



DECISION 10 - 254

Rapenburg 70
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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 [X], respondent

The course of the proceedings

The appellant filed a request to be admitted to the Bachelor's Programme in [X] on 5 June 2020.

The respondent rejected the appellant's request in a decision of 26 June 2020.

The appellant lodged an administrative appeal against this decision with the Examination Appeals Board on 24 July 2020.

The respondent attempted to reach an amicable settlement with the appellant by email on 14 and 24 August 2020. The respondent left a voice mail message for the appellant on 25 August 2020. The appellant failed to respond to the message. Consequently no amicable settlement was reached.

The respondent submitted a letter of defence on 26 August 2020.

The appeal was considered on 27 August 2020 during an online hearing of a chamber of the Examination Appeals Board. The appellant participated in the hearing. [name], Policy Officer Educational Advice and Quality Assurance, participated in the hearing on behalf of the respondent.

Following the hearing, the appellant submitted additional documents on 27 August 2020. The respondent received these documents and assessed whether these constitute grounds to alter the position. On 31 August 2020, the respondent informed the Examination Appeals Board that the additional submissions by the appellant have not led to an altered position.



Considerations

1 – Facts and circumstances

The appellant filed a request for admission on 5 June 2020. Requests for admission to a bachelor's programme can be filed up to 1 April of the previous study year. The deadline was postponed until 1 May 2020 due to measures in respect of the corona virus.

2 – The position of the respondent

The respondent adopted the position that the appellant filed the request for admission after the stipulated deadline of 1 May 2020, and, consequently, too late.

3 – The grounds for the appeal

The position of the appellant is that he received an email message on 16 July 2020 which demonstrated that he had been conditionally admitted to the programme. He received the contested decision on 26 June 2020. Following that decision he contacted the Front Office of Leiden University by telephone and was informed that he had submitted his request for admission too late. However, he assumed that he had been admitted, and consequently moved to [X] on 20 June 2020. He has a LU Card and also received notification that he had complied with the obligation to pay tuition fees.

4 – Considerations with regard to the dispute

In accordance with article 7.61, paragraph two, of the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*), the Examination Appeals Board must consider whether the contested decision contravenes the law.

It has been established that the appellant filed the request for admission after the stipulated deadline. This means that the Examination Appeals Board must respond to the question whether or not the appellant was given grounds to expect that he had nevertheless been admitted to the programme, either by the respondent, or by others on behalf of the respondent.

Following the hearing, the appellant submitted additional documents. The respondent studied these documents and informed the Examination Appeals Board of the following. The emails received by the appellant from the programme in [X] are part of the so-called 'keep-them-warm' activities for prospective future students. The respondent takes the position that these emails clearly state the



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condition that the content of the emails only pertains to the recipient once he/she has actually been admitted.

In view of the documents and the discussion at the hearing, the Examination Appeals Board endorses the position of the respondent and accepts his substantiation. The submissions by the appellant have not made it plausible that he should have a legitimate expectation that he would have been admitted to the programme since he filed his request for admission well after the deadline. Neither does the fact that he received notification that he had complied with the obligation to pay tuition fees entail that the contested decision was taken contrary to the law. No Proof of Registration was provided to the appellant. The fact that the appellant received a LU Card does not lead to an alternative decision. Issuing a LU Card is not part of the admission procedure.

In view of the above, the contested decision taken by the respondent is justified. 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 O. van Loon, LL.M, (Chair), Dr A.M. A.M. Rademaker, Dr K. Beerden, M. Heezen, LL.B., and W.J. van Wetten, BSc (Members), in the presence of the Secretary of the Examination Appeals 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: