



DECISION 22 - 292

Rapenburg 70
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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 [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 Programme").

The respondent rejected the appellant's request in its decision of 8 June 2022.

On 14 June 2022, the appellant lodged an administrative appeal against this decision.

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

The respondent submitted a letter of defence on 27 June 2022.

The appeal was considered on 6 July 2022 during a hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. [name], Chair of the Board of Admissions, attended the hearing on behalf of the respondent.



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Considerations

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1 – Facts and circumstances

The appellant requested to be admitted to the Programme, if necessary after attending a pre-master's programme. The respondent rejected the request for admission in full, because it considers the prior education attended by the appellant in [X] to be of an inadequate level. The respondent based this decision on the advice from the Admissions Office with regard to the diploma obtained by the appellant in her prior education, and expressed this view by means of the Board of Admissions.

2 – The grounds for the appeal

The appellant does not agree with the rejection of her application to the Programme. She holds that her profile qualifies as '[X]', regardless of her prior education. This is how she spends her spare time: [X]. She is highly motivated to take the master's and would like to be allowed to attend the pre-master's programme. She is prepared to attend a two-year pre-master's programme if so required.

In the email correspondence with the respondent after the rejection, the appellant explained that she fails to understand why her prior education is of an insufficient level. At the hearing, she added to this that she cannot understand how the Admissions Office deems her university in [X] to have a level 'below standard'. The appellant attended a five-year programme in [X] at [X] and graduated cum laude with a GPA of 3.19 and her final project was graded 'Very Good'. Her diploma was also issued by [X]. Some of her fellow students have indeed been admitted directly with this prior education to a master's programme that is similar to the one the appellant seeks to be admitted to.

At the hearing, the appellant argued furthermore that the information on the website of the programme is incomplete in respect of the admission procedure. She would like it to state clearly what diplomas of what foreign universities do not



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grant access to the programme at all. Had she known in advance that her university was 'below standard' she would indeed not have requested to be admitted to the programme. She now had to wait six weeks for a reply and, moreover, had to pay € 100 for submitting the request to be admitted. Finally, the appellant is disappointed that the respondent failed to respond to her question as to what she might do to increase her chances of being admitted to the Programme in future.

3 – The position of the respondent

The respondent did not admit the appellant to the Programme as her prior education has considerable differences and/or deficiencies with regard to the curriculum required to be admitted to the Programme.

In the email correspondence that the appellant referred to, the respondent explained that, indeed, candidates with a diploma from universities of applied sciences have been admitted to the programme since 2019, but always combined with attending the maximum pre-master's programme of one year. For foreign diplomas from universities of applied sciences, admission to the Programme (including by taking the pre-master's programme) is only possible with a positive recommendation by the Admissions Office. The respondent attached to the letter of defence the assessment by the Admissions Office of the appellant's diploma.

During the hearing, the respondent replied when asked, that the appellant can be admitted to the bachelor's programme in [X] based on her diploma. However, her diploma is not strong enough to qualify for her preferred master's programme. Consequently, the respondent does not see how the appellant may be admitted to the Programme or the pre-master's programme.

The respondent holds that it must have been sufficiently clear to the appellant that the request was rejected based on the assessment by the Admissions Office of the diploma from her prior education. The respondent holds that the decision tree on the website is sufficiently clear. Any foreign diploma will always be assessed by the Admissions Office. Diploma assessments are carried out very



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meticulously and in this case the respondent did not see any reason not to base its decision on the assessment of the Admissions Office.

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Furthermore, the respondent remarked that in the event of a positive advice by the Admissions Office, the Board of Admissions of the programme will also review the substance of the prior education itself, particularly if the diploma was awarded some years ago, as applies to the appellant, who acquired her diploma in 2010. In this case, such a review was not required as the Admissions Office did not give a positive recommendation based on the appellant's diploma.

4 – Relevant legislation

The relevant legislation is included in the annex to this decision.

5 - Considerations with regard to the dispute

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

The Examination Appeals Board considers that the contested decision states rather limited grounds as to why the appellant cannot be admitted to the Programme. In the email correspondence between the appellant and the respondent, it was indicated sufficiently clearly why the appellant's diploma is regarded to be of an inadequate level. In view of this further explanation and the letter of defence as clarified at the hearing, the Examination Appeals Board holds that the respondent's decision not to admit the appellant to the Programme was based on proper grounds. In this respect the following is relevant.

The fact that the appellant is highly motivated to attend the programme is - however commendable - not sufficient reason to be admitted. In order to attend a master's programme a certain level of prior education is required and the appellant's motivation does not indicate any aspect of the quality or level of her prior education. This also applies to the fact that she completed her prior education with good results and also to the statement, which is not substantiated by the way, that some of her fellow students have been admitted to a comparable master's programme to the one the appellant seeks to be admitted to.

The quality and the level of the appellant's prior education have been assessed by the Admissions Office. The Admissions Office provided advice to the Board of Admissions of the Programme regarding the diploma obtained by the appellant from this prior education and the Board of Admissions endorsed this advice.



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The Admissions Office evaluated the diploma of the appellant as a diploma from a university of applied sciences. The advice of the Admissions Office which was attached to the letter of defence shows the grounds on which this was based: the study followed by the appellant does not have an academic programme and the starting level of the university at which the appellant attended the programme, [X], is equivalent to Dutch HAVO secondary education (senior general secondary education). Furthermore, the university only offers bachelor's programmes and does not have a research institution. It is not very relevant that a diploma was also issued by [X] in this respect, according to the Admissions Office in its advice. [X] offers 'dual degree programmes' with a '[X] degree' and an '[X]' at the time when the appellant graduated. As such, the diploma acquired by the appellant has the advantage of an option to be admitted to a master's programme and PhD in the [X], but this does not raise the quality and level of the diploma granted in itself. Since the diploma was granted by a private university, which generally has a lower level, and the relevant university does not have a reputation as a very good institution in [X], the advice of the Admissions Office is negative.

It is understandable that the appellant is not happy with the comment that [X] does not have a reputation as a particularly good institution in [X], as was revealed at the hearing, but this does not constitute a denial of this remark, which is also further substantiated by the fact that this institution is not listed on one of the relevant international ranking lists. Furthermore, the appellant did not refute the content of the Admissions Office's advice.

In addition, the Examination Appeals Board holds that the Board of Admissions has made a careful assessment of the appellant's request for admission. Although the Board of Admissions is not obliged to give the appellant detailed advice about her future chances of admission, they intended to respond to her question in this respect with the comment, as clarified by the respondent at the hearing, that there is no option for admission to the programme, even by means of the pre-master's programme. Finally, the Examination Appeals Board endorses the position of the respondent that it is impossible to provide information on the website of Leiden University with regard to the assessment of all foreign diplomas of all universities and universities of applied sciences all over the world. Not only is the number of institutions too high, the assessment of the diplomas they grant may differ each year, as the conditions at institutions may change and have consequences for the quality and/or the level of education and the diploma that is issued in the end. The website of the programme displays sufficiently clearly that foreign diplomas over the various years will always be assessed by the Admissions Office. With regard to requests to be admitted based on foreign diplomas from universities of applied sciences, when the language requirements are met it states clearly that these 'will be considered for' the pre-master's programme. The Examination



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Appeals Board holds that it was the responsibility of the appellant to inform herself sufficiently about the admission requirements before submitting a request to be admitted.

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In view of the above, the appeal is held to be 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 F.M.J. den Houdijker, LL.M., Chair, Dr A.M. Rademaker, J.H.M Huyts, LL.M., R.A. Brouwer, and P.C. Kemeling, assisted by I.L. Schretlen, LL.M (Secretary).

F.M.J. den Houdijker, LL.M.,
Chair

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

Certified true copy,

Sent on:



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3. Legislation and regulations

The Course and Examination Regulations (*Onderwijs- en examenregeling*, OER) of the Master's Programme “[X]” 2022-2023 stipulate, as far as relevant here:

(...)

Article 5.2 Admission to the programme

5.2.1 Holders of one of the following degrees may be admitted to the programme (Article 7.30b (1) of the Act):

- a. a Bachelor's degree in [X] from Leiden University, or
- b. a Bachelor's degree in [X] from the University of Utrecht, or University of Amsterdam, or Free University [Amsterdam] or Radboud University [Nijmegen]
- c. a pre-described pre-master's programme pursuant to article 5.4.1.

5.2.2 Any person who fails to meet the degree requirements or prescribed pre-master's requirement referred to in 5.2.1 may submit a request to the Board of Admissions. The Board of Admissions assesses whether the applicant may be granted admission to the programme.

To this end, the Board of Admissions assesses whether the applicant possesses sufficient knowledge, understanding and skills at the same level as a bachelor's degree or related bachelor's degree as referred to in 5.2.1, under (a) and (b). The Board may also impose further conditions. The Board of Admissions assesses, where relevant, whether the applicant meets the qualitative selection requirements mentioned referred to in 5.2.4.

(...)

Article 5.2.4 Qualitative admission requirements (selection requirements) 5.2.4.1

In addition to the requirements specified in 5.2.1 or 5.2.2, the following qualitative admission requirements apply for the programme pursuant to Article 7.30b (2) of the Act:

- possession of a Bachelor degree from a university programme considered comparable to a Dutch university Bachelor degree in terms of level and content;
- possessing the knowledge, understanding and skills which should have been acquired by the end of the Bachelor programmes referred to in Article 5.2.1 demonstrated by a letter of motivation;
- possessing a sufficient command of the language of instruction of the programme demonstrated by the appropriate test as indicated in Article 5.2.3.

(...)



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Article 5.3 Deficiencies

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5.3.1 Holders of a bachelor's degree from a research university, a related university bachelor's diploma as referred to in 5.2.1, point b or an equivalent diploma with a maximum of 15 ECTS of deficiencies, may be admitted to the programme, as long as it may reasonably be expected that they will meet the entry requirements within a reasonable period of time.

5.3.2 Students who still have the deficiencies referred to in 5.3.1 when admitted to the programme may participate in the programme but may not sit any final examinations or examinations that the Faculty Board has specified in its decision to grant admission.

5.3.3 For the admission referred to in 5.3.1 the Board of Admissions assembles a catch-up programme with examination opportunities.

5.3.4 If students are admitted to the programme on the basis of 5.3.1 and must sit examinations to meet the entry requirements, these are not considered part of the curriculum of the master's programme.

Article 5.4 Pre-master's programmes

5.4.1 The programme has developed the following pre-master's programmes (for the following target groups) in order to remove deficiencies: Pre-master's programme [X] 5.4.2 Information on the pre-master's programmes can be requested from the department's Educational secretary.

(...)