

**DECISION 17 - 067**

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 of Mathematics and Natural Sciences, respondent.

**1. Origin and course of the proceedings**

In a decision of 22 March 2017, the respondent rejected the application from the appellant to be admitted to the Master's Programme in Chemistry, with a specialisation in Research in Chemistry.

The appellant sent a letter on 24 March 2017, which was received on 27 March 2017, lodging an administrative appeal against this decision. In short, the appellant argued that the level of his previous education is sufficient and that its curriculum does sufficiently match the master's programme. The appellant is highly motivated to take the master's.

The possibility of reaching an amicable settlement was investigated, but no such settlement was concluded.

The respondent submitted a reply to the Examination Appeals Board on 4 April 2017.

The appeal was considered on 7 June 2017 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not appear at the hearing, having given notice of absence. [name] appeared on behalf of the respondent.

On 12 June 2017, the Examination Appeals Board received a return delivery of the appellant's invitation to the hearing since he had failed to collect the registered letter.

**Decision  
17-067**

Page 2/5

## **2. Considerations with regard to admissibility**

The appellant lodged a timely appeal against the decision of 22 March 2017 by means of the letter that was received by the Examination Appeals Board on 27 March 2017. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

## **3. Relevant legislation**

Article 7.30b, first paragraph, of the WHW states that the following apply as admission requirements for a master's programme in academic education:

- a) that the relevant person has bachelor's degree in academic education:
- b) that the relevant person has the knowledge, understanding and skills at the level of a bachelor's degree in academic education.

Following Article 7.30b, paragraph two of the WHW, the Institution's Board may set qualitative admission requirements besides the requirements as referred to in the first paragraph. These requirements will be included in the Course and Examination Regulations.

As far as relevant, the Course and Examination Regulations (*Onderwijs en Examenregeling*, "OER") of the master's programmes of the Faculty of Mathematics and Natural Sciences state the following:

5.2.1 Pursuant to Article 7.30b, first paragraph, of the Act, it is laid down in Appendix 1 whether holders of specific degrees may be admitted to the programmes and one of its specialisations.

5.2.2 The Board of Admissions may, on request, grant admission to the programmes to persons 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 an equal level of knowledge, understanding and skills as the holders of a degree specified in 5.2.1, possibly under conditions to be further determined, without prejudice to the requirements in 5.2.4.

5.2.3 In further clarification of Article 2.8 pertaining to the command of the language of instruction and the language requirement for English-taught master's programmes is laid down in Appendix 1. The language requirement for Dutch-taught master's programme specialisations is laid down in Appendix 1. The Board of Admissions may request that applicants demonstrate that they have attained this level.

**Decision**  
**17-067**  
Page 3/5

5.2.4 Alongside the requirements specified in 5.2.1 and 5.2.2, when further qualitative admission requirements apply for the programme pursuant to Article 7.30b, second paragraph, of the Act, they are laid down in Appendix 1.

Appendix I of the OER stipulates the following, in so far as this is relevant:

Admission to the programme

Students with a BSc degree in Molecular Science and Technology (MST) from Leiden/Delft will be admitted to the programme.

All other students with a BSc degree in Chemistry, or in a field related to Chemistry, from another (international) University or HBO Hogeschool, can apply for admission. The Board of Admissions judges each application on the basis of the content of the BSc curriculum and on the grades obtained previously. In general, only students with an outstanding track record and an outstanding research internship will be admitted.

#### **4. Considerations with regard to the dispute**

In accordance with article 7.61, paragraph two, of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

It was established that the appellant was awarded a bachelor's diploma from Beijing University of Chemical Technology. It is not disputed that the appellant was awarded a GPA of 2.42 at that university.

Appendix I of the OER states, in as far as relevant in this case, that - in general - only students with excellent study results ("outstanding track record") will be admitted to the master's programme. The contested decision stated that the International Admissions Office assessed the appellant's GPA of 2.42 as equivalent to a grade 6.0/10.0, which is below the threshold condition. At the hearing, it became clear to the Examination Appeals Board that the appellant's GPA has not been calculated "automatically" by means of a table, but that the appellant was classified in a category of students that does not have an outstanding track record, based on his GPA score. To this end, the appellant's GPA was compared to those of other candidates with a similar study background who applied to be admitted. This assessment demonstrated that the appellant achieved a relatively low result when compared to other applicants. As such, the appellant was classified in a lower category than he had hoped for himself. The respondent also stated at the hearing that the assessment of the appellant's application did not just review the achieved study results, but that all

**Decision**  
**17-067**  
Page 4/5

circumstances of the case have been considered. However, this assessment did not result in the appellant's favour either.

In view of the above, the Examination Appeals Boards holds that the respondent has not acted contrary to the law by rejecting the appellant's admission to the master's programme. Since the decision of the respondent does not qualify to be annulled on any other grounds, the appeal must be held unfounded.

**Decision  
17-067**

Page 5/5

**5. The decision**

In view of article 7.61 of the Higher Education and Academic Research Act,  
the Examination Appeals Board of Leiden University,  
holds the appeal **UNFOUNDED**.

Established by a chamber of the Examination Appeals Board, comprised of O. van Loon, LL.M., Chair, Dr H.W. Sneller, C. de Groot, LL.M., Dr A.M. Rademaker and M. Heezen (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: