

DECISION 21 - 256

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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

The appellant requested the respondent to be admitted to the Master's Programme in [X] in the [X] (hereinafter to be referred to as “the Programme”).

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

On 14 June 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. On 2 July 2021, an online meeting took place. No amicable settlement was reached.

The respondent submitted a letter of defence on 20 July 2021.

On 21 July 2021, the appellant responded to the letter of defence.

The appeal was considered on 4 August 2021 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear. [names], respectively, of the Board of Admissions, and [name], Study

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Coordinator of the Master's Programme in [X], appeared on behalf of the respondent.

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Considerations

1 – The grounds for the appeal

The appellant holds that the Board of Admissions has not taken his work experience sufficiently into account. He was employed as a [X] of [X] at [X] and was engaged in coping with any type of [X]. Before that, he was appointed as a [X] of the [X] and his tasks included “[X]”. The [X] strongly favours this master's programme.

He holds that the degree he was awarded must be considered to be a Bachelor of [X] of [X] University, College of [X]. In his opinion, it is not “vocational”. The institution in question is an accredited university. He performed [X] for 15 course units of the curriculum related to “[X], [X]”. He was admitted to two top programmes in the world in the same field ([X] University and University [X]). He received a [X] to be able to study at Leiden University. He holds a [X] at [X] and the [X]. He submitted his CV, which demonstrates his theoretical skills within his profession.

2 – The position of the respondent

The respondent takes the position that the appellant's prior education does not meet the requirements that apply for admission to the Programme. The Bachelor's Programme he completed is assessed by the Admissions Office at the level of a Dutch diploma of a university of science (HBO). The Board of Admissions has scrutinized the additional documents submitted by the appellant and reached the same conclusion as the Admissions Office. The curriculum does not demonstrate close links to relevant [X], expertise on [X] of “[X]”-related challenges (the curriculum mainly concerns “[X]” issues), or expertise of relevant [X] skills as demonstrated by a [X] project. The appellant therefore lacks the [X] skills to start the master's programme. The work experience of the appellant is of a more [X] nature. During the amicable discussion, the appellant explained that he was responsible for [X] the [X]. In order to remedy the deficits in the curriculum, the role would need to have been more [X]. Even aside from this matter, there is still a lack of relevant [X] skills. Additional examples of written papers show that his [X] skills are rather vocational in nature. For this reason the Board of Admissions maintains its opinion.

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At the hearing, the Board of Admissions indicated that the appellant has in the meantime apparently been admitted to another university, but that it is unclear on what grounds. Further investigation of the information submitted by the appellant leads the Board of Admissions to conclude that the appellant's work experience should be considered to be at the level of a [X]. In order to remedy the deficits established in his prior education more relevant work experience would be required. The material submitted by the appellant with regard to an [X] for a [X] did not demonstrate sufficient theoretical background, but rather a more [X] nature; its substance was of an inadequate level and did not demonstrate expertise of methodology.

3 – Relevant legislation

The Course and Examination Regulations of the Bachelor's Programme in [X] of the [X] Faculty (*Onderwijs- en examenregeling*; hereinafter: OER) stipulate 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-masters' programme may be admitted to the programme and one of its specialisations:

- a) a bachelor's degree in [X] from a recognised research university; or
- b) a bachelor's degree in [X] ([X]) from [X], with at least 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 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 recognised research university in [X], ([X]) [X] or [X], provided the student fulfils 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.

4 - Considerations with regard to the dispute

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

It is not disputed between the parties that the appellant does not qualify for direct admission. What is disputed is whether the respondent has rightfully and on proper grounds taken the position that the appellant lacks the expertise and skills as referred to in Article 5.2.1 of the OER based on his prior education and work experience.

From the documents and the explanation 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 Degree was assessed by the Admissions Office at the level of a Dutch diploma of a university of applied sciences (HBO). In general, the Board of Admissions relies on this assessment by the Admissions Office.

Nevertheless, in the meeting held on 2 July 2021, the Board of Admissions asked the appellant to submit more detailed information. Further investigation of the information submitted by the appellant did not lead the Board of Admissions to reach an alternative conclusion from the Admissions Office. The Board of Admissions did not reach the conclusion that the appellant possesses the required level of knowledge, insight, and skills. The prior education of the appellant lacks in particular sufficient course units on the areas of expertise as referred to in Article 5.2.1, under b, of the OER. Neither does the appellant demonstrate that he has the research skills that are required for the programme. According to the Board of Admissions, his work experience cannot compensate for the fact that he does not meet the set admission requirements.

The Examination Appeals Board agrees with this reasoning by the respondent and endorses it. Furthermore, the Examination Appeals Board holds that the Board of Admissions assessed the request for admission by the appellant in a

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21-256 by the appellant in a just manner.

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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 C.V. Weeda, M.C. Klink MJur (Oxon.) BA, and E.L. Mendez Correa, LL.B. (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

O. van Loon, LL.M.,
Chair

I.L. Schretlen, LL.M.,
Secretary

Certified true copy,

Sent on: