language at the Faculty of Education and Social Sciences – Polytechnic Institute of Leiria (Portugal). Furthermore, she has completed a major at the Faculty of Education Department at the Chengdu Institute Sichuan International Studies University (China).

Article 5.2.1 of the OER states that direct admission to this master's is only possible with a bachelor's diploma in Linguistics: Language and Communication from Leiden University. Since the appellant does not have this diploma, she does not qualify for direct admission. The request to be admitted must therefore be assessed on the basis of the requirements stipulated by article 5.2.2 of the OER.

The respondent explained in the letter of defence and at the hearing that and why the appellant does not meet the requirements set out in article 5.2.2. of the OER based on her diploma. The respondent substantiated the contested decision with the considerations that the appellant's previous education is not comparable to a Dutch bachelor's programme with regard to level and content, and that, consequently, the appellant does not have the required knowledge and skills to meet the admission requirements of the Master's Programme in Linguistics, taking the Language and Communication specialisation. In order to be admitted to the master's programme, the appellant must satisfy the final learning objectives of the Bachelor's Programme in Linguistics: Language and Communication taught at Leiden University.

At the hearing, the respondent clarified that the applicant's previous education is below the level of an academic bachelor's. The respondent confirmed that the Admissions Office, which assesses diploma levels, has determined that the previous education of the appellant is a bachelor's degree at the level of a

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university of applied sciences. In addition, the appellant lacks a considerable number of course units in the field of linguistics. The respondent also explained that linguistics is not the same as mastering a language.

The fact that the appellant has a different view of the relevance of the course units she has completed successfully, does not alter the above. Consequently, the respondent has acted correctly in refusing the appellant admission to the master's programme.

Since 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.

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5. 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**,

Established by a chamber of the Examination Appeals Board, comprised of: K.H. Sanders, LL.M., (chair), C. de Groot, LL.M., Dr A.M. Rademaker, J.J. Hylkema, and M. Heezen (members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M

K.H. Sanders, LL.M
Chair

M.S.C.M. Stoop - van de Loo, LL.M
Secretary

Certified true copy,

Sent on: