

**DECISION 19 - 314  
19 - 356**

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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 specialisations in [X] (EAB 19-314) and [X] (EAB 19-356) with effect from 1 February 2020.

In a decision of 28 October 2019, the respondent rejected this request.

The appellant sent a letter to the Examination Appeals Board on 30 October 2019, which was received on 6 November 2019, to lodge an administrative appeal against these decisions.

The respondent informed the Examination Appeals Board that he investigated on 27 December 2019 whether an amicable settlement could be reached. No amicable settlement was concluded.

The appellant submitted additional information on 28 November 2019.

The respondent submitted a letter of defence on 3 December 2019.

The appeal was considered on 18 December 2019 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], Chair of the Board of Admissions, was present at the hearing on behalf of the respondent.

**Decision**  
**19-314**  
**19-356**  
Blad 2/6

### **Considerations**

#### 1 – Facts and circumstances

The appellant has a Bachelor's Diploma, with a major in [X] from [name University] ([X]).

#### 2 – The position of the respondent

The view of the respondent is that the requests for admission were rejected since the prior education derogates materially from the requirements of admission for the programme. The respondent is not sufficiently convinced by the grades awarded to the appellant.

#### 3 – The grounds for the appeal

The appellant argued that grades are not a proper indicator to assess his academic qualities. He was in the top 50% of his class, which constitutes 5% of the entire department. The low grades do not indicate that he failed to understand [X] and [X]. His university does not offer course units related to [X], but he studied independently. He performed independent research and will publish a paper. The appellant is highly motivated to take the master's programme.

#### 4 – Relevant legislation

As far as relevant, the Course and Examination Regulations (*Onderwijs- en Examenregeling*, "OER") of the Master's Programme in Astronomy state the following:

10.1.1 The Faculty Board provides confirmation of admission if the student meets the entry requirements specified in Articles 10.2 and 10.3, 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 10.2.1, the proof of registration is also confirmation of admission.

10.1.2 Confirmation of admission must be applied for according to the rules set out in the Regulations for Admission to Master's Programmes.<sup>1</sup>

10.2 Admission to the programme

10.2.1 In accordance to Article 7.30b (1) of the Act, the following candidates may be admitted to the programme and one of its specialisations:

- a) holders of a bachelor's degree in Astronomy (*Sterrenkunde*) from a research university in the Netherlands, or
- b) holders of a bachelor's degree in an astronomy-related programme from a research university in the Netherlands or from a foreign university of similar level, under the provisions mentioned below. For admission to any of the

**Decision**  
**19-314**  
**19-356**  
 Blad 3/6

research-based specialisations of this master this under the provision that the bachelor's programme has provided the candidate with in-depth knowledge of undergraduate courses of the Astronomy curriculum (referred to under a.) with a theoretical and mathematical emphasis, including quantum physics, electrodynamics, statistical physics, and complex analysis. And with proficiency in programming, preferably in the Python language, or,  
 c) students who have successfully met the requirements of the imposed bridging programme on the basis of Article 10.4.1

10.2.2 The Board of Admissions may, upon request, admit persons to the programme who do not meet the requirements specified in 10.2.1, sub-sections a and b, 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 10.2.1, sub-sections a and b, possibly under further conditions, without prejudice to the conditions specified in 10.2.4.

Admission process

The admission process may include an interview with the Board of Admissions, should this be necessary to clarify whether the applicant has the same level of knowledge, understanding and skills as holders of a degree specified in 10.2.1.a

10.2.4 Qualitative admission requirements

10.2.4.1 In addition to the requirements specified in 10.2.1 and 10.2.2, the following qualitative admission requirements apply for the programme in accordance to Article 7.30b (2) of the Act:

For the specialisation in "Astronomy and Cosmology", the following qualitative admission requirements apply:

- knowledge of "Physics of elementary particles" at undergraduate level is required.

10.4 Bridging programmes (Pre-master's)

10.4.1 The department has developed the following bridging programmes (for the following target groups) in order to remove deficiencies:

a. For students with a BSc degree in Aerospace Engineering from Delft University of Technology, the Pre-Master's programme will consist of the following elements from the BSc programme Astronomy:

	Level	EC
Stars	300	5
Galaxies and Cosmology	300	5
Astronomy Lab and Observing Project	200	5
Astronomical Observing Techniques	300	5

<b>Decision</b> <b>19-314</b> <b>19-356</b> Blad 4/6	Quantum Mechanics 1	200	6
	Radiative Processes	300	6

The Quantum Mechanics 1 course may be replaced by the two courses *Kwantummechanica 1* (TN 2304; 3 EC) and *Kwantummechanica 2* (TN 2314; 3 EC) offered at Delft University of Technology.

b. For students with other bachelor's degrees, the Board of Admissions may impose a Pre-Master's programme, tailored to the individual background of the prospective student, before admission into the MSc programme.

#### 5 – Considerations with regard to the dispute

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

It was established that the appellant has a Bachelor's Diploma, with a major in [X] and [X] from [name University] ([X]). The appellant wants to be admitted to the programme based on his prior education.

Article 10.2.1. of the OER shows that direct admission to this programme is only possible with a Bachelor's Diploma in [X], or a programme related to [X] from a Dutch University, or once the pre-master's programme has been completed successfully. Since the appellant does not have this diploma and did not attend the pre-master's programme, he does not qualify for direct admission. The request to be admitted must be assessed on the basis of the requirements stipulated by the OER.

The respondent stated in the letter of defence and at the hearing that the appellant does not meet the requirements set out in article 10.2.2. of the OER based on his prior education, and explained the reasons for this. In order to be admitted to the programme, the appellant must satisfy the final terms of the Bachelor's Programme in [X] as offered at a Dutch University. The respondent assessed the appellant's prior education and identified substantial deficiencies, in particular in the level of the course units in the field of [X]. The respondent received an assessment of the appellant's grades from the Admissions Office. The Admissions Office arrived at an average of 77 calculated on all of the appellant's grades. This must be considered as a grade 6.5 in the Netherlands on a scale from 1 to 10. The

**Decision**  
**19-314**  
**19-356**  
Blad 5/6

Admissions Office arrived at a score of below 70 for the course units in the field of [X], which equals a grade 6 in the Dutch grading system. The low grades and the fact that the appellant has not completed any course units in the field of [X] at all entail that the respondent holds that the appellant did not demonstrate that he meets the level of knowledge, insight, and skills of those who have been awarded a Bachelor's Diploma in [X]. The appellant has to close a gap that is too large to be covered in one year of the pre-master's programme.

The Examination Appeals Board endorses this view. It may be the case [name University] does not offer course units related to [X], but this does not entail that the respondent cannot require him to have completed course units in the field of [X], as is required of any other student who wishes to be admitted to the programme. In this context, the respondent has rightfully considered the knowledge in the field of [X] that the appellant claims to have required by independent study not to be on a par with the demonstrable knowledge - both in respect of content and level - that is acquired by successful completion of course units in this field at a recognized university. Neither can the total lack of any completed course unit in the field of [X] be compensated by the research activities that the appellant has argued.

Considering this, the respondent has rightfully refused the appellant admission to the Master's Programme in [X] with specialisations in [X] and [X] with effect from 1 February 2020. Since the Examination Appeals Board has not been informed of any other facts or circumstances that could warrant an alternative decision, the appeals must be held unfounded.

**Decision**  
**19-314**  
**19-356**  
Blad 6/6

**The decision**

The Examination Appeals Board of Leiden University,  
holds the appeals 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 J.J.G.B. de Frankrijker, Dr J.J. Hylkema, M. Heezen, LL.B., and Z.I. de Vos (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: