



**DECISION      21 - 102**

Rapenburg 70  
Postbus 9500  
2300 RA Leiden  
T 071 527 81 18

of the Examination Appeals Board of Leiden University

in the matter of the appeal of

[name], appellant,

against

the Board of the Faculty [X], respondent

**The course of the proceedings**

The appellant requested the respondent to be admitted to the Bachelor's Programme in [X], to the specialisation in [X] (hereinafter to be referred to as "the Programme") by 1 September 2021.

In a decision of 2 February 2021, the respondent admitted the appellant to the programme conditionally.

The appellant sent a letter on 16 March 2021 to lodge an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached between the parties. No amicable settlement was reached.

The respondent submitted a letter of defence on 24 March 2021.

The appeal was considered on 14 April 2021 during an online hearing. The appellant attended the hearing. [name], Study Adviser/Education Coordinator, attended the hearing on behalf of the respondent.



**Decision  
21-102**

**Considerations**

1 – The position of the respondent

Blad 2/6

The respondent admitted the appellant to the Programme on the following conditions:

Before the Programme starts, she must:

- submit an official copy of her [X] ([X]) and a transcript of the Gymnasium No.63 grades;
- submit an English language test IELTS academic with an overall grade of 6.0 and at least 6.0 for each of the four components, or a equivalent result in a Toefl or Cambridge ESOL test. The test result may not be older than two years;
- complete [X] with a grade of 5 in each course unit and pass the [X] ([X]). If a grade of 5 is not achieved in each subject of the [X], a grade of at least 70 is required in each of the following 4 subjects: [X], [X], and 2 optional course units) of the [X].

This Programme has a selection and award procedure.

The letter of defence indicated that the Board of Admissions considered the submitted documents again following the letter of appeal but did not reach a different decision. It is correct that with effect from this year it is not required in [X] to sit several [X] exams; however, it is still possible. Further investigation of the grades demonstrated that the SAT results were not very high (1190, which should have been around 1300). Her grade in [X] was a 3, which is lower than the required 4.

At the hearing, it was stated on behalf of the respondent that there is a large influx into this Programme of mainly international students. This year, 1626 students from 90 nationalities applied. The Board of Admissions applies the same admission requirements to all candidates, which is the level of the Dutch VWO diploma (pre-university education). The Admissions Office reviewed the appellant's diploma and the subjects she attended and assessed the diploma at Dutch Havo level (senior general secondary education). The Board of Admissions mainly relied on the assessment of the diploma by the Admissions Office, which has ample specific knowledge and expertise in this area matter.

The appellant was therefore admitted conditionally to the Programme to give her the opportunity to meet the additional requirements. However, she did not achieve the additional grades. The conditions set by the Board of Admissions on the appellant's admission are not unreasonable. She had the opportunity to meet the requirements.



**Decision  
21-102**

In addition, the Board of Admissions evaluated the grades achieved by the appellant. However, the SAT result provided no ground to make an exception to the admission requirements based on the results achieved.

Blad 3/6

As the appellant submitted the request for admission rather late, the Board of Admissions made an effort to decide as early as possible on the request for admission. The website states that applications for admission to the Programme could be submitted as of 1 October 2020. The deadline was 15 January 2021 and the appellant's request only arrived on 14 January 2021. The website also states that requests for admission should preferably be submitted at least a week before the deadline in order to allow time to assess the request carefully.

2 – The grounds for the appeal

The appellant does not agree with the conditions that were set by the respondent for admission to the programme. Recently, new requirements came into effect in [X] for the [X] and the [X] language is the only mandatory exam that a student must pass to be granted the [X]. She intends to pass [X] as a mandatory exam and will complete [X] and one optional subject. It is impossible for her to complete another subject as the deadline was 1 February 2021. She also submitted her SAT score to demonstrate her academic skills.

3 – Relevant legislation

In so far as relevant, the 2020-2021 Course and Examination Regulations for the Bachelor's Programme in [X], the specialisation in [X] (*Onderwijs en examenregeling*, "OER") stipulates the following:

Article 5.1.1

5.1.1 Individuals who comply with the conditions as referred to in Articles 7.24 and 7.25 of the Act shall be admitted directly to the programme, on the condition that the selection criteria and selection procedure apply as referred to in Articles 5.3.2. and 5.3.3 with regard to LUC and programmes with an enrolment restriction.



**Decision  
21-102**

Article 5.2.2

Blad 4/6

An individual who does not have a VWO diploma, awarded after 2007, but can be admitted based on the Act may, nevertheless, be required to take a test in the subjects as referred to in Article 5.2.3.1 at the level of the VWO diploma in the profile that qualifies for direct admission.

4 - Considerations with regard to the dispute

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

At the hearing, it was explained on behalf of the respondent that many students enrol in this programme, in particular many international students. Consequently, a single standard is applied to admission, which is the Dutch pre-university education diploma (VWO), or an equivalent diploma. Following the submission of the letter of appeal, the Admission's Office assessed the education details of the appellant anew.

According to the Admission's Office, the appellant's prior education is equivalent to a Dutch diploma of senior secondary education (HAVO). The Examination Appeals Board holds that the Admission Office has considered correctly and on proper grounds that and why the appellant's prior education does not meet the admission requirements of the bachelor's programme. The secondary school diploma that was awarded to the appellant does not match the level of a diploma of Dutch pre-university education.

The respondent gave the appellant the opportunity to demonstrate that she has an academic level equivalent to the Dutch VWO diploma. This is one of the conditions on which she was admitted to the Programme. The Examination Appeals Board holds that it is not unreasonable of the respondent to such conditions on the appellant. It was stated at the hearing on behalf of the Board of Admissions that it was possible for the appellant to submit the results of a score of at least 70 on each of the 4 subjects ([X], [X], and 2 optional subjects) of the [X]. The Board of Admissions stated – and this was not refuted - that, even though requirements have altered in [X], it is still possible to achieve a result in the 4 subjects listed. In the opinion of the Examination Appeals Board, the circumstance that the appellant was unable, or no longer able, to do so as the deadline ended on 1 February 2021 should be at her expense since she had the option to register as of 1 October 2020. Consequently, it is not unreasonable for the respondent to impose this condition on her. In view of the large number of international candidates for admission, the Board of Admissions is required to



**Decision  
21-102**

Blad 5/6

apply the same admission requirements to all candidates. In doing so, the Board of Admissions acted most speedily in the opinion of the Examination Appeals Board considering it had so little time available to decide on the request for admission. Moreover, the Board of Admissions also reviewed whether the grades achieved by the appellant provided grounds to deviate from the admission requirements. The Board of Admissions holds that this is not the case.

The Examination Appeals Board therefore considers that the appeal is unfounded and the contested decision should be upheld.



**Decision  
21-102**

**The decision**

The Examination Appeals Board of Leiden University,

Blad 6/6

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.J.G. Bruens (Chair), LL.M, Dr J. Nijland, Dr J.H.M. Huijts, M.C. Klink, BA, LL.B., E.L. Mendez Correa, LL.B. (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

H.J.G. Bruens, LL.M.  
Chair

I.L. Schretlen, LL.M.  
Secretary

Certified true copy,

Sent on: