

**OFFICIAL REPORT 19 – 157**

Rapenburg 70  
Postbus 9500  
2300 RA Leiden  
T 071 527 81 18

Oral decision of 24 July 2019 of the Examination Appeals Board of Leiden  
University in the matter between:

[name], appellant,

against

the Board of the Faculty of [X], respondent.

Present:

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

Dr A.M. Rademaker,

Prof. G. Boogaard, LL.M.

M. Heezen, LL.B.,

Z.I. de Vos, LL.B., (Members)

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

*on behalf of the defendant:*

[name], Programme Coordinator,

[name], Admissions Officer.

The appellant did not appear at the hearing with notice.

**The course of the proceedings**

In February 2019, the appellant requested the respondent to be admitted to the Bachelor's Programme in [X] (hereinafter to be referred to as “the programme”).

In a decision of 26 June 2019, the respondent rejected this request since - in short - the prior education of the appellant is not of the required level.

19-157

Blad 2/6

The appellant sent a letter to the Examination Appeals Board on 27 June 2019 to lodge an administrative appeal against this decision. The appellant added further information to the grounds of appeal at a later date.

The respondent informed the Examination Appeals Board that an attempt had been made to reach an amicable settlement. However, this did not lead to an amicable settlement between the parties.

The respondent submitted a letter of defence on 17 July 2019.

### **Considerations**

In short, the point of view of the appellant is that he feels that his prior education does indeed comply with the requirements that are laid down for admission to the programme. He feels that the respondent's understanding of the education system in [X] is inadequate. The level of the "University High School" of [name] University, where he studied, is equal to Dutch pre-university education (VWO). It is a "College preparatory School" and, as such, not comparable to an American High School.

In view of the correspondence from February 2019, the appellant was at all times under the impression that he had been admitted to the programme. The rejection in June 2019 therefore came as a surprise to him, especially since he had made preparations to travel to the Netherlands and to find accommodation in [X]. Prior to applying, he had also enquired with the respondent about the admission requirements and had been informed that not only would grades be taken into consideration, but also the SAT score and other academic activities.

The University High School in [X] does not offer Advanced Placement course units, since the standard programme offered is of sufficient level for admission to a research university programme. The appellant only sat the English examination and a try-out examination in Computer Science. The Spanish examination was of little use to the appellant, as Spanish is his second mother tongue. He achieved a score of 4/5 in both exams.

19-157

Blad 3/6

He achieved a score of 1120 in the SAT test. He maintained that this was related to disadvantageous circumstances arising from the aftermath of hurricane Maria in September 2018. He could have achieved a better result in this test had the circumstances been better. In the communication from Leiden University there is no mention that a result of at least 1300 must be achieved.

In the past semester, the appellant achieved high grades and he is highly motivated to attend the programme. In addition, he attended a summer school at [name] University in June 2017 and a Harvard Model Congress at [name] University in [X], in 2018. In June/July 2019, he completed a research assignment at the Political Sciences Department of [name] University, according to the appellant.

The respondent is of the opinion that the appellant's qualifications are not comparable to Dutch VWO level, as required for admission to the programme. Similar to students from the United States, a GPA result of 3.5/4.0 is required for admission as well as 3 APs with grades 4-5. A SAT score of at least 1300 may be taken into account. Besides, candidates may be admitted if they have completed the first year of the university programme at [name] University (30 semester credits with a GPA of 3.0). The appellant was enrolled only in the spring semester and did not complete the first year. The respondent advised the appellant to complete the first year of the programme at [name] University, or to complete the first year of a higher professional education programme (HBO) in the Netherlands.

Following the letter of appeal and further messages – in particular, from the appellant's father - the respondent again reviewed the documents submitted. The respondent maintains his earlier view that the applicant's prior education is not comparable to VWO level.

The Examination Appeals Board holds that the documents and additional information given at the hearing on behalf of the respondent demonstrate that the contested decision was made on proper grounds. The Admissions Office has carefully examined the diploma and all other details submitted by the appellant. On the basis of this examination, the Admissions Office advised the respondent

19-157

that these do not demonstrate that the appellant's prior education level is at least comparable to VWO level in the Netherlands.

Blad 4/6

At the hearing, the Admissions Office explained that "University High School" in [X] is in itself a good school, better than a high school elsewhere in the United States. However, the appellant attended only general course units in the first year that are not relevant or are less relevant for the programme. In the second year, only the pre-calculus course unit is relevant for the programme. However, this course unit was not at VWO level. The appellant's GPA result was insufficient, too few "A grades" were awarded. Moreover, he passed only 1 AP and his SAT result was below 1300. All of these results combined indicate a prior education level that is not comparable to Dutch VWO level.

The Examination Appeals Board endorses this conclusion. It may be true that the University High School does not offer APs, as the appellant states, but it does not therefore follow that the respondent cannot require him to have completed 3 APs. Moreover, the respondent did not reject the request for admission solely on the basis of the applicant having obtained too few APs. Indeed, because of the special situation of the appellant, the respondent assessed whether the facts and circumstances argued by him may, either individually or considered in combination, lead to the conclusion that the appellant's prior education level is comparable to VWO level. The respondent is obliged to draw a negative conclusion following advice provided by the Admissions Office. The mere fact that the appellant is unable to agree with this and assesses his prior education differently does not mean that the respondent's assessment cannot be upheld at law.

On behalf of the respondent, it was also indicated that the procedure was unfortunately delayed due to the assessment of documents that were submitted by the appellant at a later stage. The circumstance that uSis stated "approved" alongside the submitted documents does not entail that they had actually been approved already, according to the respondent. In the automated process in Studielink the term "approved" means "received". The Examination Appeals Board holds that the appellant could not reasonably assume that he had been admitted to the programme on this basis. No other correspondence from the respondent, or from Leiden University, provides grounds for this assumption.

**19-157**

Blad 5/6

The Examination Appeals Board remarks that, as was stated in the contested decision, the appellant may still qualify for admission, provided he completes the first year at [name] University (with sufficiently high grades and 30 ECTS per study year), or, alternatively, achieves a number of APs in course units with relevant content with a result of 4/5. The appellant is advised in that case to contact the Admissions Office in advance, in order to prevent subsequent disappointment.

Considering the above, the Board concludes that the respondent rejected the request for admission with good reason and on proper grounds. Consequently, the appeal by the appellant is unfounded.

**19-157      The decision**

Blad 6/6

The Examination Appeals Board holds the appeal unfounded.

This official report of the appeal has been drawn up and signed by the Chair and the Secretary.

O. van Loon, LL.M.,  
Chair

I.L. Schretlen, LL.M.,  
Secretary

Certified true copy,

Sent on: