Examination Appeals Board

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D E C I S I O N 1 7 - 1 3 1

of the Examination Appeals Board of Leiden University

in the matter of

the appeal by [name], appellant

against

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

1. Origin and course of the proceedings

In a decision of 11 April 2017, the respondent rejected the application from the appellant to be admitted to the Master's Programme in Psychology, specialising in Child and Adolescent Psychology ("Master's Programme") in its decision of 11 April 2017.

The appellant sent a letter on 20 May 2017, which was received on 23 May 2017, to lodge an administrative appeal against this decision. In short, the appellant argued that the level of her previous education is sufficient and that its curriculum does sufficiently match that of the master's programme. The appellant is highly motivated to take this master's.

The respondent investigated whether an amicable settlement could be reached. The respondent informed the appellant accordingly in an e-mail of 8 June 2017 that no amicable settlement was concluded.

The respondent submitted a letter of defence on 22 February 2017, stating that that the appellant had followed too few course units in the field of the chosen specialisation. The respondent stands by the decision to refuse the appellant's application.

The appeal was considered on 19 July 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given prior notice. [name], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 11 April 2017 by means of the letter that was received by the Examination Appeals Board on 23 May 2017. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

3. Relevant legislation

As far as relevant, the Course and Examination Regulations ("OER") of the Master's Programme in Psychology state the following:

5.2.1 Pursuant to Article 7.30b, first paragraph, of the Act, holders of one of the following degrees may be admitted to the programme and one of its specialisations: a bachelor's degree from the BSc programme in Psychology at Leiden University.

5.2.2 The Board of Admissions may, on request, grant admission to the programmes to persons 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 an equal level of knowledge, understanding and skills as the holders of a degree specified in 5.2.1, possibly under conditions to be further determined, without prejudice to the requirements in 5.2.4.

5.2.4 Persons with a bachelor's degree from a university programme or an equivalent degree who possess the skills, understanding and knowledge that are required for earning the bachelor's degree referred to in Article 5.2.1; more specifically, knowledge at university level of the following topics:

- introduction to psychology
- social and organisational psychology
- personality psychology
- cognitive psychology
- neuropsychology and/or psychophysiology and/or biopsychology
- clinical and abnormal psychology
- developmental and educational psychology
- theory or training in interpersonal skills, such as interview, counselling, discussion techniques.

- theory or training in psycho diagnostics
- advanced courses (at least 30 ECs) at third-year bachelor's level on topics pertaining to the preferred master's specialisation within the MSc Psychology.
- and
  o have sufficient knowledge of Methodology and Statistics (at least 20 EC): introductory and more advanced courses in methodology and statistics of psychological research (including psychometrics, multivariate data analysis) and the use of SPSS.
  o have earned the degree of bachelor at a university.
- have proof of thorough proficiency in written and spoken English, e.g. by means of an IELTS score of 7 or a TOEFL score of 100/250/600 or equivalent (for non-native speakers of English)) with at least an IELTS score of 6,5 on partial scales of this test and at least a TOEFL score of 22 (reading), 22 (listening), 22 (speaking) and 25 (writing) on partial scales of this test.

4. Considerations with regard to the dispute

In accordance with article 7.61, paragraph two of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

It has been established that the appellant was awarded a Bachelor of Arts/Sciences at Boston University in the United States. The respondent does not contest that the level of this education is equal to that of a Dutch academic institution.

Article 5.2.1. of the OER states - in so far as this is relevant - that direct admission to this master's programme is only possible with a Bachelor's diploma in International Studies at Leiden University. Since the appellant does not have this diploma, she does not qualify for direct admission. The request to be admitted must therefore be assessed on the basis of the requirements stipulated by articles 5.2.2 and 5.2.4. of the OER.

The respondent substantiated the contested decision with the considerations that the previous education of the appellant differs considerably on substance from the requirements to be admitted to the master's programme. The appellant did not complete enough course units in the field of psychology, methodology and statistics and in the field of her chosen specialisation.

The appellant argued in her letter of appeal that the respondent incorrectly confined himself to assessing whether she had completed the in-depth course units in the field of the specialisation and 20 ECTS in Methodology and Statistics

required according to article 5.2.4 of the OER. She stated that she compensated for the deficiencies in ECTS by her previous education combined with general and work experience. As such, she has completed the *Child Cognition Lab* and a *senior honours project*. She completed her programme *cum laude* and her results of the course units in psychology were also designated to be at *honours* level. She worked in the *Child Cognition Lab* for three years and two years as a volunteer in the *Center for Anxiety and Related Disorders*. Last year, she worked full time as *Residential Counselor* and *Behaviour Therapist*. Furthermore, the appellant submitted two letters of recommendation with her request to be admitted. As such, the appellant claims to qualify for admission to the master's programme pursuant to article 5.2.2 of the OER.

The respondent stressed in the letter of defence and at the hearing that the appellant does not meet the requirement of at least 30 ECTS of in-depth course units in the field of the specialisation and does not meet the requirement of at least 20 ECTS in course units in the field of Methodology and Statistics. The respondent explained previously that work experience and general or public subsidiary activities do not constitute an admission criteria according to the OER. Consequently, these were not considered when assessing whether the appellant qualified for admission. Upon request, the respondent stated at the hearing that the appellant is deemed to be a suitable candidate for the master's programme based on her profile.

Pursuant to article 5.2.2. of the OER, the respondent may on request grant admission to a student who does not meet the condition as referred to in 5.2.1, but who can nonetheless demonstrate to the satisfaction of the respondent that he or she possesses a level of knowledge, understanding and skills equal to the holders of a degree specified in 5.2.1, possibly under conditions to be further determined. Article 5.2.4 of the OER further details the required knowledge, understanding and skills which a student must have acquired. A student who deems he or she qualifies for admission on these grounds may try to demonstrate so with all the means that he considers appropriate. This can be achieved by submitting a certificate or list of marks that demonstrates that he has been awarded the required ECTS. However, this may also be demonstrated by other programmes that have been attended, internships, general and scientific publications, work experience, general and public subsidiary positions or demonstrable public engagement.

As a consequence, the Examination Appeals Board does not endorse the position taken by the respondent at the hearing that the criteria as referred to in article 5.2.4 can only be met by successful completion of course units with a particular study load and that, therefore, relevant work experience and relevant general or

public subsidiary activities must be completely disregarded. Since the documents show that the respondent has fully disregarded the appellant's work experience and relevant general or public subsidiary activities, the decision that has been taken is contrary to the law.

The above leads to the conclusion that the appellant's appeal is founded and that the contested decision must be quashed. The respondent is required to reach a new decision within four weeks. In doing so, the respondent must consider whether the appellant has made it plausible with her previous education combined with her work experience and relevant general or public subsidiary activities that she possesses knowledge, understanding and skills at the level of a student who successfully completed the bachelor's programme at Leiden University, as further detailed in article 5.2.4. of the OER.

5. The decision

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

the Examination Appeals Board of Leiden University

I. holds the appeal founded;
II. quashes the decision of 11 April 2017;
III. instructs the respondent to reach a new decision within four weeks, with due regard for the considerations of this decision.

Established by a chamber of the Examination Appeals Board, comprised of O. van Loon, LLM, Chair, Dr J.J.G.B. de Frankrijker, Dr Bos, M. Heezen and G. Boogaard, LLM, (members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LLM.

O. van Loon, LLM
Chair

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

Certified true copy,

Sent on: