

Examination Appeals Board

DECISION 23 – 484

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

[name], appellant

against

the Board of Examiners of Liberal Arts & Sciences: Global Challenges, respondent

The course of the proceedings

In its decision of 7 July 2023, the respondent awarded the appellant the distinction "magna cum laude" for the Bachelor's Programme in Liberal Arts and Sciences, with a specialisation in "Global Challenges" ("the Bachelor's Programme").

The appellant sent a letter on 15 August 2023 to lodge an administrative appeal against this decision.

The respondent investigated whether an amicable settlement could be reached. No amicable settlement was reached.

The respondent submitted a letter of defence on 11 September 2023.

The appeal was considered on 8 September 2021 during a public hearing of a chamber of the Examination Appeals Board. The appellant attended the hearing online. [name] and [name], [X], respectively, of the Board of Examiners appeared on behalf of the respondent.

Considerations with regard to the dispute

The dispute focusses on whether the respondent awarded the appellant the correct distinction. The appellant holds that she is entitled to the distinction

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"summa cum laude" instead of "magna cum laude" on the basis of special circumstances covered by the hardship clause.

The appellant obtained a final average grade of 3.83 for the course units in the second and third year. In the Course and Examination Regulations (*Onderwijs- en Examenregeling*, OER) and the Rules and Guidelines (*Regels en Richtlijnen*, both attached to this decision) of the Bachelor's Programme, students with a final average grade between 3.8 and 3.89 can be awarded the distinction "magna cum laude". Students with a final average grade between 3.9 and 4.0 can be awarded the distinction "summa cum laude".

Article 4.12.6 of Leiden University's OER (included as an appendix to this decision) contains a provision, which allows a distinction to be awarded if the average final mark deviates -0.5 points (out of 10 points) from the required average final mark, if, for example, the final thesis demonstrates exceptional academic performance. If this is translated into the grading system used by LUC, it amounts to a deviation of 0.2 out of 4 points.

The appellant believes she qualifies for this provision. Indeed, she holds that her achievement was exceptional, among other things because she did an internship while writing her thesis, served on the programme committee, and attended a summer school in Paris.

First and foremost, the respondent argues that Article 4.12.6 of Leiden University's OER to which the appellant refers is not applicable because it is not included in the OER of the Bachelor's Programme itself. Therefore, the respondent does not check routinely whether students may qualify for a distinction under the hardship clause. In doing so, the respondent considers that the distinction of the distinction applies specifically to exceptional achievements in the curriculum and that the activities put forward by the appellant are not part of this. Therefore, these have not been included in the consideration. Finally, the respondent points out that an exceptional performance is also recognised in other ways, such as a thesis award and additions to grades such as a +.

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.

The Examination Appeals Board notes that it ruled in an earlier decision (CBE 21-323) that Article 4.12.6 of the Course and Examination Regulations of Leiden University may be used by the respondent to award a distinction to students who

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have performed exceptionally well but fall just short of the required grade average.

The appellant's grade point average is well within the range of Article 4.12.6 of the Course and Examination Regulations of Leiden University, which could make her eligible to still be awarded "summa cum laude" based on exceptional circumstances. The respondent's argument that recognition is also given to exceptional achievements within Leiden University College in other manners does not hold; recognition in one form need not preclude recognition in another form.

Consequently, the Examination Appeals Board holds that the respondent has failed to give sufficient reasons why the hardship clause was not used in awarding the distinction to the appellant. The appeal is upheld, the contested decision is quashed.

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The decision

In view of article 7.61 of the Higher Education and Academic Research Act,
the Examination Appeals Board of Leiden University

- I. holds the administrative appeal founded;
- II. quashes the decision;
- III. instructs the respondent to take a new decision within two weeks of the dispatch of this decision, taking into account the points considered in this decision.

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Established by a chamber of the Examination Appeals Board, comprised of
M.G.A. Berk (Chair), LL.M., Dr C.V. Weeda, Dr A.M.C. van Dissel, T.E.V.
Claessen and O. Alagöz (members), in the presence of the Secretary of the
Examination Appeals Board, E.M.A. van der Linden, LL.M.

.....,
Chair

.....,
Secretary

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Certified true copy,
Annex - Relevant legislation

The Course and Examination Regulations of Liberal Arts and Sciences: Global Challenges, stipulate the following as far as it is relevant here:

Article 4.12 Degree classification

4.12.1 The Board of Examiners may attach a degree classification (distinction) to the result of a final examination.

4.12.2 The distinction is determined on the basis of the weighted average of all the components of the post-first-year phase, with the exception of the components for which an exemption was granted or components for which the student only obtained a proof of attendance. Components from other programmes, including foreign programmes, count towards the distinction. For students who enrol in the programme from the academic year 2015-2016 onwards, a distinction is only awarded when a student has completed the study programme within the nominal time plus one semester. In determining the number of years of study, which counts towards the decision to award a distinction,

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any study delay resulting from board membership activities or personal circumstances and which has been recorded by the Board of Examiners may be taken into account.

(...)

4.12.6 Not applicable.

(...)

APPENDIX 1: Honours and Grading System LUC The Hague

Table 1: Honours Categories

Bachelor degree (without honours)	2.00-2.99
Honours	3.00-3.49
Cum laude	3.50-3.79
Magna cum laude	3.80-3.89
Summa cum laude	3.90-4.00

The Rules and Regulations of Liberal Arts and Sciences: Global Challenges, stipulate the following as far as it is relevant here:

Article 5.5 Final examination grade

5.5.1 The Board of Examiners may award the examination candidate a final grade(*distinction*) for his/her work in the context of the final examination. This final grade is based on the average of the grades achieved for the course components covered by the final examination, weighted according to course load.

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5.5.2 If the GPA, calculated over all credits awarded in the last four semesters of the programme (120 ECTS or more) is between 3.00 and 3.49, the Board of Examiners may choose to confer the designation 'Honours'.

If the result is between 3.50 and 3.79, the Board of Examiners may choose to confer the designation 'Cum Laude'.

If the result is between 3.80 and 3.89, the Board of Examiners may choose to confer the designation 'Magna Cum 'Laude'.

If the result is 3.90 and 4.00, the Board of Examiners may choose to confer the designation 'Summa Cum 'Laude'.