

DECISION 13 – 232

of the Examination Appeals Board of Leiden University

pertaining to

the appeal of [name], appellant

against

the Board of the Faculty of Social and Behavioural Sciences, respondent

1. Origin and course of the proceedings

In her letter dated 14 November 2013 and received by the Board on 25 November 2013, appellant lodged an appeal against respondent's decision of 12 November 2013 in which she was refused admission to the Bachelor's Programme in Political Science.

In her letter of appeal, appellant argues that in addition to the 'primary teacher certificate', she also completed the WASSCE diploma ('West African Senior Secondary School Certificate'). Because her grades for this diploma were not very high, she decided to also complete the 'primary teacher certificate', so as to 'raise' her level.

Appellant therefore requests that the decision be re-evaluated.

No letter of defence was submitted.

The appeal was dealt with on 29 January 2014 during a public hearing of a chamber of the Board which appellant failed to attend, without having given prior notice of absence, and despite being duly summoned. [name] appeared on behalf of respondent.

2. Considerations relating to admissibility

Appellant lodged a timely appeal against the decision of 12 November 2013. The letter of appeal also fulfils the requirements for appeal as formulated in the General Administrative Law Act (Awb) and the Higher Education and Research Act (WHW), meaning that the administrative appeal is admissible.

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3. Considerations relating to the dispute

Appellant is appealing against the decision of 12 November 2013, in which she was denied admission to the Bachelor's Programme in Political Science.

The Board must, in accordance with Article 7.61, paragraph two, of the WHW, determine whether the contested decision is in contravention of the law.

Pursuant to Article 7.24, paragraph one, of the WHW, any person wishing to enrol in a bachelor's programme must be in possession of a pre-university (VWO) diploma.

Pursuant to Article 7.28, paragraph one, of the WHW, any person in possession of a successfully completed first-year phase examination (propaedeuse) from an institution of higher education is granted exemption from the prior education requirement stipulated in Article 7.24, paragraph one, of the WHW. In addition, any person who has access to university education in a country that has ratified the Convention on the Recognition of Qualifications concerning Higher Education in the European Region is equally exempted from Article 7.24, first paragraph, of the WHW. This is without prejudice to the authority of the Board of the Institution to demonstrate, on the basis of Article IV.1 of the aforementioned convention, a substantial difference in the general requirements under or pursuant to the WHW.

Pursuant to Article 7.29, paragraph one, of the WHW, the Board of the Institution may choose to exempt from the prior education requirement stipulated in Article 7.24, paragraphs one or two respectively, any person aged twenty-one or older who fails to meet this requirement and who has not been exempted from it on the grounds of Article 7.28, on the condition that it appears from an investigation carried out by a committee appointed by the Board of the Institution that the person in question has demonstrated his or her suitability for the study programme in question and a sufficient command of the Dutch language to successfully follow the study programme in question. Pursuant to paragraph two, the criteria for this investigation are specified in the Course and Examination Regulations (OER).

Pursuant to paragraph three, the Board of the Institution may decide to deviate from the age limit mentioned in the first paragraph when dealing with a person in possession of a diploma issued outside the Netherlands and that grants him or her access to a study programme at an institution of higher education in his or her own country. The Board of the Institution may also decide to deviate from this age limit in exceptional cases in which no diploma can be submitted. [...]

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It is clear that appellant is in possession of neither a pre-university (VWO) diploma, nor a successfully completed university first-year phase examination (propaedeuse). Her request for admission must therefore be assessed on the basis of the requirements established by or pursuant to Article 7.29 of the WHW.

Chapter 5 of the Course and Examination Regulations of the Bachelor's Programme in Political Science (hereafter OER) lists the entry requirements for this bachelor's programme:

Chapter 5 Entry and Admission to the programme

Article 5.1 Direct admission

5.1.1 Direct admission is granted to any person who meets the conditions stipulated in Articles 7.24, 7.25 and 7.28 of the WHW.

5.1.2 The Executive Board may, in specific cases listed in the WHW, refuse to grant admission by referring to its authority pursuant to the second and third full sentences of Article 7.28 paragraph one, of the WHW.

Entry

Article 5.2 Alternative requirements 'old style'-VWO

Not applicable

Article 5.3 Equivalent prior education

Not applicable.

Article 5.4 Further prior education requirements and deficiencies

Not applicable.

Article 5.5 Command of Dutch

5.5.1 Persons in possession of a diploma awarded outside the Netherlands can meet the requirement regarding an adequate command of the Dutch language by passing the Level III Examination (5 and 6) of the Dutch NT2 course organised by Leiden University.

5.5.2 The Board of Examiners may, in exceptional cases, grant the applicant an exemption from the examination referred to in 5.5.1.

Article 5.6 Colloquium Doctum

With respect to the admission investigation as referred to in Article 7.29 of the WHW, students are assessed on the basis of the following criteria:

- at least a HAVO (Senior General Secondary Education) diploma, and
- a number of years of relevant work, and
- a successfully completed test in one or more of the following subjects:

English VWO (or equivalent)/ IELTS 6.0

Mathematics A1 VWO (or equivalent)

History VWO (or equivalent)

In exceptional cases, one or more of the requirements listed above may be deviated from.

In the course of the hearing respondent explained that the Admissions Office had informed him of the fact that with her prior education appellant would not be granted admission to the 'University of Gambia', the only university in Gambia. The WASSCE is approximately equivalent to a HAVO (Senior General Secondary

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Education) diploma, and the 'primary teacher certificate' is approximately equivalent to an MBO (Intermediate Vocational Education) diploma.

The Board has established that appellant is neither in possession of a pre-university (VWO) diploma as referred to in Article 7.24, paragraph one, of the WHW, nor of a diploma that is considered by the Admissions Office to be equivalent to a pre-university (VWO) diploma. Moreover, appellant is also not in possession of a successfully completed university first-year examination (propedaeuse). Furthermore, appellant has not demonstrated an adequate command of the Dutch language. This means that appellant does not meet the requirements listed in the OER.

On basis of the above, the Board is of the opinion that since appellant fails to meet the conditions that apply, respondent did not act in contravention of the law in refusing to grant her admission.

Since no other facts or circumstances have been made known to the Board which could justify an alternative decision, the appeal must be declared unfounded. This means that the contested decision must be maintained.

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4. The decision

The Examination Appeals Board of Leiden University,

in view of Article 7.61 of the Higher Education and Research Act (WHW),

declares the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board comprising H.J.G. Bruens, LL.M. (Chair), Professor E.P. Bos, Professor E.M. Noordijk, Professor T.M. Willemsen, and S.O. Zengin, LL.B. (Members), in the presence of the Secretary of the Board, A. van Ingen Scholten, LL.M.

H.J.G. Bruens, LL.M.
Chair

A. van Ingen Scholten, LL.M.
Secretary

True certified copy,

Sent on: