

CBE Z23001405 Admission to degree programme

DECISION

In the proceedings between A., from now on referred to as the Appellant, and the Admissions Team on behalf of the Admissions Board of the degree programme in Art History (Arts and Culture) of the Faculty of Arts, from now on referred to as the Defence, regarding the decisions taken by the Defence on 18 October 2022 and 25 October 2022.

I. Designation of the disputed decisions

- The decision taken by the Defence on 18 October 2022, in which the Appellant was informed that they would not be admitted to the Master's degree programme in Art History (Arts and Culture).
- The decision taken by the Defence on 25 October 2022, in which the Appellant was informed that they would be admitted provisionally to the pre-Master's degree in Art History. They must demonstrably satisfy the English language requirement before 1 June 2023.

II. The hearing

The appeal was heard in an open session on Wednesday, 17 May 2023, where the Appellant appeared via a video link. The Defence appeared, represented by V., member of the Admissions Board.

III. Origin and course of the proceedings

The decisions mentioned under I. informed the Appellant that they were not admissible to the Master's degree programme Art History (Arts and Culture) and were provisionally admitted to the pre-Master's programme Art History. On 27 March 2023, the Appellant appealed against these decisions with the Board of Appeal for Examinations (CBE) via CLRS. Under Article 6:7 of the General Administrative Law Act, the term for submitting an appeal is six weeks. This clause is included at the bottom of the disputed decisions. In the case of the Appellant, the final date for submission was thus 30 November 2022 and 7 December 2022, respectively. On 6 April 2023, the Defence sent an explanation of the disputed decisions, after which the appeal was handled in a hearing on 17 May 2023.

IV. The parties' positions

The Appellant's position, as set out in the appeal and further explained at the hearing, can be summarized as follows. The Appellant stated that they lacked subjects in the area of art history in their previous education. After receiving the disputed decisions, they took additional courses so that now they are directly admissible to the pre-Master's programme offered or need to take fewer modules. The Appellant submitted proof of these additional courses.

The Defence defended itself as follows in the statement of defence and at the hearing. The Appellant's previous education lacks deepening courses in the area of methodology. That is why the Appellant must follow a pre-Master's programme before being admissible to the Master's degree programme Arts History (Arts and Culture).

At the hearing, the Defence further explained its position and addressed the documents the Appellant submitted shortly before the hearing. The additional courses that the Appellant followed after receiving the disputed decisions bring in 2.5 ECTS after calculating the time investment. Aside from the content of the courses taken, this in itself is insufficient to reach a different decision. The Defence requests that the Board of Appeal declare the Appellant's appeal unfounded.

V. Assessment

The Appellant appealed against the decisions of 18 and 25 October 2022. The Board of Appeal notes that the appeal was submitted quite some time after the legal six-week appeal period had expired. The legal appeal periods expired on 30 November 2022 and 17 December 2022, respectively, and the appeal was submitted on 27 March 2023. It must now be assessed whether there was an excusable reason for exceeding the appeal periods. At the hearing, the Appellant explained that they had read the appeal clause and still just wanted to appeal. After receiving the disputed decisions, they took additional courses or modules now allowing them to meet the requirements to be directly admitted to the desired Master's degree programme.

The Board states that the appeal clause appears at the bottom of the disputed decisions. The Appellant was thus informed that the term for submitting an appeal was six weeks. They were also informed that an appeal may be submitted via CLRS at the University's website. The reason submitted by the Appellant for exceeding the term is inadmissible in the opinion of the Board. Of course, the Appellant can take additional courses or modules. However, this does not postpone the period for appeal.

The above has led to the conclusion that the appeal must be marked inadmissible, and the disputed decisions can be upheld.

For the sake of completeness, the Board notes that the documents and the proceedings at the hearing show that the Defence explained why admission to the Master's degree programme was not possible and that following a pre-Master's programme was necessary in the case of the Appellant.

VI. Decision

The Board of Appeal for Examinations declares the Appellant's appeal inadmissible.

Thus established on 5 June 2023 by Dr E. van Wolde, Chair, Prof. E.A. van der Zee and W. van der Laan, members, in the presence of M. E. A. Donkersloot, Secretary.

Under the General Administrative Law Act and Article 7.66 of the Higher Education and Research Act (WHW, Wet op het Hoger onderwijs en Wetenschappelijk onderzoek), the Appellant has the right to appeal against this decision to the Administrative Jurisdiction Division of the Council of State (ABRvS, Afdeling Bestuursrechtspraak van de Raad van State), P.O Box 20019, 2500 CN The Hague, within six weeks of the decision being sent.