

DECISION 22 - 309

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 to be admitted to the Master's Programme in [X] (hereinafter: "the Programme").

The respondent rejected the request in its decision of 17 May 2022.

The appellant sent a letter on 26 June 2022 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 on 30 June 2022. No amicable settlement was reached.

The respondent submitted a letter of defence on 1 July 2022.

The appeal was considered on 17 August 2022 during a hearing of a chamber of the Examination Appeals Board. The appellant did not attend the hearing. [name] attended the hearing on behalf of the respondent.

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Considerations

The Examination Appeals Board took note of the parties' views, as reflected in the documents submitted.

The respondent rejected the appellant's request to be admitted to the programme on the grounds that his diploma was not considered to be equivalent to a Dutch VWO diploma (pre-university secondary education). The diploma was assessed by the Admissions Office at well over Dutch HAVO level (senior general secondary education), equivalent to year five of Dutch VWO. An assessment was therefore made of whether he achieved a sufficiently high final grade. However, his final grade is lower than a 5.0, to be precise, a 4.38. Statistically, 70% of students in [X] achieve a final average grade of 5 or higher, and 90% achieve a final grade of 4.5 or higher. In [X], there is no difference between HAVO and VWO. Moreover, the appellant has a profile in the field of][X], which does not really match this programme. His grades in the two [X] subjects (national final exams) are very low. The respondent also considered the letters of reference.

The respondent referred the appellant to [X] ([X]). Once he has completed the first year of the bachelor's programme at a university of applied sciences, he can then apply for admission to the programme at Leiden University.

According to the appellant, it was not possible for him to obtain 5.0 as a final mark due to the Corona pandemic in [X]. He therefore refers to his cover letter and his publications in the field of [X], with accompanying letters of reference and recommendation.

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 agrees with the respondent that the appellant does not meet the admission requirements for the programme set out in Articles 5.1, 5.2.1 and 5.2.3 of the Course and Examination Regulations (*Onderwijs- en Examenregeling*; "OER") for the bachelor's programme in [X]. He does not hold a diploma equivalent to the Dutch VWO diploma, does not have [X] in his profile and does not have a [X] profile.

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The Examination Appeals Board considers that the respondent has correctly relied on the advice given by the Admissions Office regarding the assessment of the diploma obtained by the appellant. In its assessment, the Admissions Office referred to Leiden University's document on *General Admissions - diploma requirements 2022/2023*, which states - as far as relevant here :

[X]

[X],

This can be considered a general academic profile, according to the Admissions Office.

Furthermore, the Admissions Office indicated that secondary education in [X] does not distinguish between HAVO and VWO levels. This is why the Admissions Office holds that candidates must achieve a final average grade of 5.0 or higher to reach VWO level. The appellant obtained a final average grade of 4.38. As such, the Admissions Office holds that the diploma he obtained cannot be considered equivalent to the Dutch VWO diploma.

The Examination Appeals Board is not convinced by the appellant's claim that it was not possible for him to achieve a final average grade of 5.0 because of the Corona pandemic. In addition, the respondent has stated - and this was not refuted - that the profile of his previous education is also not a direct fit with the Programme, nor has it been demonstrated that he meets the additional requirement of [X] in his profile. The respondent maintains its decision that the appellant cannot be admitted to the programme. The other arguments of the appellant did not cause the Examination Appeals Board to amend its decision

In addition, the Examination Appeals Board holds that the respondent has rejected the request for admission by the appellant on proper grounds. Hence, the appeal is unfounded. This means that the contested decision is upheld.

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The decision

The Examination Appeals Board of Leiden University

holds the administrative 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. Rademacher, Dr J.J. Hylkema, J.J. Christiaans BA, and G.S. Cornielje, LL.B., assisted by I.L. Schretlen, LL.M (Secretary).

O. van Loon, LL.M.,
Chair

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

Certified true copy,

Sent on: