

DECISION 21 - 018

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

of the Examination Appeals Board of Leiden University

in the matter of the appeal of

[name] from [place], appellant,

against

the Board of the Faculty [X], respondent.

The course of the proceedings

The appellant requested the respondent to be admitted to the Master's Programme in [X] with a specialisation in [X] (hereinafter to be referred to as "the Programme").

The respondent rejected the appellant's request in a decision of 1 December 2020.

On 13 January 2021, the appellant lodged an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached between the parties. An online meeting took place on 29 January 2021. No amicable settlement between the parties was reached.

The respondent submitted a letter of defence on 13 February 2021

The appeal was considered on 17 February 2021 during a public hearing of a chamber of the Examination Appeals Board. The appellant was not present. [name] and [name], Chair and Member respectively of the Board of Admissions, appeared on behalf of the respondent.

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Considerations

1 – Facts and circumstances

The appellant requested to be admitted to the programme.

In 2018, he completed the Bachelor's Programme in [X] at [X] University.

2 – The grounds for the appeal

The appellant holds that the Bachelor's Programme in [X] that he attended is an academic programme. A fellow student of the same programme was admitted to the Master's Programme in [X] at [X] University in [X]. The degree he was awarded focuses on the field of [X] and has sufficient common ground with [X]. It is for these reasons that he holds that he does meet the admission requirements of the programme. In this respect he refers to his research project "[X]". Moreover, he has ample work experience in the field of [X]. One of the positions he held was in the field of [X] and he was engaged in implementing a [X]

3 – The position of the respondent

The respondent takes the position that the appellant's prior education does not meet the requirements that apply to admission to the programme. The Bachelor's Programme in [X] he completed is assessed by the Admissions Office at the level of a Dutch diploma from a university of applied sciences (HBO). The Board of Admissions has considered the course units he attended. The investigation showed that there is insufficient common ground with required knowledge of topics related to relevant contemporary [X]. The Board of Admissions did not receive a list with a description of the substance of the course units he attended. During the attempt to reach an amicable settlement on 29 January 2021, the Board of Admissions also asked the appellant questions about the theoretical content of the course units he attended. The replies he gave to these questions did not give the Board of Admissions reason to re-evaluate his prior education as being of a different level from a Bachelor's Programme at a Dutch HBO institution. The Board of Admissions holds that this is also not demonstrated by the reference letter from Dubai University.

The fact that the appellant attended the [X] course unit does not lead the Board of Admissions to reach an alternative assessment. This course unit is related to [X] rather than to [X]. The work experience he acquired cannot compensate for the lack of academic experience.

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At the hearing, the Board of Admissions stated in addition that it would generally rely on the assessment of the diplomas by the Admissions Office. During the meeting of the Board of Admissions and the appellant, the latter was asked to submit a syllabus from the programme so as to compare the substance of the course units. He was also asked details about methodology, but this did not provide adequate evidence of eligibility for the programme. The appellant's work experience pertains mainly to applying knowledge and has limited academic foundation. In the meeting, the Board of Admissions also discussed with the appellant what other options may be available to him. However, no further response has been received since then.

4 – Relevant legislation

The Course and Examination Regulations of the Bachelor's Programme in [X] of the [X] Faculty (*Onderwijs- en examenregeling; hereinafter: OER*) stipulates the following, in as far as relevant in this case:

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

- a) a bachelor's degree in [X] from a recognized research university; or
- b) a bachelor's degree in [X] ([X]) from [X], with a minimum GPA of 7.5 for all the following courses combined:

[X] (Year 2)

[X] (Year 2)

[X] (Year 2)

[X] (Year 2)

[X] (Year 2)

[X] (Year 3)

[X] (Year 3)

[X] (Year 3)

and a minimum grade of 7.5 for each of the following elements:

Written Thesis (Year 4)

Thesis Defence (Year 4);

or

- c) a bachelor's degree from a recognized research university in [X], [X] or [X], provided the student fulfil the qualitative admission requirements specified in article 5.2.4.

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5.2.2 The Board of Admissions may, on request, admit persons to the programme 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, points a and b, possibly under further conditions, without prejudice to the requirements 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*; WHW), the Examination Appeals Board must consider whether the contested decision is contrary to the law.

From the documents and the explanation given at the hearing, the Examination Appeals Board learned that the respondent rejected admission of the appellant to the programme on just and proper grounds. His Bachelor's Diploma in [X] that he completed at [X] University was assessed by the Admissions Office at the level of a Dutch diploma from a university of applied sciences (HBO). In general, the Board of Admissions relies on this assessment. Nevertheless, in the meeting they had on 29 January 2021, the Board of Admissions asked the appellant to submit a syllabus so as to compare the content of the course units he has taken with the curriculum for the programme at Leiden University. The discussion with the appellant also focused on topics related to the programme. During this meeting, the appellant did not give the Board of Admissions the impression that he possesses the required level of knowledge, insight, and skills. He also failed to submit a syllabus for of the programme. According to the Board of Admissions, neither can his work experience compensate for the fact that he does not meet the set admission requirements.

The Examination Appeals Board holds that the Board of Admissions has assessed the request for admission by the appellant in a careful manner. The fact that a fellow student of the appellant who has the same diploma was admitted to [X] University [X] is not relevant in this respect since this is a different programme for which other admission requirements may apply.

Consequently, the Examination Appeals Board upholds the decision of the Board of Admissions that the appellant lacks the required knowledge, insights, and skills to be admitted to the programme.

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The decision

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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 H.M. Braam, LL.M., MA (Chair), Dr A.M. Rademaker, Dr J.J. Hylkema, M.C. Klink, BA, LL.B. and M. van der Veer, MSc (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

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

I.L. Schretlen, LL.M.
Secretary

Certified true copy,

Sent on: