

DECISION 17 - 378

Rapenburg 70
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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 of Humanities, respondent

1. Origin and course of the proceedings

The appellant sent a letter on 22 November 2017 which was received on 30 November 2017, to lodge an appeal against the decision of the respondent of 20 October 2017 (the contested decision).

The contested decision rejected the appellant's application to be admitted to the Master's Programme in Asian Studies, with a specialisation in Politics, Society and Economy of Asia (hereinafter to be referred to as: the master's programme) on the grounds that the appellant's previous education differs too much in terms of substance and level from the requirements to be admitted to the master's programme.

In short, the appellant argued that the level of his previous education is sufficient and that its curriculum does correspond sufficiently with the master's programme. Furthermore, he stated that he will be able to compensate deficiencies - if any - due to his work experience as a trainer and curriculum developer in Asia. The appellant stated that he is motivated to start the master's programme. He is also willing to attend a "bridging programme", if the respondent deems this necessary.

The respondent investigated whether an amicable settlement could be reached. However, this did not result in the appeal being withdrawn.

A letter of defence was submitted on 20 December 2017.

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The appeal was considered on 14 February 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given notice of absence. [names], appeared on behalf of the respondent.

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 20 October 2017 by means of the letter dated 22 November 2017 that was received by the Examination Appeals Board on 30 November 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 is relevant, the Course and Examination Regulations (“OER”, *Onderwijs en examenregeling*) of the Master's Programme in Asian Studies state the following:

Article 5.2 Admission to the programme

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:

<i>Specialisation Master</i>	<i>Admission on the basis of bachelor'sprogramme, with a specialisation in</i>
(...)	(...)
Politics, Society and Economy of Asia	Chinese Studies (Leiden University) Japanese Studies (Leiden University) Korean Studies (Leiden University) South and Southeast Asian Studies

(Leiden University)

5.2.2 The Faculty Board may, on request, grant admission to (one or more of the specialisations of) the programme to applicants who do not meet the requirements as specified in 5.2.1 but who can demonstrate to the satisfaction of the Faculty Board that they possess a level of knowledge, understanding and skills equal to that of holders of a degree specified in 5.2.1, possibly under further conditions.

To be considered as holding a degree equal to the one specified in 5.2.1, applicants must meet the following requirements:

- a bachelor's degree from a research university, equivalent to the level of a Dutch academic bachelor's degree, or demonstrate that they meet the requirements for such a degree, including the General Academic Skills listed in Appendix B, and
- the bachelor's degree is in the field of humanities or social sciences,
- applicants have knowledge of the nature and role of, as well as the ability to analyse and report on, academic inquiry in the humanities or social sciences.

In addition, the applicant must also meet the following specific requirements per specialisation:

(...)

Specialisation Politics, Society and Economy of Asia

The applicant must have completed components at bachelor's level (which may include the thesis) equivalent to at least 30 credits on the politics, society and/or economy of one or more Asian countries or regions.

Applicants with a bachelor's degree in International Studies from Leiden University who

- have completed all area courses for either East Asia or South and Southeast Asia, and
 - wrote their BA thesis and/or completed optional courses worth 10 credits on either East Asia or South and Southeast Asia
- are considered to have fulfilled all entry requirements.

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For further information on the admission procedure and required application documents please see <http://www.students.leiden.edu/application-admission/master/application-admission/>.

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 in Journalism and Spanish Language (double major) at Suffolk University (United States).

Article 5.2.1. of the OER states that direct admission to this master's programme is only possible with a Bachelor's Diploma in Chinese Studies, Japanese Studies, Korean Studies, or South and Southeast Asian Studies from Leiden University. Since the appellant does not have such a diploma, he does not qualify for direct admission. The request to be admitted must therefore be assessed on the basis of the requirements stipulated by the OER.

The respondent explained in his letter of defence in addition to the contested decision that and why the appellant does not meet the requirements set out in article 5.2.2. of the OER based on his diploma. At the hearing, the respondent clarified that the appellant's previous education is below the level of an academic bachelor's. The Admissions Office has classified the bachelor's that was awarded to the appellant to be a bachelor's at the level of a university of applied sciences. The appellant must attend course units at the level of an academic bachelor's for a further year. In addition, the appellant lacks a considerable number of course units in the field of his master's programme/specialisation. The respondent did not consider the appellant's work experience as a trainer and curriculum developer in Asia to be sufficient to compensate for the deficiencies established. A pre-master's programme will not be adequate for the appellant to achieve both the level of education and the required specialisation, according to the

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respondent. Considering this, the respondent has rightfully refused admission of the appellant to the master's programme.

Since the Examination Appeals Board has not been informed of any other facts or circumstances that could lead to an alternative decision, the appeal must be held unfounded.

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5. The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University
holds the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board, comprised of
H.M. Braam, LL.M, MA (Chair), Dr K. Beerden, J. Nijland, LL.M, Y.D.R. Mandel
and Z.I. de Vos (members), in the presence of the Secretary of the Examination
Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M

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

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

Certified true copy,

Sent on: