

**DECISION 17 - 138**

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of the Examination Appeals Board of Leiden University

in the matter of

the appeal by [name], appellant

against

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

**1. Origin and course of the proceedings**

In a decision dated 4 May 2017, respondent rejected the application by appellant for admission to the master's programme in Crisis and Security Management ('master's programme').

Appellant lodged an administrative appeal against this decision in a letter dated 24 May 2017, received on 31 May 2017. In short, appellant argues that his work experience is adequate to be admitted to the master's programme. As a result of personal circumstances, he has not been able to acquire an above average GPA. Appellant is highly motivated to follow the master's programme.

On 14 June 2017, respondent explored the possibility of reaching an amicable settlement. No amicable settlement was reached.

On 20 June 2017, respondent submitted a letter of defence, indicating that appellant has not made his academic potential adequately clear. Respondent maintains the decision to reject appellant's application.

The appeal was heard on 19 June 2017 during a public hearing of a chamber of the Examination Appeals Board. Appellant was present at the hearing. Respondent was represented by [name].

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**2. Considerations relating to admissibility**

The appellant lodged a timely appeal against the decision of 4 May 2017 by means of the letter received on 31 May 2017 by the Examination Appeals Board. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act (*Algemene wet bestuursrecht*, “Awb”) and the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, “WHW”). 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 Crisis and Security Management 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:

- If they are in the possession of a Bachelor's degree in Bestuurskunde from Leiden University, and
- If they have, in opinion of the Faculty Board, sufficient motivation for the programme evidenced by a motivation letter.

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.

If they are in the possession of a bachelor's degree from a university programme or can demonstrate that they meet the requirements set by such a degree; and:

- If they are in possession of qualities in the area of knowledge understanding and skills which should have been acquired by the end of the bachelor's programme referred to in article 5.2.1; and
- If they have, in the opinion of the Faculty Board, sufficient motivation for the programme evidenced by a motivation letter.

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5.4.7. Students are admitted to the bridging program on the basis of demonstrated academic capacity, English proficiency as established in 5.3.2 of this OER, and affinity to the subject of the applied for Master programme, as evidenced by professional experience, completed courses and specializations, or other means.

#### **4. Considerations with regard to the dispute**

In accordance with article 7.61, paragraph two, of the WHW (Higher Education and Academic Research Act), the Examination Appeals Board must consider whether the contested decision contravenes the law.

It was established that appellant has a bachelor's diploma in International Public Management from The Hague University of Applied Sciences.

As far as is relevant, article 5.2.1. of the OER states that automatic admission to this master's programme is only possible with a Bachelor's diploma in Public Administration from Leiden University. Since the appellant does not have this 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.

Pursuant to article 5.2.2. of the OER, at the request of an applicant, respondent may grant admission to an applicant who does not meet the condition indicated in 5.2.1., but who is able to demonstrate to the satisfaction of respondent the same level of knowledge, insight and competences as holders of a diploma as described in 5.2.1., possibly under certain conditions to be determined later. If a student believes his application should be considered on the above grounds, he may attempt to demonstrate this by any means he considers suitable. This could be, for example, by indicating other programmes that he has taken, internships, (scientific) publications, work experience or subsidiary positions of societal relevance.

In his letter of objection, respondent indicated that appellant has neither a relevant minor from the university nor work experience at the level of decision-making or strategy. Respondent stated that many other candidates have been refused admission to this master's programme on the same grounds.

Neither in the disputed decision nor during the hearing did respondent adequately explain the basis for the criterion 'work experience at the level of decision-making or strategy' as being suitable to assess whether a student meets the admission criteria mentioned in article 5.2.2. of the OER. Nor did respondent adequately explain why appellant with his work in the Netherlands and for peace

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missions abroad, whether or not in combination with his GPA, does not meet the admission criteria mentioned in article 5.2.2. of the OER.

The Board of Examiners is therefore of the opinion that since the disputed decision lacks adequate motivation and contravenes article 3.4.6 of the Awb, it should be annulled. The simple fact that appellant has rejected other potential students on the same grounds is not sufficient in this case.

The conclusion reached from the foregoing is that appellant's appeal is founded and the disputed decision must be annulled. Respondent is required to reconsider his conclusion within four weeks of the despatch of this letter, bearing in mind the considerations of this present decision.

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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,

- I. declares the appeal founded;
- II. annuls the decision of 4 May 2017;
- III. instructs defendant to reconsider his conclusion within four weeks of the despatch of this letter, taking into account the considerations of this present decision.

Established by a chamber of the Examination Appeals Board, comprising O. van Loon, LL.M. (chair), Dr J.J.G.B. de Frankrijker, Dr K. Beerden, M. Heezen and G. Boogaard, LL.M. (members), in the presence of the secretary of the Board, M.S.C.M. Stoop - van de Loo, LL.M.

O. van Loon, LL.M.  
Chair

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

Certified true copy,

Sent on: