



**DECISION 21 - 061**

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 of

[name] from [place], appellant

against

the Board of Examiners of [X] of the Faculty [X] and the Examiners of the master's thesis, respondent.

**The course of the proceedings**

On 15 December 2020, the master's thesis of the appellant was awarded a grade of 7.9 on a scale of 10.

The appellant requested a re-assessment.

On 6 February 2021, the respondent informed the appellant that the grade 7.9 would not be altered.

The appellant sent a letter on 14 February 2021 to lodge an administrative appeal against this decision.

On 16 February 2021, the appellant requested to be awarded a "cum laude" distinction.

The respondent rejected the petition by the appellant to be awarded a "cum laude" distinction in its decision of 18 February 2021.



**Decision  
21-061**

The appellant sent a letter on 18 February 2021 to lodge an administrative appeal also against this decision.

The respondent informed the Examination Appeals Board that it investigated whether an amicable settlement could be reached between the parties. A meeting was held between the parties on 2 March 2021. No amicable settlement was reached. On 10 March 2021, the appellant informed the Supervisor that a feedback session would no longer be required.

The respondent submitted a letter of defence on 16 March 2021.

The appeal was considered on 31 March 2021 during an online hearing. The appellant attended that hearing. [names], Chair and Administrative Secretary, respectively, of the Board of Examiners attended on behalf of the respondent.

**Considerations**

1 – Facts and circumstances

The appellant completed the Master's Programme in [X].

She was awarded a grade of 7.9 for her master's thesis. The topic of the thesis is "[X]".

The thesis Supervisor ("Supervisor") was [name], who is also a member of the Board of Examiners. The second thesis Supervisor was [name]. Both Examiners (first and second Supervisors) awarded the thesis a grade of 7.9.

2 – The grounds for the appeal

The appellant argued the following in her appeal.

The appellant does not agree with the supervision of her master's thesis and the grade of 7.9 she was awarded.

In this respect she refers to a number of remarks on the assessment form. In response to the remark that the theoretical and institutional framework are intertwined, she states that it is impossible not to intertwine these frameworks. Furthermore, she holds the remark on the assessment form that Chapter 2 could have dealt with more quantitative data to be a preference of the supervisor, rather than a demand that she should have complied with. Moreover, the Supervisor did not assist her in finding contacts in [X]. She does not understand the remark on Chapter 3 and she holds that the remark on the lay-out does not hold water.



## Decision

21-061

Furthermore, the appellant argued that her personal circumstances have not been taken into account. This pertains to ADHD and an anxiety disorder. Fenestra knew about these disorders. However, she was not granted a delay of the deadline or any other facility, such as being allowed to stay longer at the library. She did request a delay of the deadline, but received no response to the request. The appellant deems it negligent that the respondent failed to take her restrictions into account.

Moreover, the Corona pandemic aggravated her disorders, which had a negative impact on her study results. Due to Corona, she was unable to travel to [X] to perform field research.

### 3 – The position of the respondent

#### *Assessment*

The respondent adopted the position that assessment of the thesis was executed in the prescribed manner. The assessment form and the grade reflect the feedback from the Examiners. It is therefore not correct that the assessment was executed merely by the Supervisor (first Supervisor) and there was no question of bias.

As a goodwill gesture the respondent offer to have a third Supervisor assess the thesis in a binding manner. This offer was rejected by the appellant.

With regard to the questions by the appellant about remarks in the assessment form, the respondent states that these are typical matters to discuss with the Supervisor. However, the appellant did not want a feedback session, or rather, no longer wanted such a session.

According to the respondent, fieldwork research, or rather setting up fieldwork research, is part of the student's responsibility. The student is awarded a separate grade for fieldwork, which was an 8.0 in the appellant's case. The respondent holds that this is outside the scope of the appeal as it pertains to a separate course unit in the curriculum. At the time, the appellant did not object to that assessment. The respondent holds that personal disorders of a student can never have an impact on assessment criteria. The diploma is awarded by Leiden University irrespective of any disorders. Apart from that, the appellant never requested a delay due to her disorders.

#### *Cum laude*

The respondent holds that there is no reason to award the "cum laude" distinction based on Article 4.12.4 of the Course and Examination Regulations



**Decision  
21-061**

(*Onderwijs en Examenregeling*, OER) as the grade of the master's thesis is 7.9 and, consequently, not at least 8.0 or higher.

In order to objectify the assessment, the respondent asked an expert in the field of the topic of the thesis to assess it. This expert, [name], received an unannotated copy of the thesis and graded it 7.1 after reading it. As such, the respondent concluded that the grade awarded is not unfavourable to the appellant.

At the hearing, it was argued on behalf of the respondent that the appellant argued more complaints at the hearing than those she raised during the meeting regarding the amicable settlement. The respondent refutes that the appellant notified the respondent or the Supervisor that she would require more assistance due to a functional impairment. The respondent holds that students themselves are responsible for requesting assistance due to a functional impairment. The Corona crisis has been difficult for all students and has had an impact on study results. This is why a request for an extension of the deadline would have been granted, had it been requested. However, the appellant failed to do so. During the process of writing the thesis, ample opportunities would have been available to take the restrictions of the appellant into account. However, these restrictions cannot qualify as reasons to improve the final assessment of the thesis itself. The respondent did not have information about the medical condition of the appellant. That information was not provided by the appellant nor by the Study Adviser. The appellant neither asked the Supervisor for a delay of the deadline, nor did she request extra assistance.

The respondent does point out that the supervisor did actually spend a lot of time on supervising the appellant. The OER states that four contact occasions have to take place in the procedure of writing the thesis. In this case, the Supervisor had nine online meetings with the appellant and exchanged emails with her once. The contacts between the appellant and the Supervisor have always been fine. Finally, the appellant even thanked her Supervisor for the supervision. Only when the grade of the thesis was published, did the appellant's attitude towards the supervisor change. The respondent considers it highly objectionable that the appellant questioned the professionalism of the supervisor at the hearing.

The respondent argued at the hearing that the criteria as laid down in Article 5.4.2 of the OER with regard to the request to award the "cum laude" distinction were applied. First and foremost, the respondent obtained the expertise of [name] as "third Supervisor" to assure itself once more of the accuracy of the assessment. In this respect, the respondent investigated whether special circumstances apply that should provide grounds to award the "cum laude" distinction, even though a grade of 7.9 was awarded to the thesis, and, consequently, it does not meet the requirements laid down in Article 4.12.4 of the OER. The respondent holds that this is not the case.



**Decision**

**21-061**

4 – Relevant legislation

The Course and Examination Regulations of the Master's Programmes of the Faculty [X] (OER) stipulate the following:

Article 4.12.4

Without prejudice to the provisions of 4.12.6 and 4.12.7, the degree certificate and the diploma supplement includes the 'cum laude' classification if the following conditions (applicable to both full-time tuition and part-time tuition) are met:

- the weighted average of the student is 8.0 or higher.
- the grade for the master's thesis is 8.0 or higher.
- the master's final examination was passed within the nominal duration of study plus one year.

Article 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 grade does not differ by more than 0.5 from the grades 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 thesis and any other relevant exceptional circumstances.

The Rules and Regulations (*Regels en Richtlijnen*, hereinafter: "R&R") of the MA programmes of the Faculty [X] stipulate the following:

Article 4.11.1

The final paper will always be assessed by two Examiners (first and second Supervisor) and the grade will be established in consultation. In doing so, the Examiners will use an assessment form that has been adopted by the Board of Examiners and may use guidelines as adopted by the Board of Examiners; the student will receive a copy of the completed form. The Faculties' Regulation with regard to the final BA paper (*Regeling gang van zaken rond het BA-eindwerkstuk*), or, as the case may be, the 'Regulations concerning the procedure surrounding the Master's thesis' apply. If the Examiners fail to reach agreement, the Board of



**Decision  
21-061**

Examiners will appoint a third Examiner. The opinion of the third Examiner is decisive.

The Faculties' Regulation "Regulations concerning the procedure surrounding the Master's thesis", (hereinafter to be referred to as "the Regulations") stipulate the following:

Article 5. Supervision

1. The Programme is responsible in the early stages of the proceedings for putting the student in contact with a lecturer who will supervise his or her thesis. This should preferably take place upon commencement of the study programme. This lecturer (the Supervisor) must be an expert in the field of research covering the thesis topic.

2. In consultation with the Supervisor, the student formulates a thesis plan. If deemed necessary by the programme, the plan can be brought to the attention of the Examination Board.

3. The Board of Examiners appoints the Supervisor as first reader/reviewer of the master's thesis.

Details about the procedure for appointing the first reader/reviewer are available in the course description of the master's thesis in the Prospectus for each Programme.

4. At the very minimum, the following communications must take place between student and Supervisor:

a. an introductory discussion concerning the choice and scope of the thesis topic, the research question, the literature, the source materials, the general approach, consultation with appropriate experts, etc.;

b. a discussion of the working plan for the thesis;

c. a discussion of one or more intermediate stages of the thesis;



**Decision  
21-061**

d. at the request of the student: a discussion of the final version of the thesis, in which the evaluation of the thesis is explained.

5. If, in the course of supervision, problems should arise between the student and his or her supervisor(s), the Board of Examiners – having heard the parties – will decide upon the continuation of the supervision process.

Article 6. Assessment

1. The student submits the final version of the thesis digitally via Turnitin in the Brightspace module of the thesis of the relevant Programme. The student informs the Supervisor (first reader/reviewer) and, if already assigned, the second reader/reviewer about the uploading of the thesis. If the Supervisor and/or second reader ask for a hard copy of the thesis, the student is required to submit a hard copy of the thesis to the Supervisor and/or second reader.

2. In the student's second semester (master's) and fourth semester (research master's) the Programme Board, without prejudice to the rights of the Board of Examiners, offers two deadlines for submission of the thesis so that, in case of an insufficient grade, the student is enabled to resit the thesis within the academic year. When setting the deadline for the resit in Spring semester, the Programme has to take into account the date of certification in September. In addition, the student can graduate every month from September up to and including June. Consequently, the student is allowed to submit the thesis within this time frame.

3. A thesis must be graded within four weeks. Between 1 June and 31 August, this period is extended to a maximum of six weeks.

4. The thesis is assessed on at least the following aspects:

a. the originality of the research question and the manner in which it has been out into practice;

b. the critical analysis of secondary literature;

c. the critical analysis of source materials;

d. language use, structure and style;



**Decision  
21-061**

e. the degree of independence displayed during the research and supervision process.

5. After the first reader/reviewer has determined that the final version of the thesis is ready for assessment, the Board of Examiners appoints a second reader/reviewer. Should the nature or contents of the thesis make such a step desirable, a second reviewer can be appointed from experts outside the Programme. The second reviewer will assess the final version of the thesis. He/she has not been involved in the supervision.

6. The second reviewer will give an assessment of the thesis, based on the assessment criteria established for the master's thesis. The final grade of the thesis is determined by the first reviewer in consultation with the second reviewer, and is substantiated on the basis of the assessment criteria indicated on the appropriate assessment form.

7. If the first and second reviewer disagree on the final grade or if the assessment of the first and second reviewer is two points or more apart, the Board of Examiners will appoint a third examiner.

8. The final grade of the thesis will not be registered unless the student has uploaded a copy of the thesis into the Student Repository.

9. If the thesis has been assessed with an insufficient final grade, the thesis should not be uploaded in the Student Repository. In this case, the insufficient grade should be registered in the thesis assessment system/uSis, so it is clear that the thesis must be retaken.

5 – The assessment of the dispute

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

*Assessment of the thesis*

Established case law by the Examination Appeals Board holds that assessment of a thesis and establishing the grade thereof is a power vested exclusively in the





**Decision  
21-061**

Examiners that have been appointed by the Board of Examiners in respect of the relevant course unit.

The Examination Appeals Board has established that the Supervisor has had regular contacts with the appellant during the thesis procedure, far more often than prescribed in the Regulations. Each of the Examiners independently awarded a grade of 7.9 to the thesis and provided feedback to the appellant on the supervision form. If that feedback was not clear to the appellant, as she has argued, it would have been her responsibility to contact the Supervisor accordingly. The appellant has not demonstrated that she was unable to have a feedback session. However, the appellant used her right to lodge an administrative appeal and indicated at a later stage that she was no longer interested in a feedback session. The fact that the appellant cannot agree to a number of the remarks in the assessment form does not render the assessment of the thesis incorrect in itself.

It was not demonstrated that the respondent was aware of the appellant's functional impairment or any statement of functional impairment granted to the appellant. Although the appellant informed her Supervisor on 11 November 2020 about a "post" on the Leiden University Instagram page, it was not demonstrated that she referred to a statement of functional impairment in that respect, nor that she asked for measures to be taken, such as a delay of the deadline for submitting the thesis.

The fact that the appellant was hampered due to the Corona crisis when writing her thesis is not implausible, but does not render the assessment of the thesis incorrect. Moreover, the assessment forms demonstrate that the Examiners have indeed taken into account that the thesis was created in a challenging period (*"The thesis works on a good body of secondary sources as well as a primary sources (gathered under adverse circumstances due to the Covid 19 pandemic..)*).

In view of the documents and what was addressed at the hearing, the Examination Appeals Board holds that the thesis was assessed in accordance with the prescribed procedure.

*Awarding the "cum laude" distinction*



**Decision  
21-061**

The Examination Appeals Board considers that the respondent is entitled based on Article 4.12.6 of the OER to also award the “cum laude” distinction to students in other, special cases in which the average final grade does not differ more than 0.5 grade from 8.0. This may apply in respect of the development of the student during the study programme or in the case of exceptional achievements when preparing the final paper or the thesis or in any other relevant special circumstances.

It is established that the average final grade of the appellant differs no more than 0.5 from 8.0 (the average final grade is 8.05).

However, as a grade 7.9 was awarded to the master’s thesis, the distinction cannot be granted based on Article 4.12.4 of the OER. The Examination Appeals Board holds that the respondent was obliged to investigate ex officio whether the clause as referred to in Article 4.12.6 of the OER can be applied. The Examination Appeals Board considers that the contested decision of 18 February 2021 does not demonstrate that the respondent has also assessed the request from the appellant to be granted the distinction with regard to the special circumstances stated in Article 4.12.6 of the OER.

At the hearing, the respondent indicated that she has not established any special circumstances within the context of Article 4.12.6 of the OER that should lead to granting the “cum laude” distinction to the appellant, in spite of the fact that her thesis grade is lower than 8.0. The respondent does not consider the fact that the appellant suffers from [X] and an [X] to be exceptional within the meaning of Article 4.12.6 of the OER. The appellant has not argued to what extent these disorders have affected her study results. Neither did she submit a statement of functional impairment that the respondent should have taken into account. Nor did she ask for extra measures in that context, such as an extension of the deadline for submitting the thesis.

The Examination Appeals Board remarks that functional impairments may provide grounds to take extra measures for the student during the programme (such as allowing extra time at an interim examination or an extension of a deadline). The student must submit a statement of functional impairment to that effect. The student has an active obligation to inform. It was not demonstrated that the appellant informed the respondent that she is functionally impaired and that she had submitted a relevant statement of functional impairment. Consequently, the respondent has taken the position at the hearing on proper grounds that no special circumstances apply within the sense of Article 4.12.6 of the OER.



**Decision  
21-061**

The Examination Appeals Board holds that the fact that the Corona crisis had an impact on the study results of the appellant, does not qualify as a special circumstance within the meaning of Article 4.12.6 of the OER. The Corona crisis had an impact on the study results of all students, not only on the appellant. In this respect, the appellant is no different from other students in the same circumstances.

Since it has also not been established that the achievements of the appellant can be considered exceptional across the board, the Examination Appeals Board holds that the respondent has rejected on proper grounds the request to be granted the “cum laude” distinction, also in view of the relevant justification provided at the hearing.

This leads the Examination Appeals Board to conclude that the respondent has decided on proper grounds that there is no reason to award a higher grade than 7.9 to the thesis of the appellant and that the respondent has also rejected the request from the appellant to grant the “cum laude” distinction on proper grounds. The administrative appeals against these decisions are unfounded.



**Decision  
21-061**

**The decision**

The Examination Appeals Board of Leiden University

holds the appeals 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., MA (Chair), Dr A.M. Rademaker, Dr J.J. Hylkema, J.J. Christiaans, and M.S. van der Veer, M.Sc. (members), in the presence of the Secretary of the Examination Appeals Board, I.L. Schretlen, LL.M.

K.H. Sanders, LL.M.  
Chair

I.L. Schretlen, LL.M.  
Secretary

Certified true copy,

Sent on: