

OFFICIAL REPORT 19-009

Rapenburg 70
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of the oral judgment of the Examinations Appeals Board of Leiden University,
passed on 06 March 2019, regarding the appeal by

[name], appellant,

versus

the Board of Examiners of the Faculty of Humanities, defendant.

Attending:

O. van Loon, LL.M. (chairman),

Dr J.J.G.B. de Frankrijker,

Dr J. Nijland,

M.G.A. Berk, MSc,

Z.I. de Vos LLB (members),

I.L. Schretlen, LL.M (secretary),

[name], on behalf of the Public International Law Admissions Board.

The appellant failed to appear.

The course of the proceedings

The appellant applied to the defendant for admission to the Public International Law L.L.M. master's degree programme (hereinafter referred to as "the master's degree programme").

In a decision of 26 November 2018, the defendant rejected this request.

In a letter dated 6 January 2019, the appellant lodged an administrative appeal against this decision.

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The defendant informed the Board that the possibilities of reaching an amicable settlement had been explored. However, the parties failed to reach an amicable settlement.

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Relevant legislation

To the extent relevant in this case, the 2018-2019 Education and Examination Regulations (*Onderwijs- en Examenregeling (OER)*) of the master's degree programme stipulate the following:

Sections 5.0-5.2 Admission requirements for the 2018-2019 academic year
Sections 5.0-5.2 Pursuant to Section 7.30b, subsection 1 of the act, those who hold (one of) the following degrees can be admitted to (a specialisation of) the degree programme:

- the bachelor's degree of the Law degree programme at Leiden University (compare Sections 5.0-5.2.3), or;
- the bachelor's degree of the Law degree programme at one of the other Dutch university faculties of law, provided it concerns a so-called gown variant.

Sections 5.0-5.2.2 At their request, the Board of Admissions may admit to the degree programme anyone who does not meet the conditions set out in Sections 5.0-5.2.1 but who, to the satisfaction of the board, can prove that their knowledge, insight and skills are of the same level as those who do hold a degree as set out in Sections 5.0-5.2.1, without prejudice to the requirements set out in Sections 5.0-5.2.3:

- if they hold a bachelor's degree for a degree programme in academic education;
and
- If they have (similar) qualities in terms of knowledge, insight and skills, which they must have gained upon completing the bachelor's degree programme within the meaning of Sections 5.0-5.2.1; *and*
- who in the opinion of the Board of Admissions have sufficient knowledge of the language of instruction of the degree programme.

Considerations

The Board is of the opinion that the defendant decided rightfully and on the correct grounds that the appellant failed to demonstrate that she meets the requirements set out in Sections 5.2.1 and 5.2.2 of the Education and Examination Regulations. The substance of the degree programme she completed at Brandeis University simply is not sufficiently in line with the knowledge, insight and skills of a completed Bachelor of Law degree programme. This cannot be compensated by means of experience she gained and Internet courses she completed elsewhere.

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The defendant was right to consider the extracurricular activities of the appellant insufficient to compensate for this deficit.

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The decision

The Examinations Appeals Board of Leiden University,

pursuant to Section 7.61 of the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek (WHO)*),

declares the appeal inadmissible.

O. van Loon, LL.M.
Chairman

I.L. Schretlen, LL.M.
Secretary

A certified true copy,

Sent on: