

## Examination Appeals Board

# DECISION 18 - 076

of the Examination Appeals Board of Leiden University

in the matter of

the appeal of [name] from Azerbaijan, 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 8 May 2018 which was received on 29 May 2018, to lodge an appeal against the decision of the respondent of 30 April 2018, rejecting the appellant's application for admission to the Bachelor's Programme in Psychology, with the International Bachelor's programme as specialisation.

In short, the appellant stated that she is highly motivated to start the master's. In the 2017-2018 academic year, she attended a Higher Professional Education Programme in Law in The Hague, but this is not her true passion.

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 However, this did not result in the appeal being withdrawn.

No letter of defence was submitted.

The appeal was considered on 22 August 2018 during a public hearing of a chamber of the Examination Appeals Board. The parties did not appear.

### 2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 30 April 2018 by means of the letter of 8 May 2018 that was received by the Examination Appeals Board on 29 May 2018. 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. Legislation and regulations

The Higher Education and Academic Research Act stipulates the following:

Article 7.24 Educational entry requirement

1. Without prejudice to the third paragraph, the following apply as educational entry requirements for a programme in academic education:

- a. the diploma of pre-university education, as referred to in Article 7 of the Secondary Education Act (*Wet op het voortgezet onderwijs*), or
- b. the diploma of pre-university education, as referred to in Article 13, paragraph one, of the BES Islands Secondary Education Act (*Wet op het voortgezet onderwijs BES-eilanden*).

The Course and Examination Regulations (*Onderwijs- en examenregeling*, OER) of the Master's Programme in Psychology 2017-2018 stipulate the following:

Chapter 5 Access and admission to the programme 2018-2019

Article 5.1 Direct access

5.1.1 Persons that comply with the conditions as referred to in the Articles 7.24, and 7.25 of the Act shall be admitted directly to the programme, subject to the proviso that the selection criteria and selection procedure apply as referred to in Articles 5.3.2. and 5.3.3, with regard to LUC and programmes with an enrolment restriction.

Article 5.2 Admission

5.2.1 Admission of those who passed the Higher Professional Education propaedeutic examination

The holder of a certificate of a successfully concluded propaedeutic examination at an institution of Higher Professional Education who does not have a diploma as referred to in Article 7.24, paragraph one, of the Act, or a diploma that is designated to be at least equivalent to it by means of a ministerial regulation, or, alternatively, at least equivalent to it at the discretion of the institution's Board:

- a. must demonstrate that they have the knowledge, understanding and skills to be able to complete the bachelor's programme successfully. This can be demonstrated by:
  - o Mathematics at pre-university level, or having passed a course unit in Mathematics at senior general secondary education level for which a central written exam has been taken.

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#### **4. Considerations with regard to the dispute**

The appeal is aimed at the decision of 30 April 2018 which rejected the appellant's application for admission to the Bachelor's programme in Psychology, with the International Bachelor's programme as specialisation.

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

It is not disputed that the appellant aims to be admitted 2017 to the Bachelor's Programme in Psychology at Leiden University by means of the Attestat (Certificate of General Education) awarded to her in July.

Neither is it disputed that the appellant lacks a Dutch pre-university diploma and, consequently, does not qualify for direct access to the programme.

The Admissions Office of Leiden University has assessed the Attestat at the level of a Dutch diploma of senior general secondary education. Consequently, the appellant does not have a diploma that is equivalent to a pre-university education diploma. Moreover, the appellant did not pass a propaedeutic examination at an institute of Higher Professional Education either. Merely for this reason she cannot qualify to be admitted based on Article 5.2.1.

Therefore, the respondent did not act contrary to the law by rejecting admission of the appellant. Since the decision of the respondent does not qualify to be quashed on any other grounds, the appeal must be held unfounded.

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**4. The decision**

The Examination Appeals Board of Leiden University

holds the 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: O. van Loon, LL.M, (Chair), Dr J.J.G.B. de Frankrijker, Dr A.M. Rademaker, Y.D.R. Mandel, and M. Klink (Members), in the presence of the Secretary of the Examination Appeals Board, W.J. de Wit, LL.M.

O. van Loon, LL.M  
Chair

W.J. de Wit, LL.M  
Secretary

Certified true copy,

Sent on: