

DECISION 23 - 140

Rapenburg 70
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of the Examination Appeals Board of Leiden University
in the matter of the appeal of

[X] , appellant,

against

the Board of the Faculty of Governance and Global Affairs, respondent.

The course of the proceedings

The appellant requested the respondent to be admitted to the Master's Programme in Crisis and Security Management with a specialisation in Intelligence and National Security (hereafter referred to as: the Programme).

The respondent admitted the appellant conditionally to the Programme in a decision of 10 March 2023. One of the conditions imposed was that the appellant must submit the result of a satisfactory (> academic 6.5) English language proficiency test (IELTS or equivalent).

The appellant sent a letter to the Examination Appeals Board on 18 March 2023 to lodge an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it has investigated whether an amicable settlement could be reached between the parties. No amicable settlement was reached.

The respondent submitted a letter of defence on 13 April 2023.

The appeal was considered on 10 May 2023 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given notice.[X] , of the Board of Admissions of the Governance and Global Affairs Faculty appeared on behalf of the respondent.

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Considerations

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.

The Examination Appeals Board took note of the parties' views, as reflected in the documents submitted.

For admission to the Programme, the respondent requires the submission of the result of a language test IELTS 6.5 (or equivalent). This requirement is included in Article 5.2.3.2 of the Course and Examination Regulations (*Onderwijs en examenregeling*, hereinafter: the OER), of the Master's Programme in Crisis and Security Management.

The appellant does not agree with the language test condition imposed on him. He has completed his prior education in English (this includes a Bachelor [X]). He has also authored a book on his research findings in the English language. According to him, this shows that he is sufficiently proficient in the English language. English is the official language in [X]. The three programmes (BSc, MSc, PhD) he took at the [X] were also in English-language education.

The respondent intends to adhere to the exhaustive list of countries that are an exception to the language requirement included in Article 5.2.3.1 of the OER. [X] is not on that list of countries. This restrictive list was imposed at a central level and is used throughout the university. The respondent cannot deviate from this. Only a small deviation in the desired test result is possible. The fact that the appellant has authored a book which he deems to be proof of his English proficiency provides no grounds to the respondent to deviate from the mandatory language requirement.

The Examination Appeals Board considered that Article 2.8.1. of the OER stipulates that the Programme be taught in English. Students are expected to have an adequate knowledge of the English language, in accordance with the requirements set out in Article 5.2.3 of the OER. Article 5.2.3.1 of the OER sets a number of admission requirements for attending an English-language master's programme for this purpose. This includes prior education received in Australia,

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Canada (except French-language courses), Germany, Ireland, Malta, New Zealand, Singapore, United Kingdom, United States of America, or South Africa. The Examination Appeals Board agrees with the respondent that [X] is not on the list of these countries.

The Examination Appeals Board considers that this list of countries is revised regularly and expanded as part of the assessment of foreign degrees by the Admissions Office. At the hearing, when asked, the respondent could not indicate the opinion of Admissions Office on course unit(s) the appellant had attended at[X].

Without this explanation, the Examination Appeals Board fails to see why it cannot be assumed that the appellant has adequate knowledge and proficiency in the English language to successfully complete the course. In the absence of an opinion in this regard from the Admissions Office and, on the other hand, the fact that there is also insufficient reason to assume that the appellant does not have adequate adequate knowledge and proficiency in the English language based on the programmes he attended in[X] , the Examination Appeals Board considers that the contested decision cannot be upheld.

The decision

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The Examination Appeals Board of Leiden University,

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in view of article 7.61 of the Higher Education and Academic Research Act,

- I. holds the appeal founded;
- II. quashes the contested decision;
- III. instructs the respondent to take a new decision on the application for admission with due observance of the considerations set out in this decision.

Established by a chamber of the Examination Appeals Board, comprised of M.G.A. Berk (Chair), LL.M., Dr A.M. Rademaker, Dr C.V. Weeda, J.J. Christiaans B.A., and J.D. Kuster Bsc (Members), in the presence of the Secretary of the Examination Appeals Board, I.L Schretlen, LL.M.

M.G.A. Berk, LL.M.
LL.M.
Chair

I.L. Schretlen,
Secretary

Certified true copy,

Sent on:

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Relevant legislation Annex

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As far as relevant, the Course and Examination Regulations (*Onderwijs en Examenregeling*) of the Master's Programme in Crisis and Security Management 2020-2021 ("OER") stipulates, in as far as relevant here:

Chapter 5 Admission to the Programme

Article 5.1 Confirmation of admission

5.1.1 The Faculty Board provides confirmation of admission if the student meets the entry requirements specified in Articles 5.2 and 5.3, as long as the maximum number of students that the Executive Board has determined may be enrolled in the programme has not been exceeded. If admission is on the basis of Article 5.2.1, the proof of registration is also confirmation of admission.⁵

5.1.2 Confirmation of admission must be applied for according to the rules set out in the Regulations for Admission to Master's Programmes.

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 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 Security Studies from a recognized research university .
Or;

b. a bachelor's degree in Safety and Security Management Studies (SSMS) from The Hague University of Applied Science, with at least minimum GPA of 7.5 for all the following courses combined: Safety Risk Management (Year 2) Crisis and Disaster Management (Year 2) International Relations and Geopolitics (Year 2) National Security Systems (Year 2) Managing International Conflict (Year 2) Rethinking Safety and Security (Year 3) Research Design (Year 3) Research Practice (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 recognized research university in Public Administration, (International) Political Science or International Relations, provided the student fulfills the qualitative admission requirements specified in article 5.2.4

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.

Article 5.2.4 Qualitative admission requirements

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

- Demonstrable knowledge of relevant aspects of crisis and security related topics.
- Demonstrable knowledge of governance issues
- Demonstrable knowledge of relevant empirical research skills.

5.2.4.2 Where article 5.2.4.1 applies, the admission requirements will be implemented as follows: The application is accompanied by a letter explaining how the requirements mentioned in article 5.2.4.1 have been met and;

- Crisis and security related topics: “The curriculum contains several courses related to war studies or conflict theories, organizational crises, criminology, security studies, diplomacy, terrorism studies, or intelligence studies. To some extent also international politics (though best combined with other courses). Course descriptions are appreciated. or Relevant work experience obtained in a crisis and security related context. This work experience should be managerial in nature, so not solely the execution of crisis and security related tasks. or6 One or several online courses have been followed regarding this subject. Some examples: the online Coursera course “Terrorism and Counterterrorism”, the online Coursera Course “Risk in Modern Society” and the online Coursera course “Security and Safety Challenges in a Globalized World”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained.
- Governance issues: The curriculum contains several courses related to public management, EU or international governance, organizational management, networks, or (international) politics. Course descriptions are appreciated. or Relevant work experience has been obtained in a middle to higher level management position of a public organization or NGO. or One or several online courses have been followed regarding this subject. Some examples: the online Coursera course “Organizational Analysis” and the online Coursera Course “Risk in Modern Society”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained.
- Relevant empirical skills: The curriculum contains several courses related to empirical research, a conceptual analysis of empirical material, research design, qualitative research methods and/or quantitative research methods. Course descriptions are appreciated. or One or several online courses have been followed regarding this subject. Some examples: the online Coursera course “Qualitative Methods” and the online Coursera Course “Quantitative Methods”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained. or The application is accompanied by

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writing samples which prove familiarity with empirical research, or at least knowledge of the ability to apply and test theories, or analyze situations in accordance with an abstract conceptual framework. A Bachelor thesis as a writing sample is preferred. Please include the grade if available.