

DECISION 18 - 309

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

[name] from Gulu, Kampala, Uganda, appellant,
against
the Board of the Faculty of Humanities, respondent

1. The course of the proceedings

- The appellant requested to be admitted to the Master's Programme in History, with a specialisation Europe 1000-1800 (hereinafter: the master's programme).
- The respondent rejected the appellant's request in the decision of 12 December 2018.
- On 21 December 2018, the appellant lodged an administrative appeal against the respondent's decision of 12 December 2018.
- The respondent informed the Examination Appeals Board that an attempt had been made to reach an amicable settlement. However, in the email message of 29 January 2019 the respondent notified the Board that no amicable settlement was reached between the parties with regard to the admission to the specialisation in Europe 1000-1800.
- The respondent submitted a letter of defence on 29 January 2019.
- The appeal was considered on 13 February 2019 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.

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2. Facts and circumstances

The appellant has a “Bachelor of Arts” diploma dating from June 1997, achieved at Makerere University in Kampala, Uganda. The course units in the programme were history, economics, and philosophy. The history course units pertain to: the history of East Africa since 1800, and the history of Africa since 1800, world revolutions, colonialism, imperialism, the history of America and Canada, and the history of Uganda.

3. The contested decision

In the decision of 12 December 2018, the respondent informed the appellant that he will not be admitted to the master’s programme.

In reaching this decision, the respondent considered that in terms of level and substance, the previous education of the appellant cannot be considered comparable to a bachelor’s diploma achieved at a Dutch University. The appellant’s previous education does not demonstrate that it matches any of the topics of the specialisation programme. The respondent therefore deems that the appellant does not have the required knowledge and skills to start the master’s programme.

The respondent explained this decision by stating that the appellant should at least have achieved 45 ECTS in history course units in relevant fields of the chosen specialisation. Furthermore, the respondent remarked that this specialisation will probably not prepare the appellant for work in museums in Africa. The master’s programme will consequently not meet the appellant’s expectations. The same applies to the appellant’s motivation to teach at a university of applied sciences. The respondent advised the appellant to request admission to the master’s programme in Africa Studies.

At the hearing, the respondent added that the bachelor’s diploma from Makerere University in Kampala, Uganda, as submitted by the appellant, demonstrates that the course units attended by the appellant all pertain to the history of Europe after 1800. However, the master’s programme pertains to the history of Europe between 1000 and 1800. The appellant’s previous education therefore does not match the level of the master’s programme. The respondent did remark that Makerere University is regarded as one of the best universities in Uganda. The level of this university is reasonable. The Admission Office does not just apply the requirements of the OER when assessing a request for admission, but also considers whether a student will be able to complete the programme successfully and whether it will suit the student’s purposes. In this case, the Admission Office

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also considered the appellant's letter of motivation as it was different from other letters of motivation.

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4. The grounds for the objection

The appellant holds that his previous education is indeed sufficient to start the master's programme. The appellant studied for three years at Makerere University in Kampala, Uganda. Before that, the appellant taught at a University of Applied Sciences in Uganda. Uganda is a former British colony and applies the British educational system. During his studies, the appellant did study the history of Europe, more in particular colonialism and imperialism, and the world revolutions of 1789 and 1917. He learned a lot about the history of Europe from the books that he studied during the programme. As such, the appellant deems he has sufficient background to start the master's programme. Studying the history of colonialism and imperialism is rather relevant for the master's programme in the history of Europe of 1000-1800, according to the appellant. In addition, the appellant explained why the knowledge he has about these fields is relevant to the master's programme. Currently, the appellant is employed as a civil servant. The appellant aims to become a teacher of European history by following this programme. Besides his job, the appellant intends to become an archivist.

The appellant stated that he is highly motivated to start the master's programme. A number of students taught by the appellant in the past at the University of Applied Sciences in Uganda have since become scholars at various universities in Uganda and around the world. This encouraged the appellant to continue his studies. The appellant intends to graduate at Makerere University in Kampala, Uganda, after following the master's programme. The appellant intends to teach for three years at the level of a University of Applied Sciences in the history of Europe in his residence Gulu after graduation. The appellant then intends to become a civil servant, or teacher and archivist.

5. Relevant legislation

In so far as relevant, the Course and Examination Regulations of the Master's Programme in History 2018-2019 (*Onderwijs en examenregeling, "OER"*) stipulate:

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Chapter 5 Admission to the Programme

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>Master's specialisation</i>	<i>Admission on the basis of bachelor's programme</i>
All specialisations, except Europaeum: European History and Civilisation	History (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 to meet the requirements for such a degree, including the General Academic Skills listed in Appendix B, and

- have completed historical courses on relevant topics for the chosen specialisation and of sufficient level, to an equivalent of approximately 45 EC;
- be able to conduct independent empirical research;
- be able to read academic literature and reflect critically on it;
- have a knowledge of general history and be able to present their findings (based on a critical reading of the literature or based on empirical research) in a systematic and analytical manner;
- be able to write a thesis with proper references to the literature. Applicants may be asked to submit a writing sample, proving the aforementioned qualities in the field of knowledge, understanding and skills. Applicants who have completed the following degrees including the coursework specified below are considered to have fulfilled these requirements:

- a Bachelor's degree in Languages and Cultures of South and Southeast Asia from Leiden University, including the combined programme in History worth 60 credits;
- a Bachelor's degree in International Studies from Leiden University, including o BA Thesis on a historical subject, o the following optional courses which are part of the Bachelor's programme History:
 - BA tutorial (BA History, second year) or Elective on a history subject (BA International Studies, second year) (10 EC);

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- completed a BA Seminar (BA History, third year) in the BA History (either as an extra pre-master's course or as an extra Elective in the BA International Studies) (10 EC)

- a Bachelor's degree in Liberal Arts and Sciences: Global Challenges with o a Major in Human Diversity: track Global and Contemporary History (Leiden University) or a Major in World Politics: track Global History (Leiden University).

6. Considerations of the Committee

The appellant lodged a timely appeal against the decision of 12 December 2018. 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.

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 was established that the appellant was awarded a Bachelor of Arts degree at Makerere University in Kampala, Uganda. 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 History 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 or pursuant to article 5.2.2 of the OER.

Pursuant to article 5.2.2. of the OER the respondent may grant admission, at his or her request, to a student who does not meet the condition as referred to in 5.2.1, but who can demonstrate to the satisfaction of the respondent that he or she possesses an equivalent level of knowledge, understanding and skills as the holders of a degree specified in 5.2.1, possibly under conditions to be further determined. A student who considers he or she qualifies for admission on this ground will be required to provide evidence to this effect. This evidence could include other programmes followed, as well as internships, general or scientific publications, work experience or other subsidiary positions in society.

From the documents and the explanation at the hearing, the Examination Appeals Board appreciates that the appellant appears highly motivated to attend the master's programme. However, the respondent has considered on proper

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grounds that the appellant's previous education does not match the level of the master's programme. The Examination Appeals Board therefore understands the position of the respondent that the documents do not demonstrate that the appellant has the required knowledge, understanding and skills to start the master's programme.

Consequently, the appellant does not meet the requirements as stipulated in article 5.2.2 of the OER. Therefore, the respondent rightfully decided not to admit 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 foregoing leads to the conclusion that the appellant's appeal must be held unfounded. This means that the contested decision will be upheld and the appellant will not be admitted to the master's programme.

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7. The decision

The Examination Appeals Board of Leiden University,
holds the appeal **UNFOUNDED**,

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

Established by a chamber of the Examination Appeals Board, comprised of H.M. Braam, LL.M., MA (Chair), Dr A.M. Rademaker, Dr K. Beerden, Y.D.R. Mandel, LL.M., and L.N. Klijnhaar, LL.B. (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

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

I.L. Schretlen, LL.M.,
Secretary

Certified true copy,

Sent on: