

DECISION 20 - 092

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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] (hereinafter to be referred to as “the programme”) by 1 September 2020.

The respondent rejected the appellant’s request in its decision of 20 April 2020.

The appellant sent a letter on 5 May 2020, to lodge an administrative appeal against this decision with the Examination Appeals Board.

The respondent took a revised decision (hereinafter: the contested decision) on 8 May 2020.

On 15 May 2020, the respondent invited the appellant for a meeting to see if they could reach an amicable settlement. This did not lead to an amicable settlement.

The respondent submitted a letter of defence on 27 May 2020.

The appeal was considered on 24 June 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant did not participate in the hearing, with notice. [names], Chair and Secretary, respectively, of the Admission Office of the Master’s Programme in [X] participated on behalf of the respondent.

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Considerations

1 – Facts and circumstances

The appellant has a bachelor's diploma in [X] of the University of [X]. He was admitted conditionally to the Master's Programme in [X] at Leiden University.

2 – The position of the respondent

The respondent has adopted the view -in essence- that the request for admission was rejected in the contested decision in view of the following grounds:

- His GPA in the bachelor's programme was below 6.4.
- The appellant did not complete his bachelor's programme within the nominal duration + 1 year.
- The appellant lacks sufficient academic research experience.
- The appellant has deficiencies in neuro sciences and anatomy and also in pathology, though to a lesser extent.

3 – The grounds for the appeal

The appellant argued that he has advanced expertise in the fields of [X], albeit that he has only basic expertise in [X]. He completed the course unit [X] successfully. He attached various letters of recommendation to his letter of appeal. The appellant is highly motivated to attend the programme.

4 – Relevant legislation

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

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:

5.2.2 The Board of Admissions may, upon request, admit persons to the programme who do not meet the requirements specified in 5.2.1, sub-sections a and b, 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, sub-sections a and b, possibly under further conditions, without prejudice to the conditions specified in 5.2.4.

5.2.4.1 In addition to the requirements specified in 5.2.1 and 5.2.2, the following qualitative admission requirements apply for the programme in accordance to Article 7.30b (2) of the Act:

In as far as relevant, the Appendix to the OER stipulates the following:

Ad. Article 5.2 Admission to the programme

Ad. Article 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

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specialisations or who have successfully completed the following prescribed pre-master's programme:

- a bachelor's degree in [X] [bachelor [X]], of a NVAO accredited [X] programme, at the level of a Dutch or Flemish University;
- a prescribed pre-master's programme pursuant to article 5.4.1.

Ad. Article 5.2.4 Qualitative admission requirements

Ad. Article 5.2.4.1 In addition to the requirements specified in 5.2.2, the following qualitative admission requirements apply for the programme pursuant to Article 7.30b (2) of the Act:

- The (bachelor) degree was passed within the nominal duration of the study plus one year at the start of the master's programme;
- Research experience for at least three months in a final project (internship) at the start of the master's programme. During this project (internship) the applicant has acquired skills with respect to working in a laboratory for at least three weeks;
- In depth knowledge, understanding and skills (demonstrated by grades and/or ECTS) in [X] (6 ECTS), [X] (6 ECTS), [X] (6 ECTS), [X] (6 ECTS) and [X] (9 ECTS) at the start of the master's programme;
- Grade Point Average of at least 6.4 (Dutch grading system; or international equivalent) at the submission deadline and 6.5 (Dutch grading system; or international equivalent) at the start of the master's programme;
- Mark of at least 7.0 (Dutch grading system; or international equivalent) for the (bachelor) internship at the start of the master's programme;

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*; WHW), the Examination Appeals Board must consider whether the contested decision is contrary to the law.

It was established that the appellant was awarded a bachelor's diploma in [X] of the University of [X]. The appellant wants to be admitted to the programme based on his prior education.

Article 5.2.1. of the OER shows that direct admission to this programme is only possible with a Bachelor's Diploma in [X] of a Dutch or Flemish University, or when the pre-master's programme has been completed successfully. Since the appellant does not have this diploma and did not complete the pre-master's programme, he does not qualify for direct admission. The request to be admitted

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must therefore be assessed on the basis of the requirements stipulated by 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 5.2.4.1 of the OER based on his prior education. The respondent has assessed the appellant's prior education and found deficiencies. The GPA of the appellant is 6.0 and, as such, it does not meet the requirement of a GPA of at least 6.4 at the time of submitting the request for admission. The nominal duration of the bachelor's programme that the appellant has completed is 3 years. In accordance with article 5.2.4.1 of the OER, a maximum duration of four years applies to the appellant. The appellant studied from 2 March 2009 to 14 January 2020 and has argued that his study time was extended due to personal circumstances in the period from 1 December 2015 to 4 October 2019. The respondent established that, even when the duration of his personal circumstances was to be deducted from his total study time, the appellant has studied 32 months longer as yet than the maximum duration allowed. The experience in the laboratory, as put forward by the appellant, does not meet the requirement of academic research experience with a duration of at least three months. The respondent established that the prior education of the appellant was highly focussed on [X], due to which he has sufficient expertise in the field of [X]. However, the appellant has deficiencies in the fields of [X]. In his bachelor's programme, the appellant did not attend course units that are directly related to [X]. The appellant has indeed acquired expertise in [X] in some course units, but to a lesser extent than the required 6 ECTS.

The Examination Appeals Board can agree to this. The appellant did not refute the deficiencies found by the respondent conclusively. Considering this, the respondent has rightfully refused admission of the appellant to the master's programmes by 1 September 2020. Now that the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded.

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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: M.M. Bosma LL.M. (Chair), Dr A.M. Rademaker, Dr K. Beerden, Y.D.R. Mandel, 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.

M.M. Bosma, LL.M.,
Chair

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

Certified true copy,

Sent on: