

**DECISION 20-080
20-081**

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of the Examination Appeals Board of Leiden University
in the matter of
the appeal of [name], appellant
against
the Board of the Faculty of [X], respondent

The course of the proceedings

The appellant requested the respondent to be admitted to the Bachelor's Programme in [X], with specialisation [X] and the Master's Programme in [X], with specialisation [X] by 1 September 2020.

In its decision of 9 March 2020, the respondent rejected both requests.

The appellant sent a letter on 7 April 2020 which was received on 14 April 2020, to lodge an administrative appeal against this decision with the Examination Appeals Board.

The Examination Appeals Board has designated the appeal against the rejection of the request for admission to the Research-Master's Programme in [X], with specialisation [X] as case number 20-080, and the appeal against the rejection of the request for admission to the Master's Programme in [X], with specialisation [X] as case number 20-081.

On 23 April 2020, the parties have investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 7 May 2020.

The appeal was considered on 10 June 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the

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hearing. [name], Study Advisor and Admission Officer of the Master's Programme in [X], participated in the hearing on behalf of the respondent.

Considerations

1 – Facts and circumstances

The appellant was awarded an honours bachelor's diploma in [X] with Counselling of the [X] Open University.

2 – The position of the respondent

The respondent has adopted the view -in essence- that the request for admission has been rejected since the previous education derogates materially and in respect of level from the requirements of admission to the master's programme. Besides, the appellant lacks a considerable number of course units in the field of [X]. Moreover, the Admissions Office of Leiden University valued the bachelor's diploma of the appellant as equal to two years of academic education.

3 – The grounds for the appeal

The appellant adopted the position that she has ample expertise in the field of [X]. She holds a Bachelor of [X] (honours) in [X] with Counselling of the Open University. Other than the respondent holds, the diploma should be considered as a full-fledged academic bachelor's degree. The [X] has accredited her programme as a Bachelor of [X], and, consequently, it is subject to the Convention on the Recognition of Qualifications concerning Higher Education in the Europe Region, Lisbon, 11-04-1997. Moreover, it can be derived from her bachelor's thesis that she qualifies for the programmes. The appellant tried to obtain more background information from the Open University than merely the course description of the course units she has completed successfully. Unfortunately, the Open University did not want to cooperate in her request to provide more comprehensive information.

4 – Relevant legislation

The Convention on the Recognition of Qualifications concerning Higher Education in the Europe Region, Lisbon, 11-04-1997, states, in as far as relevant in this case:

Article III.3 2

2 In the first instance, the responsibility for providing adequate information rests with the applicant, who shall provide such information in good faith.

3 Notwithstanding the responsibility of the applicant, the institutions having issued the qualifications in question shall have a duty to provide, upon request of

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the applicant and within reasonable limits, relevant information to the holder of the qualification, to the institution, or to the competent authorities of the country in which recognition is sought.

As far as relevant, the Course and Examination Regulations (“OER”) of the Master's Programme in [X] state the following:

Article 5.2 Admission to the programme

5.2.1 Pursuant to Article 7.30b (1) of the Act holders of one of the following degrees may be admitted to the programme and one of its specialisations or who have successfully completed the following pre-master’s programme:

a. a Bachelor’s degree from the programme BSc in [X] of Leiden University with the appropriate specialisation course for the chosen specialisation
b. Persons with a bachelor’s degree or an equivalent degree from a university who possess the skills, understanding and knowledge that are required for earning the bachelor’s degree referred to in Article 5.2.1. Alongside the requirements specified in 5.2.1 and 5.2.2, the following qualitative admission requirements apply for the programme pursuant to Article 7.30b (2) of the Act, more specifically the knowledge on university level of the following topics:

- introduction to [X]
- social and organisational [X]
- personality [X]
- cognitive [X]
- [X] and/or [X] and/or [X]
- clinical and abnormal [X]
- developmental and educational [X]
- theory or training in interpersonal skills, such as interview, counselling, discussion techniques.
- theory or training in [X] diagnostics
- advanced courses (at least 30 ECs) on a third year Bachelor level on topics pertaining to the preferred master specialisation within the MSc [X].
- have sufficient knowledge of Methodology and Statistics (at least 20 EC): introductory and more advanced courses in methodology and statistics of [X]research (including psychometrics, multivariate data-analysis) and the use of SPSS.

In addition to Article 5.2.1. of the OER of the Master's Programme in [X], article 5.2.1 of the Research-Master’s Programme in [X] states the following, in as far as relevant in this case:

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and

- have sufficient knowledge of Methodology and Statistics (at least 20 EC): introductory and more advanced courses in methodology and statistics of [X] research (including psychometrics, multivariate data-analysis) and the use of SPSS.

and

- A high grade for the bachelor thesis (at least 7.5 or equivalent).
- A high average grade for bachelor coursework (at least 7.5 or equivalent).

5.2.2 The Board of Admissions may, on request, admit persons to the programmes who do not meet the requirements specified in 5.2.1 but who can demonstrate to the satisfaction of the Board of Admissions that they possess the same level of knowledge, understanding and skills as holders of a degree specified 5.2.1, possibly under further conditions, without prejudice to the conditions specified in 5.2.4.

5 – Considerations with regard to the dispute

In accordance with article 7.61, paragraph two of the Higher Education and Academic Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek), the Examination Appeals Board must consider whether the contested decisions are contrary to the law.

It was established that the appellant was awarded an honours bachelor's diploma in [X] with Counselling of the [X] Open University. The appellant wants to be admitted to the programmes based on this diploma.

From article 5.2.1, under a, of the OER it shows that direct admission to this master's programme is only possible with a Bachelor's Diploma in [X] of Leiden University. Since the appellant does not have this diploma, she does not qualify for direct admission. Therefore, the request to be admitted must be assessed on the basis of the requirements stipulated by article 5.2.1, under b, and article 5.2.2 of the OER.

The respondent explained in its letter of defence and at the hearing that and why the appellant does not meet the requirements set out in article 5.2.1, under b, and article 5.2.2 of the OER based on her prior education. This is because the appellant must satisfy the final terms of the Bachelor's Programme in [X] provided at Leiden University and, in respect of the Research-Master's Programme in [X] she must also meet the additional conditions stated in article 5.2.1 of the OER of the Research-Master's Programme in [X], in order to be

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admitted to the programmes. The respondent has assessed the appellant's prior education and found deficiencies, in particular in the field of [X], methodology, and statistics. Deficiencies exist both in scope and in depth. The respondent has indicated that these fields of expertise are insufficiently demonstrated by the course description of the course units provided by the appellant. The appellant did not succeed to make it plausible that the opposite is true.

The parties hold different views on the level of her prior education. The appellant has argued that her prior education must be qualified as a full-fledged honours bachelor's programme in [X]. The Examination Appeals Board considers that, even if they would second the position of the appellant, the deficiencies with regard to the substance of the prior education would continue to exist. Set aside, the Examination Appeals Board would like to remark that the website of the Open University states that acknowledgement of the diploma may vary abroad: <http://www.openuniversity.edu/study/qualifications/recognition>. It is up to the educational institution to assess such acknowledgement, or to have it assessed. With regard to this assessment, the respondent was advised by the Admission Office. The Examination Appeals Board has no reason to doubt the correctness of this assessment.

Considering this, the respondent has rightfully refused admission of the appellant to the master's programmes by 1 September 2020. Now that no other facts or circumstances have emerged that could lead to an alternative decision, the appeals must be held unfounded.

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The decision

The Examination Appeals Board of Leiden University,

holds the appeals 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 H.M. Braam, LL.M., MA, (Chairman), Prof G. Boogaard, LL.M., Dr J.J. Hylkema, M.G.A. Berk, Msc, LL.B., and M. Heezen, LL.B. (Members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

H.M. Braam, LL.M., MA,
LL.M.,
Chair

M.S.C.M. Stoop - van de Loo,
Secretary

Certified true copy,

Sent on: