



DECISION 10 - 226

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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 [X], respondent

The course of the proceedings

In a decision of 5 June 2020, the respondent rejected the application from the appellant to be admitted to the Bachelor's Programme in [X] with effect from 1 September 2020.

The appellant lodged an administrative appeal with the Examination Appeals Board against this decision on 11 July 2020.

The respondent attempted to reach an amicable settlement with the appellant on 22 July 2020. The appellant failed to respond, consequently no amicable settlement was reached.

The respondent submitted a letter of defence on 11 August 2020.

The appeal was considered on 25 August 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the hearing. [name], Policy Officer Educational Advice and Quality Assurance, participated in the hearing on behalf of the respondent.

Considerations

1 – Facts and circumstances

The appellant was awarded a secondary education diploma in the [X]. Her GPA was 2.2 and she was awarded 1 AP in [X] with a grade 2 in the summer of 2010. The appellant subsequently completed a two-year professional programme in acting at [X] in [X] in 2018.



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2 – The position of the respondent

The respondent adopted the view that the appellant does not meet the admission criteria in view of her prior education. Her prior education is below the level of Dutch VWO (pre-university education). In order to be admitted, she needs to have a GPA of at least 3.5 and 3 APs in various general/academic fields with grades in the range of 4 to 5. The appellant does not meet this requirement.

3 – The grounds for the appeal

The appellant takes the position that it is unfair to reject her request for admission based on a secondary school diploma that she acquired over 10 years ago. Since then, she has developed her abilities further. The acting programme at [X] made her realise that she can outperform herself by means of hard work and passion. Since she has been living in the Netherlands, she has developed that same passion for Dutch language and culture. Consequently, she is highly motivated to take the master's.

4 – Relevant legislation

Article 7.24 of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW) stipulates:

1. Without prejudice to the third paragraph, the following apply as educational entry requirements for a programme in academic education:

- a. the diploma of pre-university education, as referred to in Article 7 of the Secondary Education Act (*Wet op het voortgezet onderwijs*), or
- b. the diploma of pre-university education, as referred to in Article 13, paragraph one, of the BES Islands Secondary Education Act (*Wet voortgezet onderwijs BES-eilanden*).

Article 7.28 of the WHW stipulates:

2. [...] The institution's Board may grant exemption from the prior education requirements as referred to in article 7.24, paragraphs one and two, respectively, to the holder of a diploma - either issued in the Netherlands or abroad - that is not included in the ministerial rules indicated in the first sentence, if - in the opinion of the institution's Board - the diploma equals at least the diploma as referred to in article 7.24, paragraph one and two, respectively, without prejudice to paragraphs three and four.

5 – Considerations with regard to the dispute

In accordance with article 7.61, paragraph two, of the Higher Education and Academic Research Act, the Examination Appeals Board must consider whether the contested decision contravenes the law.



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On the grounds of both articles 7.24 and 7.28 of the WHW, admission to an academic bachelor's programme requires that the student has a VWO diploma or a diploma that can be considered equivalent to a VWO diploma at the discretion of the institution's Board. It is not disputed that the appellant does not possess a Dutch VWO diploma. Neither is it disputed that her prior education is not considered equivalent to said diploma pursuant to ministerial rules. Therefore, the Examination Appeals Board must respond to the question whether, in the Board's opinion, the respondent has justly adopted the position that the appellant's prior education does equate with a VWO diploma.

The University's Admissions Office assessed the appellant's prior education and found that it is below VWO level. The fact that the appellant completed a two-year programme in acting does not alter this. The circumstance that the appellant is highly motivated to attend the programme does not entail that the respondent should have admitted her in contravention of the law. At the hearing, the respondent explained that the appellant will qualify for admission if she completes the propaedeutic year at a university of applied sciences (*Hoger Beroepsonderwijs*, HBO). The admission test (*colloquium doctum*) was also discussed as the appellant is 28 years old. At the hearing, the respondent undertook to counsel the appellant in finding the most appropriate solution for her.

Considering this, the respondent rightfully refused the appellant admission to the programme with effect from 1 September 2020. Since 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 O. van Loon, LL.M, (Chair), Dr A.M. Rademaker, Dr J.J. Hylkema, M. Heezen, LL.B., and W.J. van Wetten (Members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

O. van Loon, LL.M.,
Chair

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

Certified true copy,

Sent on: