

**Examination
Appeals Board**

DECISION 19 – 187

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Oral judgement by the Examination Appeals Board of Leiden University, dated 14 August 2019, in the matter of the appeal by

[name], appellant,

against

the Board of the Faculty of Governance and Global Affairs, respondent.

Present:

O. van Loon (chair)
Dr J.J.G.B. de Frankrijker
Dr A.M. Rademaker
M. Heezen, LLB
Z.I. de Vos, LLB (members)
I.L. Schretlen (secretary)

[name], chair of the Board of Admissions for the master's degree programme in Crisis and Security Management,

[name], Coordinator of Studies for the master's degree programme in Crisis and Security Management.

Appellant did not appear, having given prior notification of her absence.

Course of the proceedings

The appellant applied to be admitted to the master's degree programme in Crisis and Security Management (hereafter: "the programme").

In a decision dated 27 March 2019, the respondent conditionally admitted the appellant to the programme. The respondent set the condition for admission that, before the programme began, the appellant should pass an English IELTS academic test with an overall score of 7.0 and at least a 7.0 for each of the four components, or an equivalent result on a TOEFL or Cambridge ESOL test. The results of this test must not be more than two years old.

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On 7 June 2019, the appellant sent the respondent the results of the IELTS academic test she had taken on 23 May 2019. The test results she had achieved were: listening 7.5, reading 6.5, writing 6.5, speaking 6.5, overall band score 7.0, CEFR level C1.

In an e-mail dated 15 July 2019, the Admissions Office of Student and Education Affairs informed the appellant that the test results do not satisfy the established criteria.

On 17 July 2019, the appellant submitted an administrative appeal.

On 11 August 2019, the appellant submitted further comment.

On 12 August 2019, the respondent submitted a formal response.

The respondent attempted to reach an amicable settlement between the parties. A Skype conversation took place on 13 August 2019. No amicable settlement was reached.

Considerations

Article 5.2.3 of the 2018-2019 Course and Examination Regulations of the master's degree programme in Crisis and Security Management (hereafter: CER) specifically states the language requirements for master's degree programmes taught in English:

IELTS 7.0, TOEFL (Internet-based) 100/CPE or CAO 185. A minimum IELTS score of 7.0, or TOEFL 25, is required in each of the four components of the test.

It has been established that the appellant has not satisfied the conditions for admission set out in Article 5.2.3 of the CER. It may well be the case that, as a result of attending various courses and participating in conferences, the appellant has good comprehension in English, but this cannot compensate for an inadequate score in one of the tests stated in the CER.

Because circumstances dictate that there is no possibility of joining the programme in February of the 2019–2020 academic year, and because the appellant is very keen to start the programme, at the hearing the respondent stated a willingness in this case to waive the requirement that the results of the English language test be no older than two years, and to consider the Michigan Certificate of Proficiency at C2 level to be equivalent to an IELTS test or a TOEFL

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or Cambridge ESOL test. This is on condition that the authenticity of the test certificate provided by the appellant can be verified. Although the respondent has attempted to verify the certificate, the attempt has been unsuccessful.

The Examination Appeals Board considers the respondent's offer to the appellant, to make an exception as of 1 September 2019 on the basis of the Michigan Certificate of Proficiency at C2 level provided by the appellant, subject to verification of the authenticity of the certificate, to be extraordinarily reasonable and accommodating. It is the appellant's responsibility to ensure that the certificate is verified and to take the necessary steps to that end. As the programme begins on 1 September 2019, however, it is not reasonable to expect verification to be successfully completed before that date. The key issue is therefore how to put the respondent's offer into practice.

If the Michigan Certificate is verified, this will establish retroactively that the appellant has satisfied the admission conditions as formulated by the respondent during the hearing. The situation would then be comparable to that of admission on condition of submission of an authenticated copy of – for example – a diploma. In such a situation, it is generally possible to submit the documentation before 1 October of the academic year in question. If, in such a case, the authenticated copy is not submitted in time, the admission would retroactively be cancelled as of 1 September of that academic year.

It is reasonable to take the same approach in this case. This means that the respondent must admit the appellant as of 1 September 2019 on the basis of the copy of the "Michigan certificate" submitted by the appellant, on condition that the appellant submits a copy of that certificate, verified to the respondent's satisfaction, no later than 30 September 2019. Should verification not take place on or before 30 September 2019, the appellant's enrolment shall be retroactively cancelled as of 1 September 2019.

The decision

The Examination Appeals Board of Leiden University,

in view of article 7.61 of the Higher Education and Academic Research Act,

- I. holds the appeal to be founded;
- II. overturns the decision of 27 March 2019, insofar as that decision established that the appellant should not be admitted to the programme because she had not, before 1 September 2019, passed an English IELTS academic test with an

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overall score of 7.0, and at least a 7.0 for each of the four components, or an equivalent result in a TOEFL or Cambridge ESOL test;

III. determines that, within two weeks after today – therefore no later than 28 August 2019 – the respondent shall reach a decision whereby the appellant will be admitted to the master’s degree programme in Crisis and Security Management as of 1 September 2019, on condition that, no later than 30 September 2019, the appellant demonstrates the authenticity of the “*Certificate of Proficiency C2 level*” she has achieved.

O. van Loon,
Chair

I.L. Schretlen,
Secretary

Certified true copy,

Sent on: