



## EXAMINATION APPEALS BOARD

No. 2022/22/1057

### THE EXAMINATION APPEALS BOARD

Ruling on the appeal of [the appellant], [student number], against the decision of the Admissions Committee of the Faculty of Law at VU Amsterdam not to admit the appellant to the Master's programme Law and Politics of International Security, hereinafter: the Master's programme.

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

On 5 May 2022, the appellant lodged an appeal with the Examination Appeals Board, hereinafter: the Board, against the decision of the Admissions Committee, hereinafter: the respondent, to refuse him admittance to the Master's programme. On 9 May 2021, the Board asked the respondent to enter into consultations with the appellant to assess whether this dispute could be settled amicably. The respondent invited the appellant for a meeting via email, video call or telephone. The appellant requested that points of view be exchanged via email. No amicable settlement was reached. The respondent submitted a statement of response on 9 June 2022.

The appeal was heard at the Board's session on 23 June 2022 via video link. The appellant appeared. Dr L.J.M. Boer was present on behalf of the respondent. A.C. Hiegentlich, MSc was present on behalf of the International Office.

#### **II. The facts**

Based on the documents and the hearing, the Board assumes the following facts.

The appellant followed his Bachelor's degree programme in Law at the University of Essex in the United Kingdom, completing it in July 2008 with 3rd Class Honours. Since 2017, the appellant has been working as a lawyer in Thessaloniki (Greece).

#### **III. Positions of the parties**

The appellant understands that the average results obtained by him (his Grade Point Average or GPA) in his undergraduate studies (Bachelor's programme in Law) do not meet the requirements set by the respondent. He asks that the circumstances in which he completed his undergraduate studies in the United Kingdom be taken into account. Pursuing his Bachelor's programme at the University of Essex presented him with a difficult path. The appellant was young, alone and far from his family, as well as finding himself in another language area. Despite these difficult circumstances, he completed his Bachelor's in three years. The appellant estimates that, having since become an experienced professional, he would now perform far better.

Concerning the point that in his letters he did not provide a sufficiently specific indication of why the Master's degree programme is well-aligned to his interests, the appellant argues that this is based on a

misunderstanding. He would very much like to follow the highly regarded Master's programme and thought that he had to explain his ambition to do so in general terms. Following the respondent's explanation, he now understands that he should have been far more specific about the content of the Master's degree programme.

The respondent maintains its decision concerning the appellant's previous education not meeting the applicable requirements. The appellant did not obtain the required minimum grade point average in his undergraduate studies. The respondent notes that the undergraduate course was completed in 2008. However, as far as the respondent is concerned, this does not alter the fact that the academic level achieved at that time is not sufficient.

Moreover, the appellant's explanation failed to adequately address the requirement that candidates indicate why they wish to follow this Master's programme. The supplementary explanation written by the appellant subsequently in the context of this appeal was given due consideration in the evaluation of the appellant's file. The respondent is of the opinion that candidates who write good explanations fit in with the purpose and content of Master's programme. In his explanation, the appellant does not comment on the interdisciplinary nature of the Master's programme and does not indicate his interest in specific international issues. Providing an additional opportunity to improve the explanation would detract from the value of a cover letter as a means of selection. The respondent notes that the appellant's second explanation as provided during the appeal proceedings also fails to meet the requirements set.

The selection criteria are cumulative, which means that it is possible for a candidate who narrowly fails to meet one of the requirements to compensate this with, for example, relevant work experience or an exceptional achievement in relation to one of the other selection criteria. The appellant fails to meet two criteria and his application file contains no information which might compensate this.

#### **IV. Findings of the Board**

The appellant's appeal was lodged on time and also meets the statutory requirements.

This case concerns a request by the appellant to be admitted to the Master's programme. How requests such as these are to be dealt with is set out in Section 7(30b)(1) of the Higher Education and Research Act (WHW) and in Article 7.2 of the 2021-2022 Teaching and Examination Regulations (OER) of the Master's programme in Law, Politics of International Security. The admission criteria are set out in Article 7.2 of the OER.

The respondent has evaluated the application for admission to the Master's programme on the basis of the admission criteria set out in the OER. The respondent has determined that the appellant has failed to meet the admission criteria set out in the OER in respect of two points.

Firstly, the appellant has not obtained the required minimum grade point average (GPA). The appellant argues that the grade point average he obtained during his undergraduate studies was too low as a consequence of his personal situation. In the Board's opinion, the respondent cannot be expected to take this into account in its assessment of the appellant's admission file.

The appellant's admission file also fails to meet requirements on a second point. In his written explanation of why he wishes to follow the Master's programme, he fails to discuss the specifics of the programme sufficiently. In the Board's opinion, the appellant's request to remedy this may reasonably be turned down by the respondent. It would detract from the selection instrument's value if a candidate were to be given the opportunity to integrate the respondent's feedback when drafting a new explanation.

All things considered, the Board takes the view that the respondent was able to reach its decision reasonably. The respondent followed the prescribed procedure and in addition, both in its decision and during this appeal, addressed the substance of the arguments submitted by the appellant. This leads to the following ruling.

## **V. Ruling**

The Board declares the appeal unfounded.

Delivered in Amsterdam on 30 June 2022, by Dr A.J.G.M. van Montfort, LLM, chairperson, Prof. J.J. van Beishuizen and L.J.H. de Bie, BSc, members, in the presence of F. Donner, LLM, secretary.

Dr A.J.G.M. van Montfort,  
chairperson

F. Donner, LLM,  
secretary

When accompanied by adequate justification, an appeal against a decision of the Examination Appeals Board may be lodged by the party concerned with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague. The term for lodging a notice of appeal is six weeks. The registry fee is €50.