

## Examination Appeals Board

# DECISION 18 - 135

of the Examination Appeals Board of Leiden University

in the matter of

the appeal of [name] from Rotterdam, appellant,

against

the Board of the Faculty of Humanities, respondent

### 1. Origin and course of the proceedings

The appellant sent a letter on 9 June 2018 which was received on 12 June 2018, to lodge an appeal against the decision of the respondent of 22 June 2018, by which it provisionally admitted the appellant to the Bachelor's Programme in International Studies.

In short, the appellant stated that she is directly admissible, and she accordingly submitted a legalized copy of her diploma "Bachiller en Ciencias y Letras" and a copy of her grade list. The appellant remarked that her request for admission should, furthermore, be based on her *Bachiller en Ciencias y Letras*, awarded at the Balboa Academy in Panama.

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 However, this did not result in the appeal being withdrawn.

The respondent submitted a letter of defence on 2 August 2018, referring to the admission requirements for bachelor's programmes at the university:

<https://www.universiteitleiden.nl/binaries/content/assets/algemeen/onderwijs/general-admission-diploma-requirements-2018-2019.pdf>

Furthermore, the letter cited the specific admission requirements of the Faculty of Humanities. The respondent also indicated that the original decision was based on a US high school diploma and the corresponding APs. This is because the Balboa Academy is an international, coeducational preparatory school and offers an American curriculum. A diploma from a 'US High School' is equivalent to a Dutch diploma of senior general secondary education (*HAVO*). In order to qualify for admission, prospective students must always submit at least 3 APs of

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various subjects with grades ranging from 3 to 5. The *Bachiller* diploma of the Republic of Panama, which is based on the Balboa Academy's diploma, does not alter this requirement. First of all, since she did not complete a Panamanian high school curriculum, and, secondly, since the *Bachiller* diploma does not complement the high school diploma, the *Baciller* diploma must now equally be considered equivalent to a Dutch HAVO diploma.

Furthermore, the respondent argued that a SAT is an American test to assess academic skills of students in order to be admitted to a 'university'. The appellant's SAT score does not convince the respondent that the appellant has the knowledge and skills to be admitted to the bachelor's programme at Leiden University, since the scores are lower than the average scores in the United States.

The respondent pointed out that submitting APs is laid down in the admission procedure. Therefore, the condition has been set that the grades for the APs are adequate.

The appeal was considered on 22 August 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear and was not represented at the hearing although she had been properly summoned. [name] from the Admissions Office and [name], Policy Officer at the Faculty of Humanities, appeared on behalf of the respondent.

### 2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 22 June 2018 by means of the letter that was sent on 9 June 2018, and received by the Examination Appeals Board on 12 June 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*).

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The Course and Examination Regulations of the bachelor's programmes at the Faculty of Humanities stipulate the following:

Chapter 5 Admission to the programme

Direct access

5.1.1 Persons who 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.

5.1.2 The requirements for enrolment in the programme are laid down in the Leiden University Regulations on Student Enrolment of.

5.1.3 The Executive Board may refuse admission in specific situations as referred to in the Act by using its authority as referred to in the second and third sentences of Article 7.28, paragraph one, of the Act.

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 (first-year) examination at an institute 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: The condition for admission for the English-languages programmes as referred to in 5.2.4.3 is that the holder of this certificate must demonstrate that he or she has knowledge of the English language at the level indicated.

5.2.2 Equivalent prior education

A person who does not have a VWO diploma, awarded after 2007, but can be admitted based on the Act may, nevertheless, be required to take a test in the subjects as referred to in Article 5.2.3.1 at the level of the VWO diploma in the profile that qualifies for direct admission.

5.2.3 Further educational entry requirements and deficiencies

5.2.3.1 Based on the Regulation of the Minister of Education, Culture and Science of 3 April 2014, no. 540459 in respect of admission to higher education, the following additional educational requirements apply:

Education: Educational entry requirement:

Greek and Latin language and culture: Final VWO examination which included the examination in Greek or Latin. An individual did not pass final VWO examinations in both classical languages (Greek and Latin), must sit an alternative exam at the level of the final VWO examination in one of the two languages.

5.2.3.2 The Board of Examiners decides on the manner of testing.

5.2.4 Dutch language and English language

5.2.4.1 Those who have obtained a non-Dutch diploma may meet the requirement of sufficient proficiency in the Dutch language by passing the TUL Advanced examination, to be organised by Leiden University. A diploma from the International School, or a diploma awarded for comparable international programmes at an institution in the Netherlands will be regarded as a non-Dutch diploma.

5.2.4.2 The Board of Examiners may grant exemption from the examination as referred to in 5.2.4.1 in special cases.

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5.2.4.3 Contrary to the above, the following programmes or specialisations of programmes do not require sufficient command of the Dutch language:

[...]

- International Studies,

[...]

The following programmes or main subjects of programmes require students to have knowledge of the English language at a minimum level of IELTS 6.5/ Toefl (internet-based) 90/ CAE or CPE 180. In addition, the programme in English language and culture requires (as of 2019-2020) a minimal score of all partial tests of IELTS 6.0 / Toefl 21/ CAE or CPE grade A, B or C. Students with a Dutch VWO diploma, an English-language International Baccalaureate diploma, an EB (European Baccalaureate) diploma with English as the first language, or an English-language diploma awarded in the US, Canada, New Zealand, Australia, Great Britain or Ireland will be considered to be sufficiently proficient in the English language.

The *General admission: diploma requirements 2018/2019* document of the Admissions Office stipulates the following:

US high school diploma from an international school outside the US

High School Diploma, College Preparatory programme with:

- a minimum GPA of 3.5/4.0, and
- three College Board APs (grades 3-5) in different subjects (no AP studio Art)

When applying, please upload your SAT (or ACT) exam scores, College Board results and information on your schools accreditation.

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

The appeal is aimed at the decision of 22 June 2018 which rejected the appellant's application for admission to the Bachelor's Programme in International Studies.

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

At the hearing, the respondent explained that the appellant requested admission to the Bachelor's Programme in International Studies based on an American High School diploma, since she attended an American education programme. The website states what requirements must be met for admission to the programme. The appellant failed to submit a number of documents with her request. In consultation with the appellant, she was informed what APs she needed to submit to still complete her request. She then submitted a Panamanian diploma. However, this diploma was awarded based on the High School diploma; consequently, the appellant does not have a Panamanian diploma of secondary education. This is insufficient for admission.

Furthermore, the respondent has clarified that a US High School diploma is considered to be equivalent to a HAVO diploma, and that admission based on

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this diploma is only possible with a an average grade (GPA) above 3.5. The appellant failed to meet this requirement. Her SAT score also demonstrated that the appellant achieved below the average in America.

Consequently, the Examination Appeals Board concluded that the appellant does not have a VWO diploma as referred to in Article 7.24, paragraph one of the WHW, nor a diploma which the Admissions Office considered to be equivalent to a VWO diploma. Finally, the appellant did not pass a propaedeutic examination in higher education either.

Based on the above, the Examination Appeals Board finds that the respondent has not acted contrary to the law by refusing admission to this programme, since the appellant did not meet the applicable entry requirements for admission when the contested decision was taken.

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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**5. 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.C. 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: