

DECISION 20 - 113

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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 [X], respondent

The course of the proceedings

The appellant requested the respondent to be admitted to the Master's Programme in [X], with a specialisation in [X] (hereinafter: the master's programme) with effect from 1 September 2020.

The respondent rejected this request in the decision dated 11 May 2020.

The appellant sent a letter to the Examination Appeals Board on 18 May 2020, lodging an administrative appeal against this decision with.

On 9 June 2020, the parties investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 22 June 2020.

The appeal was considered on 29 July 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the hearing. [name], Admissions Officer of the master's programme, participated on behalf of the respondent.

Considerations

1 – Facts and circumstances

The appellant has a Bachelor's Degree in [X] (major) and [X] (minor) from [X] University in [X].

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2 – The position of the respondent

The respondent's position is - in essence - that the request for admission has been rejected because the applicant's previous education differs from the requirements for admission to the master's programme. More specifically, the appellant lacks a considerable number of course units in the field of [X], the specialisation, methodology, and statistics.

3 – The grounds for the appeal

The appellant's position is that she completed a major in [X] at one of the best universities in [X] in the context of her bachelor's programme. In her first study year, she attended [X] classes for six hours a week. The second year included two course units in [X]. Furthermore, she conducted [X] at an [X]. The final year included a course unit in [X] and a practical training in [X]. When she worked as a volunteer, she was supervised by [X]. In view of the time spent on the in-depth course units in statistics, her lab experience, the many theoretical classes and course units of the [X], and her two years of work experience as a [X] in the [X] team of a start-up company, she considers that she is qualified for the master's programme. She submitted various letters of recommendation and is highly motivated for this programme.

4 – Relevant legislation

As far as relevant, the Course and Examination Regulations (Onderwijs- en Examenregeling; OER) of the Master's Programme in [X] state the following:

Article 5.2 Admission to the programme

5.2.1 Pursuant to Article 7.30b (1) of the Act holders of one of the following degrees may be admitted to the programme and one of its specialisations or who have successfully completed the following pre-master's programme:

a. a Bachelor's degree from the programme BSc in [X] of Leiden University with the appropriate specialisation course for the chosen specialisation
b. Persons with a bachelor's degree or an equivalent degree from a university who possess the skills, understanding and knowledge that are required for earning the bachelor's degree referred to in Article 5.2.1. Alongside the requirements specified in 5.2.1 and 5.2.2, the following qualitative admission requirements apply for the programme pursuant to Article 7.30b (2) of the Act, more specifically the knowledge on university level of the following topics:

- [X]
- [X]
- [X]

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- [X]
- [X]
- [X]
- [X]
- theory or training in interpersonal skills, such as interview, counselling, discussion techniques.
- theory or training in [X]
- advanced courses (at least 30 ECs) on a third year Bachelor level on topics pertaining to the preferred master specialisation within the MSc [X].
- have sufficient knowledge of [X] (at least 20 EC): introductory and more advanced courses in [X] of [X] research ([X]) and the use of [X].

5.2.2 The Board of Admissions may, on request, admit persons to the programmes 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 the same level of knowledge, understanding and skills as holders of a degree specified 5.2.1, possibly under further conditions, without prejudice to the conditions specified in 5.2.4.

5 – Considerations with regard to the dispute

In accordance with article 7.61, paragraph two of the Higher Education and Academic Research Act (*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*; WHW), the Examination Appeals Board must consider whether the contested decision is contrary to the law.

Article 5.2.1., under a., of the OER states that direct admission to this master's programme is only possible with a Bachelor's Diploma in [X] from Leiden University. Since the appellant does not have this diploma, she does not qualify for direct admission. Therefore, the request to be admitted must be assessed on the basis of the requirements stipulated by article 5.2.1, under b, and article 5.2.2 of the OER.

The respondent explained in the letter of defence and at the hearing that and why the appellant does not meet the requirements set out in article 5.2.1, under b, and article 5.2.2 of the OER based on her prior education. In order to be admitted to the programme, the appellant must satisfy the learning outcomes of the Bachelor's Programme in [X] provided at Leiden University. The respondent has assessed the appellant's prior education and identified deficiencies, in particular in the field of [X] and the specialisation. At the hearing, the respondent stated that the appellant has no deficiency in the fields of [X]. The respondent indicated that the course units in [X] are insufficiently demonstrated by the grade results

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submitted by the appellant. Approximately only 45% of the completed course units are directly related to [X], including [X]. Furthermore, the respondent takes the position that the deficiencies cannot be compensated by the volunteer work carried out by the appellant and her work experience.

The Examination Appeals Board endorses the position of the respondent. In view of this, the respondent has rightfully refused admission of the appellant to the master's programme starting on 1 September 2020. 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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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 K. Beerden, Dr J.J. Hylkema, Y.D.R. Mandel, LL.B., and Z.I. de Vos LL.B. (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: