



## EXAMINATION APPEALS COMMITTEE

No. 2016/32/709

## THE EXAMINATION APPEALS COMMITTEE

Rendering a decision on the appeal by Ms [name] the Appellant, residing in [name], against the decision by the Faculty of Economics and Business Administration's Admissions Committee, the Respondent, not to admit the Appellant to the Business Administration Master's programme (Transport and Supply Chain Management specialization).

### **I. Course of the proceedings**

On 9 February 2016, the Appellant lodged an appeal against the Respondent's decision dated 8 February 2016. The notice of appeal was received on 18 February 2016 and therefore timely. The other conditions have likewise been satisfied. The appeal is therefore allowable.

On 23 February 2016, the Respondent was notified on the Committee's behalf that the required procedure mandated that the Respondent consult with the Appellant to see whether the dispute could be settled amicably. However, the Respondent did not invite the Appellant to do this. Thus, an amicable settlement was not reached.

The Respondent filed a statement of defence on 9 March 2016. The appeal was heard at the Committee's session on 13 May 2016.

The Appellant did not appear, although she had been properly summoned. The Respondent was represented by Dr T. de Graaff, Chair of the Admissions Committee of the Business Administration Master's programme. The Respondent explained its positions orally.

### **II. Facts and dispute**

Based on the documents and the hearing, the Committee will assume the following facts.

The Appellant requested admission to the Business Administration Master's programme, specifically, the Transport and Supply Chain Management specialization. She was not admitted, though, because the Respondent feels that the Appellant does not possess the required academic level necessary to start the Master's programme. The Appellant notes that she took courses in her Bachelor's and Master's programmes which correspond to the courses which the Respondent lists as admission requirements. Moreover, the Appellant took courses in the Erasmus exchange programme on the subject of logistics. The Appellant also took transport and logistics courses at CIPS, a certified institute for logistics which operates internationally, where she obtained a diploma in Procurement and Supply, Level 2. The Appellant has nearly three years' experience as a logistics specialist, too.

The Respondent stated that the Appellant does not have the academic educational level necessary to satisfy the programme's admission requirements.

### **III. The Respondent's positions**

The Respondent explained that, to have been able to be admitted to the Master's programme, the Appellant should have shown that she had thorough knowledge at a university Bachelor's degree level of four of the sources mentioned on the programme's website. The reading list submitted by the Appellant only included one source pertaining to logistics: Operations in Foreign Trade and Logistics.

In her notice of appeal, the Appellant also referred to a course which she took as an exchange student in the Erasmus programme on the subject of logistics. This course was not shown in the overview of results submitted by the Appellant.

When asked, the Respondent said that the Appellant is incapable of demonstrating that she possesses the necessary knowledge to a sufficient degree.

### **IV. Stay**

Having heard the Respondent's explanation, the Appeals Committee decided to give the Appellant the opportunity to demonstrate to the Admissions Committee within a period of at most four weeks that she took courses during her Bachelor's and Master's programmes, as well as in the Erasmus exchange programme, which, together, are comparable in nature to the Supply Chain Management and Transport Distribution Logistics courses, as stated on the programme's website. The Admissions Committee only saw one course in the Appellant's overview which satisfies the requirement: Operations in Foreign Trade and Logistics. The Appellant was asked to respond before 14 June 2016.

The Appellant complied with the request on 7 June 2016. She sent the diploma supplement which was part of her Bachelor's degree certificate, as well as the study results from three courses, namely:

1. International Business (Bachelor transcript);
2. International Business Practices (ESCE transcript - Erasmus exchange program) - attached;
3. International Contract Negotiations (ESCE transcript - Erasmus exchange program) – attached.

### **V. Continuation of the hearing**

The Appeals Committee asked the Respondent to assess the information subsequently furnished by the Appellant in light of her request to be admitted to the Business Administration Master's programme (Transport and Supply Chain Management specialization). After consulting with experts and with VU University Amsterdam's International Office, the Respondent concluded that the level of the institute attended by the Appellant, CIPS, corresponds to that of a university of applied sciences in the Netherlands. That is insufficient to be admitted to the Master's programme. In addition, the courses which the Appellant took elsewhere, including the components of the Erasmus exchange programme, were not of a level necessary to start the desired Master's programme. Consequently, the Respondent stands by the contested decision.

### **VI. Findings by the Committee**

The requirements set for candidates to be admitted to the Business Administration Master's programme are set forth in Article 2.1 (Part A) in conjunction with Article 3.1 (Part B) of the Business Administration programme's Education and Examination Regulations for the 2015-2016 academic year. The programme's website indicates how a candidate can fulfil the requirements. It also states the supplementary conditions which a candidate wishing to pursue the Transport and Supply Chain Management specialization must meet.

The Appeals Committee holds that the disputed decision was initially taken without the Appellant's having had a chance to furnish additional information. As the Appellant was subsequently given the opportunity to furnish this information, the Respondent has ceased to violate its duty of inquiry towards the Appellant. Hence, the original procedural error has been rectified, all the more so because the Respondent submitted the additional information obtained to the International Office for advice. This is of no avail to the Appellant, however, since it cannot be said in light of this supplementary information – viewed in conjunction with the documents already provided by her earlier – that the Respondent could not have reasonably denied the Appellant admission to the programme. The appeal must therefore be deemed unfounded.

## **VII. Decision**

The Committee hereby declares that the appeal is unfounded.

Thus rendered in Amsterdam on 1 July 2016 by Prof. F.J. van Ommeren, Chair, and Prof. A.P. Hollander, Ms I. Messoussi, Mr F.M. Öksüz, Prof. H.A. Verhoef, Members, in the presence of J.G. Bekker, Secretary.

Prof. F.J. van Ommeren  
Chair

J.G. Bekker  
Secretary

An interested party may, providing a proper statement of reasons, lodge an appeal against a decision by the Examination Appeals Committee with the Higher Education Appeals Board, P.O. Box 16137, 2500 BC The Hague, the Netherlands. The notice of appeal must be filed within six weeks. The filing fees are €46.