

DECISION 24 – 012

Rapenburg 70
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of the Examination Appeals Board of Leiden University
in the matter of the appeal of

■■■■■, appellant

against

the Board of the Faculty of Science, respondent

1. The course of the proceedings

The appellant requested the respondent to be admitted to the Master's Programme in Biology, with a specialisation in Evolutionary Biology.

The respondent rejected this request in its decision of 4 January 2024.

The appellant sent a letter to the Examination Appeals Board on 11 January 2024, to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. A conversation took place between the appellant and the respondent on the topic. No amicable settlement was reached.

The appeal was considered on 28 February 2024 during a public hearing of a chamber of the Examination Appeals Board. The appellant did not attend the hearing. ■■■■■, ■■■■■ of the Board of Admissions of the Master's Programme in Biology, and ■■■■■, Study Adviser, appeared on behalf of the respondent.

2. The position of the appellant

Decision

24 - 012

Page 2/3

The appellant is studying at the Faculty of Marine Science and Technology with a major in Marine Biology at Zhejiang Ocean University in China. The appellant requested the respondent to be admitted to the Master's Programme in Biology, with a specialisation in Evolutionary Biology, by 1 September 2024, based on this prior education.

The appellant holds that the level of his previous education is of a sufficient academic level. Zhejiang Ocean University is a first-class university recognised by the Ministry of Education of China. The appellant had an average of 83.55 out of 100 points on 4 December 2023.

Furthermore, the appellant holds that he has sufficient substantive prior knowledge of plants, ecology, evolutionary and developmental biology, and behavioural biology. These topics were addressed within different course units of his education.

3. The position of the respondent

The respondent's university Bachelor's Programme in Biology consists entirely of science-level course units, with 150 of the 180 ECTS consisting of biological course units.

The appellant is studying the programme Marine Science and Technology at Zhejiang Ocean University. According to the advice of the Admissions Office, 50 of the 145 study credits in the appellant's curriculum are at academic level. The appellant's prior education was rated by the respondent's Admissions Office as a programme at the level of a university of applied science.

Following the appellant's letter of appeal, the Admissions Office re-assessed the appellant's application again. Based on the most up-to-date data on the appellant's results and ranking of the university at which he is studying, the Admissions Office revised its advice upwards. It was found that the appellant's

**Decision
24 - 012**
Page 2/3

prior education could be considered equivalent to two years of a three-year university bachelor's programme.

Based on the first and second advice of the Admissions Office, the respondent established that the appellant did not have the desired academic level to be admitted to the Master's Programme in Biology under Article 2.2.1(b) of the programme-specific Annex to the Course and Examination Regulations (*Onderwijs- en examenregeling*, OER).

Students with a diploma from a university of applied sciences (HBO) may be admitted to the Master's Programme in Biology on the basis of Article 2.2.1.(c) of the Annex to the OER. In that case, the respondent assesses whether the student has sufficient in-depth knowledge of diverse topics in the field of biology at the start of the Master's Programme.

In principle, students with a Dutch HBO diploma qualify for admission to the Master's Programme provided they have an average of 7.5 and completed the prior education within 5 years. In this way, the respondent tests whether the student has sufficient learning capacity to complete the Master's Programme successfully. The respondent sets these demands because the Master's Programme in Biology is highly focussed on research.

The appellant studied Marine Science and Technology with a major in Marine Science. Elements of ecology, evolution, developmental biology and behavioural biology may have been covered within this programme, but only as part of course units on other topics. The appellant's knowledge of ecology, evolution, developmental and behavioural biology is thus not in sufficient depth. Nor did the appellant take any courses in the field of plants.

In order to meet the respondent's admission requirements, the appellant will have to remedy these deficits.

At the hearing, the respondent explained that the appellant's deficiency is in excess of 60 ECTS, 24 of which relate to course unit-specific study credits for the

**Decision
24 - 012**
Page 2/3

specialisation that the appellant wishes to pursue. This means that the deficiencies are of such magnitude that they cannot reasonably be eliminated within one year within a pre-master's programme.

Since that the appellant's prior education is of insufficient academic level, the appellant lacks sufficient relevant substantive knowledge and cannot reasonably overcome these deficiencies within one year, the respondent decided to reject the appellant's application.

4. 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*, "WHW"), the Examination Appeals Board must consider whether the contested decision contravenes the law.

Article 2.2.1 of the Annex to the Course and Examination Regulations (hereinafter: OER) of the Master's Programme in Biology stipulates that the following persons will be admitted:

- (a) those with a bachelor's diploma in biology obtained from a Dutch research university, and
- (a) those with a bachelor's diploma in biology or a bachelor's programme related to Biology obtained from a Dutch or foreign research university, and
- (c) those with a bachelor's diploma who have completed a pre-master's programme.

Based on the documents submitted by the respondent and the appellant, the Examination Appeals Board finds that the respondent conducted extensive research into the assessment of the appellant's prior education, average grades, and GPA. In particular, the Examination Appeals Board points to the 'Degree evaluation Admissions Office' document dated 6 November 2023, the email dated 22 January 2024 from the Admissions Office, and the email dated 1 February 2024 from the Admissions Office.

Decision

24 - 012

Page 2/3

The Examination Appeals Board agrees with the respondent that the admission procedure was complied with properly and that the respondent applied the correct provisions. The respondent relied correctly and on proper grounds on the advice of the Admissions Office which assessed the appellant's prior education and advised that his prior education did not correspond to the level required by Article 2.2.1 (b) of the Annex to the OER.

Article 7.30e of the WHW states that the respondent must offer prospective students who do not yet meet the admission requirements referred to in Articles 7.30b or 7.30c, but who can reasonably be expected to still be able to meet these within a reasonable period of time, an opportunity to remedy the deficiency and, as such, still meet the admission requirements. According to established case law of the Examination Appeals Board, a period of one year (60 ECTS) is in principle considered a reasonable period of time in this context (see, *inter alia*, the decision of 3 August 2023 in case no. CBE 22-355).

The respondent has made it clear that students embarking on a Master's Programme in Biology are expected to have sound knowledge of a broad range of biological topics. The respondent explained that the appellant did not acquire knowledge, or did not acquire sufficient knowledge, of several relevant areas in the field of Biology during his studies and that this resulted in a deficiency of more than 60 study credits.

Consequently, the respondent has adequately substantiated that the identified deficiencies cannot be eliminated within a reasonable period of time within a pre-master's programme. As such, the appellant does not qualify for admission on the basis of Article 2.2.1.(c) of the Annex to the OER either.

The Examination Appeals Board holds that the decision to reject the appellant's application for admission is based on sound grounds. This means that the administrative appeal is unfounded and the contested decision is upheld.

**Decision
24 - 012**

Page 2/3

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 administrative appeal unfounded.

Established by a chamber of the Examination Appeals Board, comprised of: O. van Loon, LL.M., (Chair), Dr A.M. Rademaker, J.D. Kuster BSc, Dr B. Siegerink, and S. Waberi (members), in the presence of the Secretary of the Examination Appeals Board, F.M.Y. Coladarci, LL.M.

O. van Loon, LL.M.
Chair

F.M.Y. Coladarci, LL.M.
Secretary