

DECISION 18 - 069

Rapenburg 70
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of the Examination Appeals Board of Leiden University

in the matter of

the appeal of [name] from Beirut, Lebanon, appellant

against

the Board of the Faculty of Social and Behavioural Sciences, respondent

1. Origin and course of the proceedings

The appellant sent a letter on 9 May 2018 which was received on 15 May 2018, to lodge an appeal against the decision of the respondent of 26 April 2018, rejecting the appellant's application for admission to the Master's Programme in Psychology, with a specialisation in Clinical Neuropsychology.

The respondent investigated whether the dispute could be settled amicably, and contacted the appellant to this end. However, this did not result in the appeal being withdrawn.

The respondent submitted a letter of defence on 19 June 2018.

The appeal was considered on 25 July 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, although she had been properly summoned. [names], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 26 April 2018 by means of the letter that was received by the Examination Appeals Board on 15 May 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.

**Decision
18-069**

Page 2/6

3. Relevant legislation

As far as relevant, the Course and Examination Regulations (“OER”) of the Master's Programme in Psychology state the following:

5.2.1 Pursuant to Article 7.30b, (1), of the Act, holders of one of the following degrees may be admitted to the programme and one of its specialisations: a Bachelor's degree from the programme BSc in Psychology of Leiden University with the appropriate specialisation course for the chosen specialisation.

5.2.2 The Board of Admissions may, on request, admit persons to the programmes who do not meet the requirements specified in 5.2.1 but who can demonstrate to the satisfaction of the Board of Admissions that they possess the same level of knowledge, understanding and skills as holders of a degree specified in 5.2.1, possibly under further conditions, without prejudice to the conditions specified in 5.2.4.

5.2.4 Persons with a bachelor's degree or an equivalent degree from a university who possess the skills, understanding and knowledge that are required for earning the bachelor's degree referred to in Article 5.2.1. Alongside the requirements specified in 5.2.1 and 5.2.2, the following qualitative admission requirements apply for the programme pursuant to Article 7.30b (2) of the Act, more specifically the knowledge on university level of the following topics:

- introduction to psychology
- social and organisational psychology
- personality psychology
- cognitive psychology
- neuropsychology and/or psychophysiology and/or biopsychology
- clinical and abnormal psychology
- developmental and educational psychology
- theory or training in interpersonal skills, such as interview, counselling, discussion techniques.
- theory or training in psycho diagnostics
- advanced courses (at least 30 ECs) on a third year Bachelor level on topics pertaining to the preferred master specialisation within the MSc Psychology.
- sufficient knowledge of Methods and Statistics (at least 20 EC):
introductory and more advanced courses in methods and statistics of psychological research (including psychometrics, multivariate data analysis) and the use of SPSS.

**Decision
18-069**
Page 3/6

- proof of thorough proficiency in written and spoken English, e.g. by means of an IELTS score of 7 or a TOEFL score of 100/250/600 or equivalent (for non-native speakers of English)) with at least an IELTS score of 6.5 on partial scales of this test and at least a TOEFL score of 22 (reading), 22 (listening), 22 (speaking) and 25 (writing) on partial scales of this test.

4. Considerations with regard to the dispute

The appeal is made against the decision of 26 April 2018 rejecting the appellant's application for admission to the Master's programme in Psychology, with a specialisation in Clinical Neuropsychology.

In short, the appellant argued that her previous education has a good reputation, as does the university itself. She has a Teaching Diploma in Special Education and completed the Master's Programme in Educational Psychology. Moreover, she is employed as a psychometrist at the Psychological Assessment Center of the American University of Beirut's Medical Center. The appellant still wishes to be admitted to the master's programme.

In essence, the respondent has adopted the view that the application for admission was rejected since the previous education differs in terms of content from the requirements for admission to the master's programme. The respondent pointed out that the appellant lacks 30 ECs of course units at an advanced level in the chosen specialisation.

The Examination Appeals Board must decide whether the contested decision must be upheld.

It was established that the appellant was awarded a Bachelor of Arts degree and a Master's in Educational Psychology at the American University in Beirut, Lebanon, and, on the basis of these qualifications, wishes to be admitted to the Master's Programme in Psychology with a specialisation in Clinical Neuropsychology.

Article 5.2.1. of the OER states that direct admission to this master's programme is only possible with a bachelor's diploma in Psychology 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 the OER.

Decision
18-069
Page 4/6

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 5.2.4. of the OER, based on her diploma. The respondent substantiated the contested decision with the considerations that the previous education of the appellant differs considerably in terms of content from the requirements to be admitted to the master's programme. In order to be admitted to the master's programme, the appellant must satisfy the learning outcomes of the bachelor's programme taught at Leiden University, and she must also possess sufficient expertise in the field of her preferred specialisation.

At the hearing, the respondent explained that the appellant's previous education is at an academic level and is therefore not in dispute. However, the respondent continued by explaining that the curriculum of the Bachelor of Arts with a major in Psychology does not correspond with the intended master's programme. Furthermore, the appellant has completed too few course units in the field of her preferred specialisation. The course units put forward by the appellant do not relate adequately – or not specifically – to clinical neuropsychology. Clinical neuropsychology is a different field of expertise from neurosciences. The appellant also has a deficiency in the field of interpersonal skills.

The respondent adopted the position that work experience and subsidiary activities (whether or not in the social sphere) are not admission criteria in the OER. Consequently, these were not considered when assessing whether the appellant qualified for admission. Furthermore, the respondent explained at the hearing that only the appellant's bachelor's programme was considered for admission and not the master's programme completed by the appellant, since the bachelor's programme is the basic criterion.

According to article 5.2.2. of the OER, the respondent may grant admission, on request, to a student who does not meet the condition as referred to in 5.2.1, but who can demonstrate to the satisfaction of the respondent that she possesses an equivalent level of knowledge, understanding and skills as the holders of a degree specified in 5.2.1, possibly under conditions to be further specified. Article 5.2.4 of the OER further details the required knowledge, understanding and skills that a student must have acquired. A student who believes he or she qualifies for admission on these grounds may try to demonstrate this with all the means that she considers appropriate. This may be by submitting a certificate or grade list, which demonstrates that she has been awarded the required ECTS. But also other programmes that have been followed, internships, scientific or other publications, work experience, subsidiary positions, including social positions, or demonstrable social engagement.

Decision
18-069
Page 5/6

As a consequence, the Examination Appeals Board is unable to endorse the position that the respondent took at the hearing that the criteria as referred to in article 5.2.4 can only be met by successful completion of course units at bachelor's level with a particular study load and that, therefore, relevant work experience and relevant subsidiary activities, including in the social sphere, should be completely disregarded. Since the documents show that the respondent has completely disregarded appellant's work experience and subsidiary activities, the decision taken contravenes the law.

The above considerations lead to the conclusion that the appellant's appeal is founded and that the contested decision must be annulled. The respondent must take a new decision within four weeks. In doing so, the respondent must consider whether the appellant has made it plausible with her full previous education combined with her work experience and relevant subsidiary activities that she possesses knowledge, understanding and skills at the level of a student who has successfully completed the Bachelor's Programme at Leiden University, as further detailed in article 5.2.4. of the OER.

**Decision
18-069**

Page 6/6

5. The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University:

- I. holds the appeal founded;
- II. annuls the decision of 26 April 2018;
- III. instructs the respondent to reach a new decision within four weeks, with due regard for the considerations of this decision.

Established by a chamber of the Examination Appeals Board, comprised of H.M. Braam, LL.M, MA (Chair), J. Nijland, LL.M, Dr W.M. Lijfering, Y.D.R. Mandel, 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.

H.M. Braam, LL.M, MA,
Chair

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

Certified true copy,

Sent on: