

DECISION 23 -330

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 administrative appeal of

[X], appellant

against

the Board of the Faculty of Humanities, respondent.

The course of the proceedings

The Appellant requested the respondent to be admitted to the Research Master's Programme in Asian Studies (hereinafter to be referred to as “the Programme”).

The respondent rejected the appellant’s request in the decision of 12 June 2023.

The appellant sent a letter on 13 June 2023 to lodge an administrative appeal against this decision.

The respondent submitted a letter of defence on 12 July 2023.

The appeal was considered on 2 August 2023 during a public hearing of a chamber of the Examination Appeals Board. The Appellant attended the hearing online. [X] attended the hearing on behalf of the Board of Admissions.

Considerations

1 - Position of the appellant

The appellant does not agree with the decision not to admit him to the Programme. The rejection states that the Board of Admissions is not convinced that he has sufficient affinity with, and suitability for, conducting scientific

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research. The appellant contests that. He believes that his results from his bachelor's degree in International Business Management at Coventry University show that he is indeed qualified to perform academic research. Moreover, he indicates that he can demonstrate from his time at Toyo University in Tokyo and the course units he attended there that he has great affinity for and knowledge of Asian Studies. According to the appellant, however, it is difficult to obtain a transcript and a detailed description of the course units at Toyo University due to Japan's strict privacy laws. However, he is confident that he has sufficient knowledge about and affinity for Asian Studies and that this is reflected in his research proposal.

2 – The position of the respondent

The respondent states that there is no specific bachelor's degree that can be considered the ideal prior education; the students admitted have origins in various disciplines and universities. However, students must have a bachelor's degree that meets the following requirements according to article 5.2.1 of the OER:

- (1) It must be a degree from a research university at the same level as Dutch universities or the candidate must be able to demonstrate that he or she meets the requirements of such a degree, including academic skills,
- (2) The candidate must have knowledge of Asian Studies, its topics and themes and the methods used in research on these, including the language skills and cultural knowledge required to investigate these themes.

Next, admission is assessed by means of four criteria listed in Article 5.2.4 of the OER. These are:

- (1) good grades, comparable to an average for the entire bachelor's programme of at least a 7.5/10 according to the Dutch grading system,
- (2) a bachelor's thesis grade of 8 or higher,
- (3) affinity with, and aptitude for, conducting scientific research and the ability to report clearly on research in the field of the Programme,
- (4) demonstrable motivation to study and suitability for the Research MA Programme or, alternatively, the relevant specialisation.

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This case pertains to whether the appellant has an affinity for and should be suitable for performing scientific research. Whether this is the case will be determined on the basis of two references and a research proposal of about 2,000 words to be written by the appellant, with an annotated bibliography of at least five sources. In doing so, the appellant must be able to demonstrate an affinity with and knowledge of Asian Studies, for example, based on course units attended in the bachelor's programme. In addition, the respondent indicates that it is difficult to define formally what constitutes such required knowledge due to the interdisciplinary nature of the Programme.

The respondent argues that the appellant does not meet the degree requirement, as he cannot demonstrate convincingly in his application that he has an actual affinity with the topics addressed in Asian Studies. His bachelor's programme, International Business, does not involve humanities or social science course units required to complete the Programme. Therefore, the transcript of his course units attended at Coventry University does not show that he attended any course units during his bachelor's studies there that could demonstrate his affinity for Asian Studies. The course units the appellant attended at Toyo University do not demonstrate this affinity either. These include some introductory course units to Japanese and course units touching on Asian culture. However, it does not become clear from the appellant's application what the exact substance or level of those course units is. In doing so, the respondent is not sufficiently convinced of the appellant's affinity for and knowledge of topics relevant to Asian Studies.

In addition, the appellant has also failed to demonstrate by means of his research proposal that he is capable of conducting scientific research. His research proposal is not up to standard in terms of analysing the subject and applying scientific methodology. The proposal also fails to meet the formal requirements, as it lacks the annotated bibliography. Finally, the respondent points out that the appellant's motivation for attending the course is not convincing. There is no doubt about his passion for Japanese culture; however, that is not enough for the respondent to assume that he is academically fit to attend the Programme.

3 – Relevant legislation

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

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.

Article 7.30b of the WHW sets out entry requirements for master's programmes. Paragraph one stipulates that the following entry requirement applies to any other university master's degree programme or for a master's degree programme at an institution for higher professional education:

- a. that the relevant person has a bachelor's degree in academic education, or, alternatively, a bachelor's degree in higher professional education; or
- b. that the relevant person has the knowledge, understanding and skills at the level of a bachelor's degree in academic education or, alternatively, a bachelor's degree in higher professional education.

Based on paragraph two, the Institution's Board may set qualitative admission requirements besides the requirements as referred to in the first paragraph. These admission requirements will be included in the Course and Examination Regulations (*Onderwijs- en Examenregeling*; OER). Qualitative admission requirements refer to the knowledge and skills a student must have at the start of the Programme and - obviously - not to knowledge and skills a student must/can acquire during the Programme.

The Institution's Board has used this discretion for this Programme. First of all, the Programme applies a general diploma requirement in article 5.2.1 of the OER; this requirement states that the candidate must have sufficient knowledge of the subjects he wants to study. It is not clarified in detail what constitutes sufficient knowledge. In addition, there are also qualitative entry requirements. These qualitative admission requirements are included in Article 5.2.4.1 and 5.2.4.2 of the OER. If a student meets these admission requirements, he/she will be admitted to the Programme. Indeed, as the Programme is not subject to a

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quantitative intake restriction, the WHW does not allow the Programme to admit only the best of the students who comply.

In itself, the respondent is free to choose to make admission to the Programme conditional on meeting qualitative entry requirements and diploma requirements set out in the OER. Also in view of the provisions of Article 7.15, paragraph one, of the WHW, the content of these criteria should not only be clear, but the Programme should also proactively inform potential students about them so that they can make a realistic and well-considered assessment of whether they meet the diploma requirements and the qualitative admission requirements. This also leads to the selection process being transparent and verifiable not only for potential students, but also for the University and Faculty Council and the Examination Appeals Board, for example.

Whether a candidate meets the qualitative requirement of suitability for conducting scientific research is determined on the basis of a research proposal comprising 2,000 words, with an annotated bibliography of at least five titles attached. The research proposal should give an indication of the subject or research field with which the candidate intends to engage during the Programme, and also include the name(s) of one or more members of the Programme's scientific staff who may supervise the proposed research project.

At issue in this dispute is both whether the appellant meets the requirement that he has sufficient knowledge of subjects relevant to Asian Studies and the requirement that the appellant be suitable for conducting academic research.

The Examination Appeals Board considers that the diploma requirement and the qualitative admission requirements leave ambiguities as to what exactly is required of a candidate and how to meet the requirements. This is because the research proposal uses substantive criteria that are not disclosed and because the diploma requirement is phrased very broadly.

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However, the Examination Appeals Board is not sufficiently convinced by the appellant that he meets the requirements, even though the requirements are not phrased precisely. The appellant refers to course units taken at Toyo University to demonstrate knowledge of Japanese culture and affinity with Asian Studies subjects, but cannot specify the substance and level of those course units in detail. The Examination Appeals Board holds that the appellant had ample time to request the course unit details from Toyo University. The appellant's position that this was not possible due to Japanese privacy laws is insufficiently substantiated, in the opinion of the Examination Appeals Board. The Examination Appeals Board therefore agrees with the respondent's assessment that the appellant cannot demonstrate that he meets the general diploma requirement set out in Article 5.2.1 of the OER.

In addition, the Examination Appeals Board also endorses the respondent's assessment that the appellant does not meet the qualitative admission requirements of Article 5.2.4.1 under C. The appellant's research proposal to demonstrate his suitability for scientific research is not only below the desired level in terms of substance but, moreover, it fails to meet the formal requirements due to the missing annotated bibliography.

As a result, the appellant does not meet several admission requirements set by the Programme. The administrative appeal is unfounded. This means that the contested decision is upheld.

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6. 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 M.G.A. Berk, LL.M., Chair; Dr C.V. Weeda; J.J. Christiaans, BA; J.J. But, LL.M.; and S. Cornielje, LL.B., members, assisted by Mr E.M.A. van der Linden, Secretary.

.....,

Chair

.....,

Secretary

Certified true copy,

Sent on:

Annex - Relevant legislation

The Course and Examination Regulations for the Asian Studies Research Master's Programme state the following, as far as relevant:

Chapter 5 Admission to the Programme as of September 2023

Article 5.1 Confirmation of admission

See the faculty section.

Article 5.2 Admission to the Programme

5.2.1a. Not applicable.

5.2.1b. Holders of one of the following degrees may be admitted to the programme (Article 7.30b (1) of the Act), if they can demonstrate to the satisfaction of the Faculty Board that they meet the following admission requirements, without prejudice to the requirements specified in 5.2.4.

- A bachelor's degree from a research university, equivalent to the level of a Dutch academic Bachelor's degree, or demonstrate to meet the requirements for such a degree, including the General Academic Skills listed in Appendix B of the Faculty section of these regulations, and
- Candidates must be knowledgeable about Asian Studies in terms of the themes and topics they propose to study, the relevant disciplinary approaches in the humanities and/or the social sciences, and possess linguistic and cultural knowledge as appropriate to their project.

5.2.1c. Not applicable.

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Any person who fails to meet the degree requirements 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.

For further information on the admission procedure and required application documents please see <https://www.universiteitleiden.nl/en/education/admission-and-application/masters>.

5.2.3 Dutch and English languages

5.2.3.1 As further clarification of Article 2.8 concerning command of the language of instruction, a student who wishes to be admitted to an English-taught master's programme must have one of the following diplomas, or must meet the criteria of:

- an International Baccalaureate diploma from a programme taught in English (or an IB diploma with English A);
- a diploma of secondary or higher education completed in Australia, Canada (with the exception of French-language programmes in Canada), Ireland, Malta, New Zealand, Singapore, the United Kingdom, the United States or South-Africa;
- a diploma of an English-taught university degree programme completed at a Dutch research university;
- a Dutch pre-university education (VWO) diploma.

5.2.3.2 If a student who wishes to be admitted does not meet the requirements in 5.2.3.1, at least one of the following language requirements can be set:

- English IELTS 7.0 with a minimum of 6.5 for each of the components Listening, Reading, Writing and Speaking

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- TOEFL (Internet based) 100 with a minimum of **22** for each of the components Listening, Reading, Writing and Speaking
- C2 Proficiency (former CPE)/C1 Advanced (former CAE) with a minimum score of 185.

The test result may not be older than two years at the time of enrolment for the programme.

5.2.3.3 Not applicable.

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For more information on language tests and diplomas which are sufficient with regard to the required command of English please see <https://www.universiteitleiden.nl/en/education/admission-and-application/masters/admission-requirements#language-requirements>.

Article 5.2.4 **Qualitative admission 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:

- A. Good grades comparable with an average mark of at least 7.5 (Dutch grading system) for their entire bachelor's programme; and
- B. A grade for the bachelor's thesis of an 8 or higher; and
- C. Affinity with and suitability for scholarly research in the specific field of the programme; and
- D. Demonstrable motivation to study the particular Research MA programme

5.2.4.2 Where article 5.2.4.1 applies, the admission requirements will be implemented as follows:

- A and B: as evidenced by a transcript of records and diploma of the relevant obtained academic degree.

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- C: to be demonstrated by a “Research Proposal” and two letters of reference.

All applicants are required to submit a Research Proposal of approximately 2,000 words, accompanied by an annotated bibliography of at least five (5) items, outlining the topic or field of research that the applicant wishes to pursue at Leiden University. When language competence is required for the proposed research, this will be taken into account as above under “affinity with and suitability for scholarly research”.

Furthermore, all applicants are required to submit two letters of reference of which at least one by an academic member of staff.

- D: To be demonstrated by a well-argued and structured motivation letter in which the applicant indicates why he/she wants to follow the research programme and convincingly discusses what makes the applicant a good candidate for the research MA programme. The statement should be between 700 and 1,500 words.

In addition, to assess the admission requirements stated in 5.2.1, 5.2.2, and 5.2.3, the Board of Admissions will use the following documents:

- copies of diploma(s) and transcript(s);
- curriculum vitae (resume);
- proof of language proficiency (if applicable, see 5.2.3).

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 5.2.1.b. and meets the qualitative requirements specified in 5.2.4.1.

5.2.4.3 Where article 5.2.4.1 applies, the deadline for the admission requirements is as follows:

Start in September

- In case a visa or residence permit is required, the deadline for application in the online application portal (uSis) is 1 April.

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- In case a visa or residence permit is not required, the deadline for application in the online application portal (uSis) is 15 May.

For further information on the admission procedure and required application documents please see <https://www.universiteitleidn.nl/en/education/admission-and-application/masters>.