

DECISION 18 - 174

Rapenburg 70
Postbus 9500
2300 RA Leiden
T 071 527 81 18

of the Examination Appeals Board of Leiden University
in the matter of
the appeal by [name] from The Hague, appellant
against
the Board of Examiners of the Institute of Political Science, respondent

1. Origin and course of the proceedings

The respondent rejected the petition by the appellant to be awarded a "cum laude" distinction in its decision of 12 July 2018.

The appellant sent a letter on 9 August 2018, which was received by the Examination Appeals Board on 10 August 2018, to lodge an administrative appeal against this decision.

In short, the appellant argued that her academic achievements justify the award of the distinction. Furthermore, she pointed out that her previous education was not in the field of political science or international politics.

The appellant submitted additional documents by email on 3 September 2018.

The respondent attempted to reach an amicable settlement with the appellant on 31 August 2018. No amicable settlement was concluded.

The respondent submitted a letter of defence on 13 September 2018.

The appeal was considered on 17 October 2018 during a public hearing of a chamber of the Examination Appeals Board. The appellant appeared in person at the hearing. [names], Chair and Member of the Board of Examiners respectively of the Institute of Political Science, appeared at the hearing on behalf of the respondent.

**Decision
18-174**

Page 2/5

2. Considerations with regard to admissibility

The appellant lodged a timely appeal against the decision of 12 July 2018 by means of the letter that was received by the Examination Appeals Board on 10 August 2018. Furthermore, the letter of appeal also meets the requirements as stipulated in the General Administrative Law Act ("Awb", *Algemene wet bestuursrecht*) and the Higher Education and Academic Research Act ("WHW", *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). Consequently, the administrative appeal is admissible.

3. Relevant legislation

In so far as relevant, the Course and Examination Regulations of the Master's Programme in Political Science (*Onderwijs en examenregeling*, "OER") stipulate: 4.12.4 Without prejudice to the provisions of 4.12.6 and 4.12.7, the degree certificate and diploma supplement include the 'cum laude' classification if the following conditions are met for the full-time programmes:

- the weighted average for all components is 8.0 or higher;
- the mark for the master's thesis is 8.0 or higher;
- the examination was passed within the nominal duration of study + 1 year;
- no mark is the result of a retake of a study component for which the student had already received a pass grade.

4.12.6 The Board of Examiners may also decide to award a distinction in other, exceptional cases, on the condition that the weighted average mark does not differ by more than 0.5 from the marks stipulated in the fourth and fifth paragraphs above. This may involve such considerations as the student's development throughout his or her study programme, any exceptional performances on the part of the student in completing the final paper or thesis and any other relevant exceptional circumstances.

4. Considerations with regard to the dispute

In accordance with article 7.61, paragraph two of the WHW, the Examination Appeals Board must consider whether the contested decision contravenes the law.

It was established that the appellant completed the Master's Programme in Political Science with a specialisation in International Organisations. It is not contested that the appellant meets three out of four requirements to be awarded the distinction "cum laude", as stipulated in Article 4.12.4 of the OER. Her

Decision
18-174
Page 3/5

weighted average is 7.917 and, as such, she meets the requirement of at least 8.0 weighted average for all course units.

The appellant holds the view that she must be awarded the “cum laude” distinction based on Article 4.12.6 of the OER.

The appellant submitted additional documents by email on 3 September 2018. In these documents the appellant stated that the group to which she belonged was disadvantaged in the thesis seminar when compared to the other thesis seminar group. The latter group received the prescribed literature by early January 2018, when her group only received it by early February 2018. This caused a delay in her case. She takes the position that the 8 that was awarded to her thesis could have been higher had she been treated similarly to the other thesis seminar group.

The respondent holds that the appellant’s situation cannot be considered to be an exceptional case, as referred to in Article 4.12.6 of the OER, which justifies awarding the distinction. The respondent is not convinced that the fact that the literature was provided later to the appellant’s thesis seminar group has had such a detrimental impact on the grade that was awarded to the appellant’s thesis, that this should be regarded as an exceptional case. The appellant’s thesis grade meets the “cum laude” requirement as far as the thesis is concerned. However, the appellant does not meet the minimum weighted average grade of 8.0 or higher for the course units she attended. The respondent takes the position that this deficit on the part of the appellant will not be remedied, since her case does not qualify as exceptional.

The Examination Appeals Board considered that the course of the thesis seminar was not optimal for the appellant. This was also acknowledged by the respondent at the hearing. However, contrary to the appellant, the Examination Appeals Board holds that the circumstances she put forward have – justifiably - not been considered by the respondent as exceptional circumstances - as referred to in Article 4.12.6 of the OER. The fact that the organisation of the thesis seminar was not flawless does not mean that it qualifies as an exceptional case as referred to in Article 4.12.6 of the OER. At the hearing, the respondent explained on request that a case may be considered to be exceptional when students demonstrate exceptional progress during their studies or make outstanding achievements in their thesis. The assessment whether circumstances may be considered to qualify as an exceptional case largely depends on the specific case. The circumstance that her previous education was not focussed on the field of political science is not considered to be exceptional, since the appellant complied with the entry requirements of the master’s programme and, as such, can be considered on a par with students who have completed a bachelor’s programme in Political Science.

Decision
18-174
Page 4/5

Awarding the distinction “cum laude” pertains to what is considered to be an exceptional case in the master’s programme.

The appellant argued that the grade that was awarded to her thesis could have been higher had she been treated similarly to the other thesis seminar group. The Examination Appeals Board considers that the appellant has not taken recourse to legal remedies with regard to establishing the grade of her thesis. This grade has been established. The assumption, which cannot be verified, that the grade could have been higher cannot constitute grounds for deciding that her case qualifies as an exceptional case in the meaning of Article 4.1.2.6 of the OER.

Since the Examination Appeals Board has not been informed of any other facts or circumstances that could warrant an alternative decision, the appeal must be held unfounded.

**Decision
18-174**

Page 5/5

5. The decision

The Examination Appeals Board of Leiden University,

holds the appeal **UNFOUNDED**,

in view of article 7.61 of the Higher Education and Academic Research Act.

Established by a chamber of the Examination Appeals Board, comprised of K.H. Sanders, LL.M., (Chair), Dr A.M. Rademaker, Dr K. Beerden, M. Heezen, and L.N. Kluinhaar, LL.B., (Members), in the presence of the Secretary of the Examination Appeals Board, M.S.C.M. Stoop - van de Loo, LL.M.

K.H. Sanders, LL.M.,
Chair

M.S.C.M. Stoop - van de Loo, LL.M.
Secretary

Certified true copy,

Sent on: