



EXAMINATION APPEALS BOARD

No 2021/29/996

THE EXAMINATION APPEALS BOARD

Ruling on the appeal of [Name], hereinafter the appellant, student number [student number], against the decision not to admit her to the Master's programme in Accounting and Control of VU Amsterdam School of Business and Economics.

I. Course of the proceedings

On 22 March 2021, the appellant lodged an appeal with the Examination Appeals Board, hereinafter: the Board, against the decision to refuse her admittance to the Master's degree programme. On 23 March 2021 the Board asked the appellant to supplement her appeal with the contested decision. On the same day the appellant sent the decision dated 4 March 2021 in which the Head of Student Administration of the Student & Educational Affairs Service Department (SSA/SOZ) rejected the appellant's registration request because the Admissions Committee of the Master's programme in Accounting and Control, hereinafter: the respondent, decided that the appellant did not meet the admission requirements for the Master's. On 23 March 2021, the Board asked the respondent to consult with the appellant and see whether this dispute could be settled amicably. The respondent invited the appellant to a meeting on 31 March 2021. An amicable settlement did not prove possible. The respondent filed a written defence on 20 April 2021, with appendices. That same day, the appellant sent the Board and the respondent a written response to that defence. The appeal was heard at the Board's session on 27 May 2021 via video conferencing. The appellant appeared. Dr E. Wiersma was present on behalf of the respondent. M. Visser and P. Steeman MA were present on behalf of the International Office. The parties explained their positions orally.

II. The facts

Based on the documents and the matters presented at the hearing, the Board has taken the following facts into consideration.

The appellant completed the external programme Accounting and Finance at the University of London in August 2006. The appellant was granted a Bachelor of Science with Second Class Honours (Lower Division).

III. Positions of the parties

The appellant states that her educational background meets the requirements set by the respondent. The Bachelor's programme at the University of London was taught remotely. Students abroad did not receive any guidance and had to sit the examinations on the set literature in one session. The duration of the programme is between three and six years. The appellant completed the programme in three academic

years. The appellant states that the respondent is too strict in the assessment of the marks she obtained for the exams during her Bachelor's. The appellant asks that the circumstances of her educational background are taken into consideration and that she be admitted to the Master's programme in Accounting and Control.

The respondent persists in its decision that the appellant's academic results of her prior education do not meet the applicable requirements. The Master's programme requires a certain academic entry level. The respondent is therefore unable to make allowances for the difficult circumstances in which the appellant obtained her study results. It issues the advice to the appellant to first take a pre-Master's programme. In addition to the automatic message that the Head of Student & Educational Affairs sent, the respondent also sent its decision to the appellant on the same day. That message contains the decision that the appellant is not eligible to be admitted to the Master's programme. During the hearing on 27 May 2021, the respondent confirmed that the decision by the Head of Student & Educational Affairs is substantially correct and was in fact taken by the respondent.

IV. Considerations of the Board

The appellant's appeal was lodged on time and also meets the statutory requirements. At the hearing on 27 May 2021, the respondent confirmed that the current decision of the Head of Student & Educational Affairs was its own decision. It should further be noted that the remedy clause at the bottom of the decision of 4 March 2021 is therefore incorrect. However, this does not affect the appellant and therefore the Board will deal with the contents of the appellant's appeal against the decision of 4 March 2021.

This case concerns a request by the appellant to be admitted to the Master's degree programme. How requests such as these are to be handled is set out in Section 7:30b(1) of the Higher Education and Research Act (WHW) and in Article 7.2. of the 2020-2021 Teaching and Examination Regulations for the Master's programme in Accounting and Control. Article 7.2 of the Teaching and Examination Regulations lays down the admission criteria with a reference that the criteria can be found on VU Amsterdam's website on the Master's in Accounting and Control webpage.

To be admitted to the Master's in Accounting and Control, prospective students must previously have completed a number of specific subjects at the specified level. The appellant completed the required subjects at the University of London in an external programme, but not at the right level. Her study results should have been at least Upper Division level. The parties agree that the appellant completed her prior education at a lower level than required. The appellant asks the respondent to take into consideration that she obtained her previous qualifications under difficult circumstances. The respondent rejects this. The entry level is set to all prospective students, regardless of the circumstances of their educational background. That level is required in order to successfully complete the Master's programme.

The Board is of the opinion that the respondent followed the prescribed procedure and moreover that – both in the decision and this appeal – it sufficiently addressed in substance the arguments submitted by the appellant. The respondent reached its decision fairly. This leads to the following ruling.

V. Ruling

The Board rules that the appeal is unfounded.

Delivered in Amsterdam on 9 June 2021, by Prof. F.J. van Ommeren, Chair, Prof. J.J. Beishuizen and Dr A.J.M. Ligtenberg, members, in the presence of F. Donner, Secretary.

Prof. F.J. van Ommeren,
Chair

F. Donner,
Secretary

An appeal against a ruling by the Examination Appeals Board may, accompanied by the proper justification, be lodged by the relevant party with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague. The period for lodging a notice of appeal is six weeks. The filing fee is €49.