

DECISION 24 – 569

Rapenburg 70
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of the Examination Appeals Board of Leiden University
in the matter of the administrative appeal of

██████████, appellant,

against

the Board of Examiners of Leiden Law School, respondent

The course of the proceedings

On 29 August 2024, the appellant requested the respondent to award the 'cum laude' distinction to him pursuant to Article 4.12.6 of the Course and Examination Regulations of the Master's Programme in Law 2024-2025 (*Onderwijs- en examenregeling*, hereinafter: OER).

In its decision of 10 September 2024, the respondent rejected the appellant's request to award the distinction to him (hereafter: the contested decision).

On 25 September 2024, the appellant submitted an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. A meeting was held between the parties on 8 October 2024. No amicable settlement was reached.

The respondent submitted a letter of defence on 18 October 2024.

The appeal was considered on 20 November 2024 during a public hearing of a chamber of the Examination Appeals Board. The appellant attended the hearing. ██████████ of the Board of Examiners, attended the hearing on behalf of the respondent.

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Considerations

The appellant argues that his is an exceptional case for which the 'cum laude' distinction should be awarded. He believes the respondent gave only cursory consideration to his request and did not look at it comprehensively.

First of all, the appellant claims that his average grade before rounding, amounted to 8.04. As a result, he should be entitled to the 'cum laude' distinction under Article 4.12.4 of the Course and Examination Regulations (OER).

Secondly, he argues that he has developed during the Master's Programme to such an extent that the 'exceptional cases' referred to in Article 4.12.6 of the OER apply. He has undertaken several extracurricular activities. For instance, he was a student representative and founded a student organisation with fellow students that organised several field-specific activities.

Finally, there are special circumstances since his grandfather - who felt like a second father to him - died and that this event affected his study results.

The respondent argues first and foremost that the average final grade of the appellant is 7.833. He is therefore not eligible under Article 4.12.4 of the OER to be granted the 'cum laude' distinction.

Secondly, the respondent argues that his case does not qualify for the exceptional cases - as referred to in Article 4.12.6 of the OER - to which the 'cum laude' distinction should be awarded. These cases should be individual academic achievements of a student that are exceptional. The respondent mentioned a publication in a scientific journal as an example.

In accordance with article 7.61, paragraph two, of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW), the Examination Appeals Board must consider whether the contested decision contravenes the law.

Cum laude

According to Article 4.12.6 of the OER, the respondent may grant a distinction in other special cases, provided that the weighted average does not deviate by more than 0.5 points from the provisions of Article 4.12.4 of the OER. This could include aspects such as the student's development during the programme, certain exceptional achievements made in the final paper or thesis or other relevant special circumstances.

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According to established case law of the Examination Appeals Board (including the decision in cases CBE/20-034 and CBE/20-035), a student who meets the conditions mentioned in Article 4.12.4 of the OER is automatically eligible for the 'cum laude' distinction.

There is no dispute between the parties that the appellant's weighted average rounded final grade is 7.833. As such, the appellant does not qualify automatically for the 'cum laude' distinction. However, the appellant believes that without rounding, his average grade would be 8.04.

The Examination Appeals Board notes that it is policy at the Faculty of Law to round grades to whole numbers. The Examination Appeals Board cannot change this. In other words, it is factually established that the appellant does not have an average of 8.0 as a final grade in his Master's Programme.

Special provisions

If a student does not meet the requirements set out in Article 4.12.4 of the OER, Article 4.12.6 of the OER grants the respondent the authority to still award the 'cum laude' distinction in exceptional cases. Some examples have been listed in Article 4.12.6 of the OER. This should be understood to mean that the Board of Examiners is authorised to award the 'cum laude' distinction even in cases not covered by the examples given.

The discretion, laid down in Article 4.12.6 of the OER, is intended to allow the Examination Appeals Board to award the 'cum laude' distinction to students who, when compared to their peers, have achieved excellent results in their studies or elsewhere, but do not - or do not fully - meet the requirements of Article 4.12.4. of the OER. It refers to the assessment in a broader sense of whether a student attains a high level (cum laude) above the level of peers in their year.

First and foremost, the Examination Appeals Board notes that the respondent has the authority to award the 'cum laude' distinction in the cases referred to in Article 4.12.6 of the OER.

The Examination Appeals Board holds that the respondent has sufficiently indicated why - especially in view of the explanations given at the hearing - it holds that there was no exceptional performance during the programme, which adequately distinguished the appellant from other students in his year, or any other relevant special circumstances.

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Moreover, the respondent stated explicitly during the hearing that the relevant circumstances should be academic and not personal, such as a death within the family. The Examination Appeals Board endorses this position and holds that this also follows from Article 4.12.6 OER.

Conclusion

The respondent duly weighed all the appellant's circumstances in arriving at the rejection of the request for awarding the 'cum laude' distinction under Article 4.12.6 of the OER. Hence, the administrative appeal is unfounded. This means that the contested decision is upheld.

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The decision

The Examination Appeals Board of Leiden University

holds the administrative 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 M.G.A. Berk, LL.M., (Chair), R.A. Brouwer, LL.B., Dr A.M.C van Dissel, Dr G.L. Dusseldorp, D. Hooimeijer (Members), in the presence of the Secretary of the Examination Appeals Board, R.R. van der Vegt, LL.M.

M.G.A. Berk, LL.M.
Chair

R.R. van der Vegt, LL.M.
Secretary

The decision was sent on [date].

Certified true copy,

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**The Course and Examination Regulations of the Master's Programme in Law
2024-2025 stipulate:**

4.12.4. Without prejudice to the provisions of Article 4.12.6 and Article 4.12.7, the 'cum laude' distinction shall be stated on the certificate and on the diploma supplement if the following requirements have been met:

- the weighted average of all course units is 8.0 or higher;
- a minimum of 8.0 has been achieved for the master's thesis;
- the exam was passed within the nominal study duration + 1 year, and;
- no more than 20 EC of exemptions have been granted.

For part-time programmes, the Board of Examiners sets corresponding requirements in proportion to the number of academic years for this programme.

4.12.6 The Board of Examiners may decide to award a distinction in other special cases, provided that the weighted average does not deviate by more than 0.5 points from the provisions in the fourth or fifth paragraph. This could include aspects such as the student's development during the programme, certain exceptional achievements made by the student in the thesis/final paper/dissertation report/thesis of a programme or other relevant special circumstances.