

**DECISION 22 - 304**

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

[name] from [country], 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], [X] (hereafter to be referred to as “the Programme”).

The respondent rejected the request in its decision of 16 May 2022.

The appellant sent a letter to the Examination Appeals Board on 21 June 2022 to lodge an administrative appeal against this decision.

The respondent informed the Examination Appeals Board that it investigated on 5 July 2022 whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 14 July 2022.

The appeal was considered on 3 August 2022 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear in person at the hearing. [names], former Chair and new Chair, respectively, of the Admissions Committee of the [X] Faculty (hereafter to be referred to as “the Admissions Committee”), appeared on behalf of the respondent.

After the hearing, the respondent submitted the missing annexes to the letter of defence.

**Decision  
22-304**

Page 2/8

**Considerations**

1 – The position of the appellant

The appellant disagrees with the rejection. He holds that the documents he submitted have not been properly screened. The degree that he was granted is not a bachelor's degree and consequently cannot be compared directly to contemporary education systems. The degree is in accordance with the [X] system and applied at the time when he graduated in [X]. Although the programme also had some practical elements, it focused strongly on the theoretical background. The total study load was 192 ECTS and also comprised a thesis, which demonstrates that the student can solve a problem independently based on the content of the field by using scientific methods within a specific time frame. He acquired 12/15 points for his thesis. Consequently, he holds that his diploma meets the requirements laid down in Article 5.2.1.c of the Course and Examination Regulation (OER).

The appellant also believes that he complies with Article 5.2.2 of the OER, as he submitted a number of documents which demonstrate that he has the same level of knowledge, insights and skills as the holder of a regular bachelor's diploma: a level he acquired partly by means of his work experience and training. He worked as a [X] and member of a [X] of the [X] in [X] during the [X] in 2019 and the [X] in 2020 and had a coordinating and responsible role in this, and was tasked with [X]. At present, he has an appointment as a [X] with the [X] and is employed at the [X] in [X] as [X]. He is engaged in [X] in the field of [X]. The appellant does not understand why the respondent failed to contact his references. However, the respondent based its decision merely on the diploma.

2 – The position of the respondent

The respondent rejected the appellant's request for admission as his education does not match the prior education required to meet the admission requirements. The diploma is similar to a bachelor's diploma from a Dutch University of Applied Sciences (HBO), rather than an academic bachelor's degree. Candidates with an HBO diploma will only be admitted to the programme if they meet the conditions laid down in Articles 5.2.1.b or 5.2.4.2 of the OER. This does not apply to the appellant.

The course unit combination of the appellant demonstrates that some knowledge was acquired in the field of relevant [X], but mainly in an applied sense. He lacks

**Decision  
22-304**

Page 3/8

the theoretical background to start the programme in September 2022. The respondent holds that the course unit combination does not demonstrate that the appellant has knowledge in the field of contemporary [X], nor is he able to demonstrate that he has relevant knowledge and skills in the field of [X]. The appellant did not provide insight into his thesis due to its confidential nature. This is why the respondent cannot take this thesis into account.

The respondent stands by the decision that the appellant cannot be admitted to the programme. The information submitted later by the appellant does not provide grounds for the respondent to change its position. The respondent holds that the appellant lacks knowledge in the field of research since he has followed few or no methodological course units. Although the course units refer to research skills, it remains unclear precisely what skills were taught and how these were applied.

The prior education of the appellant lacks a connection with issues in the field of governance, crisis and security. On further consideration of the information submitted later by the appellant, the Admissions Committee holds that the appellant only acquired applied knowledge in the field of [X], [X]. The Committee did take into account the work experience of the appellant and the training courses he attended. These were considered by means of the admission matrix.

The respondent is not obliged to contact of its own initiative the references submitted by the appellant. The respondent uses the information annexed to the admission form in this respect. The Admissions Board would have deemed it more relevant to read the thesis than to contact references.

After the meeting on 3 August 2022, the respondent submitted further information about the diploma assessment by the Admissions Office: “three years of HBO, an applied programme for [X] (*/X*) within the [X], dual programme (work/study) for the ‘*[X]*’, no formal admission requirements, no official HE diploma, not accredited, admission based on *[X]* (=Dutch VWO - pre university secondary education), institution is a [X] HBO, results 10/18 (*/X*), about 7 in the Netherlands, English: not submitted, test required.

At present, no pre-master’s programme is offered to remedy deficits. The website of the programme states how candidates can bridge the gap of deficits themselves in order to reapply for the following semester.

3 – Relevant legislation

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

**Decision  
22-304**

4 – Considerations with regard to the dispute

Page 4/8

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 contested decision states rather limited grounds as to why the appellant cannot be admitted to the Programme. The respondent argued sufficiently clearly in the letter of defence and at the hearing why the appellant's diploma is considered inadequate for admission and why he cannot compensate for deficits by means of his experience and work experience. The respondent provided the Examination Appeals Board with insight into the manner in which the Admissions Office assessed the appellant's diploma. In view of this further explanation and the letter of defence as clarified at the hearing, the Examination Appeals Board holds that the respondent decided on proper grounds not to admit the appellant to the Programme. In this respect the following is relevant.

The fact that the appellant is highly motivated to follow the programme is - however commendable - not sufficient reason to be admitted. In order to attend a master's programme a prior education is needed at a certain level and the appellant's motivation does not guarantee any aspect of the quality or level of his prior education. The respondent also considered in its decision making the appellant's work experience and the training courses attended by the appellant.

The respondent was advised by the Admissions Office in respect of the quality and the level of the prior education and adopted this advice. The Admissions Office assessed the diploma of the appellant as a bachelor's diploma from a Dutch university of applied sciences (HBO).

In addition, the Examination Appeals Board holds that the Board of Admissions assessed the request for admission by the appellant in a careful manner. The letter of defence and also the explanation provided by the respondent at the hearing show that the further information submitted by the appellant has also been taken into account in its decision. However, this information did not alter the position of the respondent. The Examination Appeals Board considers that the appellant did not submit information in these documents that should provide grounds to

**Decision  
22-304**

change the decision. This means that the respondent decided on proper grounds not to admit the appellant to the Programme.

Page 5/8

The respondent indicated in the contested decision how the appellant himself can ensure that the gaps in the prior education are remedied in order to still be admitted to the Programme. At the hearing, the respondent clarified this further and indicated that the appellant can acquire certificates by means of web courses at an institution such as the University of Amsterdam.

**Decision  
22-304**

Page 6/8

**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. Rademaker, Dr C.V. Weeda, E.L. Mendez Correa, LL.B., and G.S. Cornielje (members), in the presence of the Secretary of the Examination Appeals Board, I.L Schretlen, LL.M.

O. van Loon, LL.M.,  
Chair

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

Certified true copy,

Sent on:

**Decision  
22-304**

Relevant legislation Annex

Page 7/8

The Course and Examination Regulations (*Onderwijs en Examenregeling*) of the Master's Programme in [X] 2020-2021 ("OER") stipulate, in as far as relevant here:

Chapter 5 Admission to the Programme

Article 5.1 Confirmation of admission

5.1.1 The Faculty Board provides confirmation of admission if the student meets the entry requirements specified in Articles 5.2 and 5.3, as long as the maximum number of students that the Executive Board has determined may be enrolled in the programme has not been exceeded. If admission is on the basis of Article 5.2.1, the proof of registration is also confirmation of admission.<sup>7</sup>

5.1.2 Confirmation of admission must be applied for according to the rules set out in the Regulations for Admission to Master's Programmes.

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 or persons who have successfully completed the following prescribed pre-masters programme may be admitted to the programme and one of its specialisations:

- a. A bachelor's degree in [X] from a recognized research university . Or;
- b. a bachelor's degree in [X] ([X]) from [X], with at least minimum GPA of 7.5 for all the following courses combined: [X] (Year 2) [X] (Year 2) [X] (Year 2) [X] (Year 2) [X] (Year 2) [X] (Year 3) [X] (Year 3) [X] (Year 3) And minimum grade of 7.5 for each of the following elements: [X] (Year 4) [X] (Year 4) Or;
- c. A bachelor's degree from a recognized research university in [X], ([X]) [X] or [X], provided the student fulfills the qualitative admission requirements specified in article 5.2.4

5.2.2 The Board of Admissions may, on request, admit persons to the programme 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, points a and b, possibly under further conditions, without prejudice to the requirements specified in 5.2.4.

Article 5.2.4 Qualitative admission requirements

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

- Demonstrable knowledge of relevant aspects of [X] related topics.
- Demonstrable knowledge of [X]
- Demonstrable knowledge of relevant [X] skills.

**Decision  
22-304**

Page 8/8

5.2.4.2 Where article 5.2.4.1 applies, the admission requirements will be implemented as follows: The application is accompanied by a letter explaining how the requirements mentioned in article 5.2.4.1 have been met and;

- [X] related topics: “The curriculum contains several courses related to [X] or [X], [X], [X], [X], [X], [X], or [X] studies. To some extent also [X] (though best combined with other courses). Course descriptions are appreciated. or Relevant work experience obtained in a [X] related context. This work experience should be managerial in nature, so not solely the execution of [X] related tasks. or One or several online courses have been followed regarding this subject. Some examples: the online [X] course “[X]”, the online [X] Course “[X]” and the online [X] course “[X]”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained.
- [X] issues: The curriculum contains several courses related to [X], [X], [X], [X], or ([X]) [X]. Course descriptions are appreciated. or Relevant work experience has been obtained in a middle to higher level management position of a [X] or [X]. or One or several online courses have been followed regarding this subject. Some examples: the online [X] course “[X]” and the online [X] Course “[X]”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained.
- Relevant empirical skills: The curriculum contains several courses related to [X], [X], [X], [X]. Course descriptions are appreciated. or One or several online courses have been followed regarding this subject. Some examples: the online [X] course “[X]” and the online [X] Course “[X]”. Course certificates need to be obtained, proving that the participation and knowledge advancement were also evaluated. Other online courses will be evaluated on an individual basis by certificates obtained. or The application is accompanied by writing samples which prove familiarity with [X], or at least knowledge of the ability to [X], or [X]. A Bachelor thesis as a writing sample is preferred. Please include the grade if available.