

# FACULTY OF LAW EXAMINATION REGULATIONS (Rules and Guidelines for the Faculty of Law Examinations Board) 2018-2019

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## 1. General

### *Article 1.1 – Applicability of the Regulations*

These Regulations apply to all examination components of the Bachelor's and Master's programmes at the University of Amsterdam's Faculty of Law (FdR) (hereinafter: the programmes).

### *Article 1.2 – General*

The definitions of terms given in the Teaching and Examination Regulations (OER) for the relevant programme also apply to these Regulations. The other terms have the meanings ascribed to them by law.

## 2. The Examinations Board

### *Article 2.1 – Examinations Board Members*

The Examinations Board consists at least of a chairperson and two members, one of whom is an external member. The chairperson is charged with running the day-to-day affairs of the Examinations Board.

### *Article 2.2 – Duties of the Examinations Board*

The duties of the Examinations Board are determined by law, and include:

- making objective and expert determinations of whether students have fulfilled the criteria laid down in the Teaching and Examination Regulations in respect of the knowledge, insight and skills needed to obtain a degree;
- safeguarding the quality of examinations and final exams, soliciting support to do so from the Assessment Committee;
- laying down guidelines and instructions for the assessment and marking of examinations and final exams in line with the Teaching and Examination Regulations;
- granting exemptions from taking one or more examinations;

- implementing measures in the event of fraud;
- appointing examiners to administer examinations and to determine the results;
- issuing degree certificates (together with the diploma supplement), as proof that students have successfully completed the final exam;
- granting students permission to follow a free curriculum with a final exam leading to the award of a degree;
- issuing statements listing all successfully completed examinations to students who have passed more than one examination but do not qualify for a degree certificate; and
- drawing up an annual report of its activities.

#### *Article 2.3 – Examinations Board Procedures*

1. As a rule, the Examinations board meets at least four times per academic year, or whenever the chairperson deems it necessary. These meetings are closed to the public.
2. The dean may appoint an official secretary to the Examinations Board.
3. In the event of a request or complaint involving a member of the Examinations Board, the matter will be discussed in that member's absence.
4. The Examinations Board only handles requests or complaints that are submitted with a cover letter substantiating the request or describing the complaint.
5. The Examinations Board will issue a decision within six weeks of having received the petition.

#### *Article 2.4 – Assessment Committee*

1. The Examinations Board has an Assessment Committee.
2. It is the task of the Assessment Committee to evaluate the assessments administered by the faculty. The coordinator of the module whose assessments are being evaluated must issue the Assessment Committee with the assessment file and all other information necessary for the evaluation. The evaluation will be discussed with the examiner prior to being officially adopted by the Assessment Committee.
3. The Assessment Committee reports to the Examinations Board, which will evaluate the reports issued and notify the chairperson of the department that organises the module of the results, along with any improvement recommendations (as necessary).
4. The Assessment Committee consists of a minimum of three members, including an assessment expert. The chairperson of the Assessment Committee is a member of the Examinations Board.

### **3. Examiners**

#### *Article 3.1 – Appointment of Examiners*

1. The Examinations Board appoints examiners to administer examinations and determine the results.
2. The Examinations Board may appoint experts external to the institution as examiners.
3. The Examinations Board may appoint an examiner from within or external to the faculty to replace an examiner already appointed, if:
  - a. the appointed examiner is reluctant to act as such;
  - b. the relationship between the examiner and the student has deteriorated to such an extent that the student can no longer reasonably be expected to complete the examination in the presence of the examiner;
  - c. other significant compelling circumstances dictate as such.

4. If the examiner refuses to carry out a decision by the Examination Appeals Board stipulating the review of an examination result, or if the examiner does not deem him/herself able to carry out the decision, the Examinations Board may decide to appoint another examiner (from within or external to the faculty) to carry out the decision.

#### *Article 3.2 – Provision of Information*

Examiners provide the Examinations Board with information upon request.

## **4. Examinations**

#### *Article 4.1 – Examination dates and times*

1. Written examinations are administered on dates and at times set upon commencement of the relevant course of study, and announced via the UvA timetable website.
2. Oral or individual written examinations are administered at a time determined by the examiner(s), if possible in consultation with the student.
3. When setting examination dates and times, conflicts must be avoided among compulsory subjects for students with a normal study load.

#### *Article 4.2 – Quality Assurance*

1. The Examinations Board monitors the quality of examinations and the final exam.
2. In its examination quality control activities, the Examinations Board will keep to the 'Assessment Policy Framework' (*Kader Toetsbeleid*) as published on the UvA website.
3. Correct assessment (i.e. the accurate evaluation of a student's knowledge, understanding and skills) must be safeguarded by examiners at all times and under any circumstances.
4. In the event of take home examinations and theses, examiners must be able to verify that original work has been submitted.

#### *Article 4.3 – Maintaining order during examinations*

1. Examiners issue instructions to the invigilators appointed to monitor written examinations, and who must ensure that the examination is administered according to the regulations established by the examiner.
2. Persons who are not examiners may be appointed as invigilators provided that at least one examiner is either present at the examination location or is contactable by telephone.
3. The person in charge must be present at the examination location no later than 30 minutes before the examination is scheduled to start.
4. At the request of or on behalf of the examiner, students are required to furnish proof of identity in the form of valid proof of enrolment (student ID card) including a representative photograph, **and** a valid driver's license or a valid passport or other document that allows the student's identity to be verified.
5. If a student cannot produce valid proof of ID, or if the invigilator has doubts regarding the student's identity, the invigilator must witness the student signing beside his/her name on the list of examinees or other document designated for this purpose. As soon as possible after the examination, and in any event within five business days of the date of the examination, the student must present valid proof of ID to the body designated for that purpose. The student's examination will not be assessed until his/her identity has been verified.
6. If the examination is not administered online, students must bring the following items with them: a blue or black pen, a pencil (HB) and an eraser.

7. When taking their seats in the examination room, all students must follow the instructions issued by the invigilator.
8. Students who fail to follow all instructions published by the Examinations Board and/or examiner or invigilator prior to commencement of the examination, or any instructions issued during or immediately following the relevant examination component, risk having their examination declared invalid.
9. Students must be present at the start of the examination. Examiners may decide to admit latecomers up to 30 minutes after the start of the examination. Latecomers are not permitted to continue to work on the examination once the examination has officially ended.
10. Students may not leave the examination room during the first 30 minutes of the exam.
11. Students who have registered for an examination and are present in the examination room once the examination has commenced will always be awarded a result.
12. Once any examinee has left the room, no more latecomers will be admitted to the examination.
13. Students wishing to use the toilet must follow the invigilators' instructions.
14. While taking an examination, students are prohibited from having any materials with them that are not permitted by the examiners.
15. If the chair group has elected to allow case law books or other reference works to be consulted during the examination, these reference works shall be made available:
  - o in digital form during online examinations, or
  - o in bound versions, the contents of which have been selected by the chair groupStudents may not print out and have with them case law and/or reference works.
16. In law books, case law books and treaty texts, only the following are permitted:
  - references to sections of laws;
  - markings and underlining;
  - tabs, either blank or stating the name of the law.These elements may be checked prior to or during the exam.
17. Students who have a mobile telephone, a smart watch or any other electronic equipment with them during the examination are liable under the Fraud and Plagiarism Regulations, which can be found in Article 5 of these Regulations.
18. If any special circumstances arise prior to, during or after the examination, the examiner will draw up a report describing the circumstances once the examination has ended.
19. Invigilators' conduct must not unduly disturb students during the examination.

#### *Article 4.4 – Oral examinations*

1. Oral exams will be conducted in the presence of a second lecturer, unless prescribed otherwise by the Examinations Board.
2. Oral examinations will only be administered to one student at a time, unless the examiner and the student agree otherwise.
3. Once the examination has commenced, the student must be awarded a result.
4. A report of the examination will be drawn up.
5. Cancellation for an oral examination must be submitted to the examiner in writing or by email at least two working days prior to the scheduled examination date, and a copy sent to the supporting secretarial service. If a student fails to cancel on time, he/she will be deemed to have taken part in the examination and will be awarded a grade of '1'.
6. Students who fail to attend an oral examination administered as an examination opportunity under the 'last-component' conditions in Article A-4.5 of the programme Teaching and Examination Regulations, and who fail to cancel on time, will not be permitted to take the examinations for that component again for a period of at least six months.

*Article 4.5 – Failure to attend oral skills assessments or practicals/moot courts*

1. Cancellation for an oral skills examination must be submitted to the examiner in writing or by email at least two working days prior to the scheduled examination date, and a copy sent to the supporting secretarial service. If a student fails to cancel on time, he/she will be deemed to have taken part in the oral skills examination and will be awarded a grade of '1' or 'unsatisfactory' (NAV). Students will also be banned from retaking the oral skills examination at the next available opportunity to do so.
2. Cancellation for practicals and/or moot courts must be submitted to the examiner in writing or by email at least two working days prior to the scheduled practical or moot court session date, and a copy sent to the supporting secretarial service. Students who fail to attend the practical or moot court session and who do not cancel on time will be excluded from taking further classes and examinations in the relevant module.
3. Students who fail to attend an examination or practical as described in paragraphs 1 and 2 above that are administered as an examination opportunity under the 'last-component' conditions in Article A-4.5 of the Bachelor's and Master's Teaching and Examination Regulations, and who fail to cancel on time, will not be permitted to sit the exams or take part in the practical for that component again for a period of at least six months.

*Article 4.6 – Assessment*

1. 'Examination' is taken to mean any examination per programme course component of the knowledge, insight and skills of the student that is subject to approval.
2. Written examinations are assessed on the basis of standards that are determined and recorded in advance, which may be adjusted pursuant to the correction if necessary.
3. In the event that more than one examiner is involved in the assessment of an examination, the Examinations Board will ensure that all examiners use the same standards for the assessment, and will appoint an examiner with ultimate responsibility if necessary.
4. The assessment method must be such that students can understand how their examination result was determined.
5. The result of an examination or interim examination that consists of multiple choice questions is to be calculated using the calculation tool developed by the Faculty and made available by the Education Policy and Quality department.
6. Marks above 6.0 may be issued in 0.5 increments. Marks must be rounded as follows:
  1. No half-marks will be issued under 6.0:
    - n.00 up to n.49 = n.0
    - n.50 up to n.99 = n + 1.0
  2. Half-marks, 6 and up:
    - n.00 up to n.24 = n.0
    - n.25 up to n.74 = n.5
    - n.75 up to n.99 = n + 1.0
  3. Whole marks, 6 and up:
    - n.00 up to n.49 = n.0
    - n.50 up to n.99 = n + 1.0Final marks between 5.1 and 5.9 shall not be issued.
7. For practical assignments involving contributions by multiple students, the Examinations Board will apply the following guidelines:

- a. Agreements regarding the distribution of tasks to be performed by the students will be set out in writing by the examiner(s) prior to their commencement, such that the work of individual students can be identified; and
  - b. Students will be assessed individually based on their own work.
8. Assessment of Bachelor's theses will take place in accordance with the provisions in the Bachelor's thesis handbook.
  9. Assessment of Master's theses will take place in accordance with the provisions in the Master's thesis handbook.
  10. Examinations may be retaken. The most recent result will always apply.

#### *Article 4.7 – Bonus regulations*

1. Formative assessments which are difficult or impossible to check for fraud may not be awarded a bonus mark that contributes to determining the final course mark.
2. The bonus variant 'exemption from a test component' is only permissible if whatever was achieved and the test component relate to the same educational objective and the same cognitive level.
3. Any bonus mark awarded as part of a course may only lead to the final course mark being raised if the student in question has received a pass for the summative assessment, i.e. a mark of at least 5.5.
4. A bonus mark may only be awarded for achievements related to the course content.

#### *Article 4.8 – Group assessment*

1. Group assessment is only allowed if this is in keeping with the educational objectives of the course component.
2. At least 55% of the final mark for a course component must be based on an individual test.
3. A course component may only be awarded a pass if the individual test received a pass.
4. If group assessment is used, individual student performance must be demonstrable.
5. Peer ranking, assessment by students, may only be used in an advisory sense or for rounding off a final mark.

## **5. Fraud and plagiarism**

#### *Article 5.1 – Definitions*

1. Fraud and plagiarism are defined as any act or omission on the part of the student which makes an accurate assessment of his/her or another's knowledge, insight and skills partially or wholly impossible.
2. 'Fraud' is taken to include in any event:
  - a. being in possession during an examination of any aids (pre-programmed calculator, mobile telephone, books, outlines, notes, etc.) of which the use is not expressly permitted;
  - b. attempting during an examination to read what another candidate is writing, or exchanging information inside or outside the examination room;
  - c. assuming the identity of another person during an examination;
  - d. allowing someone else to assume one's identity during an examination;
  - e. obtaining possession of the questions in the examination paper prior to the scheduled date or time of the examination concerned;
  - f. fabricating and/or falsifying survey or interview answers or research data.
3. 'Plagiarism' is taken to include in any event:

- a. making use of or reproducing another person's texts, data or ideas without complete and correct source references;
  - b. presenting the structure or central body of ideas taken from third-party sources as one's own work or ideas, even if a reference to other authors is included;
  - c. failing to clearly indicate in the text – for instance by means of quotation marks or a particular layout – that literal or near-literal quotations have been included in the work, even if a correct reference to the sources has been included;
  - d. paraphrasing the contents of another person's texts without sufficient reference to the sources;
  - e. reproducing another person's audio, visual or test materials, software or program codes without reference to the sources, and in doing so passing these off as one's own work;
  - f. submitting a text that has previously been submitted, or is similar to a text that has previously been submitted, in the context of assignments for other courses;
  - g. reproducing the work of fellow students and passing it off as one's own;
  - h. submitting papers obtained from a commercial agency or written (whether or not for payment) by another person.
4. 'Examinations Board' is taken to mean the Examinations Board of the degree programme responsible for the course concerned.
  5. 'Examination' is taken to mean any examination per course component of the knowledge, insight and skills of the student, which results in an assessment.

#### *Article 5.2 – Complicity*

1. Sanctions may be imposed on both the perpetrator and the co-perpetrator of fraud and plagiarism.
2. If the work of a fellow student is reproduced with the consent and/or cooperation of the fellow student, the latter is a co-perpetrator of plagiarism.
3. If one of the authors of a joint essay commits plagiarism, the other authors are co-perpetrators of plagiarism if they could have known or should have known that the other author committed plagiarism.

#### *Article 5.3 – Detection of plagiarism*

Electronic detection software may be used to detect plagiarism in texts. In submitting a text, a student implicitly consents to the text being entered in the database of such a detection program.

#### *Article 5.4 – Procedure*

1. If a case of fraud and/or plagiarism is detected, the examiner will immediately inform the student and, at the same time, notify the Examinations Board in writing, submitting the texts and findings.
2. The Examinations Board will give the student the opportunity to be heard within a period of two weeks.
3. The Examinations Board will then determine whether fraud or plagiarism have been committed and will notify the student in writing of its decision and sanctions in accordance with Article 5.5 within a period of four weeks, stating the possibility of appeal with the Examinations Appeals Board.
4. If plagiarism is detected or suspected in a specific essay, the Examinations Board may decide to investigate essays previously submitted by the same student(s) for plagiarism. The student is obliged to cooperate with any such investigation and may be required to provide digital versions of previous papers.

5. Sanctions imposed will be recorded in the student's records.

#### *Article 5.5 – Sanction*

Any sanction will be determined by the Examinations Board.

## **6. Cum laude (distinction)**

#### *Article 6.1 – Cum Laude (Bachelor's)*

1. A Bachelor's exam will be awarded with a '*cum laude*' distinction if the weighted average of all marks is equal to 8.00 or higher, and no mark for any component is less than 7.0. This calculation will disregard the results of any components that are not expressed in figures.
2. Exemptions will not be considered when awarding the '*cum laude*' distinction, and the distinction will not be awarded if the student's study programme includes more than 42 ECTS' worth of exemptions.
3. Each examination component may only have been taken once.
4. Study duration may not be longer than 'nominal plus one'.
5. The Bachelor's thesis must have received a mark of 8.00 or more.
6. The calculation as described in paragraph 1 above will only include the components of the examination programme.
7. These Regulations pertain to enrolments in new/existing programmes as of 01 September 2015. The 2014-2015 Examinations Regulations apply to enrolments prior to 01 September 2015.

#### *Article 6.2 – Cum Laude (Master's)*

1. A Master's exam will be awarded with a '*cum laude*' distinction if the weighted average of all marks is equal to 8.00 or higher, and no mark for any component is less than 7.0. This calculation will disregard components whose results are not expressed in figures, on the understanding that the combined study load of the components included in the calculation must total 48 ECTS or more.
2. Exemptions will not be considered when awarding the '*cum laude*' distinction, and the distinction will not be awarded if the student's study programme includes more than 12 ECTS' worth of exemptions.
3. Examinations may only have been taken once.
4. Study duration may not be longer than 'nominal plus one', unless paragraph 8 applies.
5. The Master's thesis must have received a mark of 8.00 or more.
6. The calculation as described in paragraph 1 above will only include the components of the examination programme.
7. These Regulations pertain to enrolments in new/existing programmes as of 01 September 2015. The 2014-2015 Examinations Regulations apply to enrolments prior to 01 September 2015.
8. In derogation of paragraph 4, the study duration of enrolments in (new) programmes on or after 1 September 2018 may be no longer than 'nominal'.
9. In the event a student completes two separate tracks of a single Master's programme, the Master's diploma is issued with the distinction '*cum laude*' if at least one of the tracks has been completed '*cum laude*'.

## **7. Exemptions**

#### *Article 7 – Exemptions*



1. Requests to be exempt from taking exams must be submitted to the Examinations Board no later than eight weeks prior to commencement of teaching in the relevant component, using the designated form on the faculty website.
2. Such requests must be accompanied by certified proof that the component has been completed elsewhere, including a description thereof from the prospectus for the year in which the component was completed. The Examinations Board may request additional information.

## **8. Retention periods**

### *Article 8 – Retention periods*

1. Examination questions and student answers, including essays and other written materials for which any mark (or partial mark) was awarded and the reports of completed oral exams, will be kept in storage for at least two years following finalisation of the examination results.
2. Bachelor's theses/final assignments and Master's theses will be stored for at least seven years.
3. Lists of marks and diploma supplements must be stored permanently.

## **9. Annual report**

### *Article 9 – Annual Report*

By 01 November each year, the Examinations Board draws up a report outlining its activities from the previous academic year, and submits the report to the dean. The annual report is a public document.

## **10. Hardship clause**

### *Article 10 – Hardship clause*

In cases where the provisions of these Regulations have unreasonable and unfair consequences for a student, the Examinations Board may make an exception thereto.

## **11. Appeals procedure**

### *Article 11 – Appeals Procedure*

If a student does not agree with a decision by an examiner or the Examinations Board, he/she has six weeks in which to submit an appeal against the decision to the Examination Appeals Board. The procedure for doing so can be found on the UvA website.

## **12. Amendments and effective date**

Any amendments to these Regulations during the current academic year may only be effected if the interests of students will not be unfairly compromised as a result.

These Regulations will take effect on 01 September 2018.

Adopted by the Examinations Board for Bachelor's and Master's programmes at the Faculty of Law, University of Amsterdam on 27 August 2018.