



**Universiteit Utrecht**

**CBE, PO box 80125, 3508 TC Utrecht**

**Examination Appeals Board**  
ex article 7.60 of the Higher Education Act

**Visiting address**  
Heidelberglaan 8, Utrecht

## **DECISION**

**Our reference** CBE/K21 03 014  
**Telephone** 030 253 30 75  
**E-mail** cbe.jz@uu.nl  
**Website** www.uu.nl  
**Date** 7 June 2021  
**subject** appeal [appellant]

The Examination Appeals Board at Utrecht University (hereinafter referred to as: the Board) has made the following decision on the appeal by:

[appellant], appellant,

versus

[the Admissions Committee of] the Graduate School of Humanities, defendant,

### I. Origin and course of the proceedings

The appellant lodged an appeal on 8 March 2021 against the defendant's decision of 8 March 2021 to reject the appellant's application for the Master's programme Comparative Literary Studies. By virtue of the applicable stipulations of the Higher Education and Research Act and Art. 7 of the Rules of Procedure, the appeal was sent to the chair of the Defendant on 9 March 2021. The Board received a statement of defense from the defendant and all relevant documents on 7 April 2021.

On 29 April 2021 a hearing was held. Due to covid-19 measures, this hearing was held online. The appellant attended. The defendant was represented by [ ].



## II. Grounds

The appeal is directed against the defendant's decision of 8 March 2021 to reject the appellant's application for the Master's programme Comparative Literary Studies.

The appellant states the following in his notice of appeal and at the hearing.

The appellant believes the decision is unfair. He argues that the rejection of his application took place before the deadline of 1 April 2021. The registration was not yet closed at the moment he applied. So, not all the quota were fulfilled at the moment of rejection. It is also strange to rank everyone when not everyone has submitted their applications. The appellant did not know that there are two application deadlines.

The appellant further doubts that all selected candidates hold the same or better achievements than he. He suggests that national preference was given in the selection process, which can be considered as biased effort.

Later on, the admission team tried to justify its biased selection process by mentioning new shortcomings of the appellant's application, like his command of the English language. As the appellant passed the English test, this action of the admission team furthermore sets doubt in a fair selection process. The appellant has not received any response concerning the statistical data he has asked for. All in all, the appealed decision and the underlying process lack transparency, it is not clear how high one is in the ranking. Besides that, the admission team seems to have focused mainly on the aspects that could disqualify the appellant.

The defendant states the following in the statement of defense and at the hearing (also concisely presented).

There are two application deadlines: 1 February and 1 April. Both deadlines are mentioned on Utrecht University's website. The first deadline is the one that was applicable to the appellant because that is intended for students who want to apply for a scholarship. This earlier deadline is offered because many students who apply for a scholarship need to know as soon as possible whether they will receive it or not, so that they have time to pursue other scholarships or funding. This early deadline can be a complicating factor for programs who allow a fixed number of students for it is indeed not possible to rank all applicants at the same time. Students who have to apply early are assessed according to the exact same criteria as those who apply on the second deadline. There is no fixed number or quota for students to admit from the first group, the number of students that is admitted is decided by the quality of the candidates only. The assessors give scores independently of each other according to predetermined criteria. In case of deviating scores, consultation takes place.

This year there has been an overall increase in the number of applications and for Comparative Literary Studies specifically the quality of candidates was higher compared to last year. That means that the competition was stronger. Though the appellant's motivation letter was bold, his academic and research profile is less compelling compared to the other applicants. Furthermore, there were significant doubts about his English proficiency, especially in writing, compared to the other applicants. These reasons for rejection are reflected in the letter to the appellant, albeit in standard terms. But an applicant can always ask for a wider explanation.

The defendant stresses that no preference is been given to any specific nationality of candidates, the appellant's nationality did not play any role in the decision to reject his application.



## Considerations of the Board

It should be stated first and foremost that the duties and powers of the Board do not extend to assessing or reassessing an application for a master programme. Determining the admission requirements for a master programme is one of the discretionary powers of the admissions committee involved. Only if the admission requirements are in conflict with any generally binding regulation or if there is an incorrect use of powers, an unreasonable weighing of interests or a conflict with principles of good administration, a decision adopted on the basis of these criteria will be eligible for annulment. Furthermore, the Board assesses whether the appealed decision has been made with due care and has been sufficiently substantiated.

Within the above limits, the Board considers the following. In the opinion of the Board, the defendant has made it sufficiently clear to the appellant why it did not select him. In the statement of defense and at the hearing, the defendant provided an explanation of the selection procedure followed. The Board is of the opinion that the manner in which the selection is carried out is sufficiently careful: the assessors give scores independently of each other according to predetermined criteria, after which consultation took place about certain deviating scores.

It can therefore be concluded that the assessment was made with due care. The arguments put forward by the appellant in his appeal have not been sufficient to persuade the Board to take a different view. The appellant did not provide evidence for his statement that there was biased effort and the Board sees no other evidence for that either.

Therefore, the assessment by the defendant of the application for the master's programme can be upheld. In the opinion of the Board the appealed decision was also made with due care and has been sufficiently substantiated. So, the Board sees no reason to annul this decision.

Nevertheless, the Board wants to have said that the communication with the appellant about the outcome of the assessment could have been more transparent. At first the appellant was rejected because of the number of candidates, but at the hearing the defendant has stated that this number is not absolute. Further, the defendant could have been more clear about the way the criteria have been weighted. However, these critical remarks do not lead to a different opinion by the Board.

All things considered, the Board is of the opinion that the defendant could reasonably have arrived at the appealed decision. The appeal must therefore be declared unfounded.

## III . Decision

The Board

- I. Finds the appellant's appeal unfounded.
- II. Requires that copies of this decision be sent to the parties, to the Board of Utrecht University, to the management of the Graduate School of Humanities and made available to interested parties.



# Universiteit Utrecht

Thus decided on 29 April 2021 by Dr. E.F.D. Engelhard LLM, chair,  
Dr. P. van der Sluijs and A.J.H. Zuiderwijk, members, assisted by J.J. van Beek LLM,  
secretary, and announced on 7 June 2021.

Signed,

J.J. van Beek LLM,  
secretary

Dr. E.F.D. Engelhard LLM,  
chair

*If you disagree with this decision you may submit an appeal to the College van Beroep voor het Hoger Onderwijs (CBHO), P.O. Box 16137, 2500 BC Den Haag, ([www.cbho.nl](http://www.cbho.nl)) within six weeks of the date of its dispatch. The appeal should be written in Dutch. There is a registry fee involved.*