

# **FACULTY OF LAW EXAMINATIONS REGULATIONS (Rules and Guidelines for the Faculty of Law Examinations Board) 2021-2022**

*Disclaimer:* Every effort has been made to provide an accurate translation. However, the official text is in Dutch; any differences arising from the translation are not binding and have no legal effect.

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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 (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. For purposes of its examination quality control activities, the Examinations Board will observe the Assessment Policy Framework 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 all circumstances.
4. In the event of remote examinations and theses, examiners must be able to verify that original work has been submitted.
5. Online examinations administered in an examination room must be conducted on equipment that is specially designed for online testing and is maintained by the UvA.
6. In the event of remote online examinations (i.e. examinations not administered orally or in an examination room), students must sign a statement of authenticity prior to the examination.
7. The online marking of examinations will take place horizontally and anonymously, unless this is not reasonably practicable.

*Article 4.3 – Maintaining order during written 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 present at the examination location or when the online examination is administered.
3. The invigilator 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 licence 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 in the examination room may not start writing prior to commencement of the examination, without the permission of the examiner.
10. 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. In the event of a remote examination, latecomers may be admitted up to 30 minutes after the start of the examination.
11. Students may not leave the examination room during the first 30 minutes of the examination.
12. 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. This similarly applies if a student logs in to an examination administered online and when a paper or a thesis is submitted for assessment.
13. Once any examinee has left the room, latecomers will no longer be admitted to the examination.
14. Students wishing to use the toilet must follow the invigilators' instructions.
15. While taking an examination, students are prohibited from having any materials with them that are not permitted by the examiners.
16. If the chair group has elected to allow case law books or other reference works to be consulted during the examination, these reference works will be made available:
  - online during online examinations, or
  - in bound versions, the contents of which have been selected by the chair group, unless the examiner has specified a commercially available edition instead.Students may not print out and take along case law and/or reference works.
17. 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 examination.
18. Students who have a mobile telephone or 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.

19. 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. All evidence will be handed over to the Examinations Board.
20. Invigilators' conduct must not unduly disturb students during the examination.

#### *Article 4.4 – Oral examinations*

1. Oral examinations 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 course coordinator. 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'.

#### *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 must be sent to the course coordinator. 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 must be sent to the course coordinator. 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.

#### *Article 4.6 – Assessment*

1. 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.
2. 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.
3. The assessment method must be such that students can understand how their examination result was determined.
4. The results of an examination or interim examination made up of multiple-choice questions must be calculated using the calculation tool developed by the Faculty and made available by the Education Policy and Quality department, unless the Examinations Board has granted permission for a different calculation method. The final mark for an examination component composed of more than one interim assessment is calculated on the basis of the unrounded interim marks. No rights can be derived from the rounded interim marks listed in the virtual learning environment.
5. Marks are awarded on a scale from 1 to 10. Only whole or half-point increments are awarded, except for the mark 5.5.
6. Marks must be rounded off as follows:
  - n.00 through n.24 are rounded off to n.0

- n.25 through n.74 are rounded off to n.5
  - n.75 through n.99 are rounded off to n+1.0
7. Marks equal to (and including) 4.75 up to (and excluding) 5.5 are rounded off to 5.0. Marks equal to (and including) 5.5 up to (and excluding) 6.25 are rounded off to 6.0. A final mark of 6.0 or higher is deemed a pass.
  8. Results that are not expressed in marks are graded in terms of 'requirements met' (AVV), 'failed to meet the requirements' (NAV) or 'not in attendance' (NAP). Students who do not sit an examination for which they are registered will receive the NAP annotation. The NAP annotation does not count as a used examination opportunity.
  9. If a student is registered for a course assessed by means of a paper, the examiner may decide that failure to submit a paper without a valid reason will lead to an NAV annotation. This decision must be published in the course prospectus at the start of the academic year. In addition, the final date for students to deregister for the course must be published in the virtual learning environment at the start of the course.
  10. If a student is registered for a course assessed by means of a paper, the examiner may decide that students who fail to take part in the first opportunity without a valid reason may not retake the paper. This decision must be published in the course prospectus at the start of the academic year.
  11. Assessment of Bachelor's theses will take place in accordance with the provisions in the Bachelor's thesis handbook.
  12. Assessment of Master's theses will take place in accordance with the provisions in the Master's thesis handbook.
  13. In accordance with GDPR guidelines, results are only communicated to students individually.
  14. A single examiner (course coordinator) per course has final responsibility for the final marks recorded in SIS.
  15. This examiner will inform the Examinations Board of any changes to the final mark in SIS after the deadline for appeals has passed.
  16. 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. For group assessments, 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 commencement of those tasks, such that the work of individual students can be identified.
  - b. If group assessment is used, individual student performance must be demonstrable.
  - c. Students will be assessed individually based on their own work.

3. At least 55% of the final mark for a course component must be based on an individual test. The Examinations Board may pass an explicit decision granting an exception to this requirement for one course component (6 ECTS) per academic year that forms part of the Amsterdam Law Firm (ALF) or for one course component (6 ECTS) that forms part of the Amsterdam Law Practice (ALP).
4. A course component may only be awarded a pass if the individual test received a pass.
5. Assessment by fellow students (peer assessment or peer ranking) may only be used in an advisory sense or for rounding off a final mark.

*Article 4.9 – Invalidation of an examination*

In the event of serious irregularities, or in the event of fraud or plagiarism of considerable proportions, the Examinations Board is authorised to declare the examination invalid for all students.

## **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 knowledge, insight and skills partially or wholly impossible. Plagiarism may be considered a form of fraud.
2. Fraud in any event includes:
  - a. being in possession during an examination of any aids, the use of which 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.
3. Serious fraud, within the meaning of Section 7.12b, Subsection 2 of the Dutch Higher Education and Research Act (WHW), in any event includes:
  - a. assuming the identity of another person during an examination;
  - b. allowing someone else to assume one's identity during an examination;
  - c. obtaining or being facilitated in obtaining the questions of the relevant examination before the time at which the examination is to take place;
  - d. fabricating and/or falsifying survey or interview responses or research data;
  - e. fraud during or outside of the inspection period for a paper/examination that has been assessed;
  - f. fraud relating to examination results;
  - g. engaging in other serious forms of plagiarism, as referred to in paragraph 5 of this Article.
4. Plagiarism in any event includes:
  - 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 another author has been 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. 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 without correct acknowledgement of sources.
5. Serious forms of plagiarism in any event include:
    - a. presenting the structure or central body of ideas taken from third-party sources as one's own work or ideas;
    - b. reproducing the work of fellow students and passing it off as one's own;
    - c. reproducing another person's audio, visual or test materials, software or programme codes without reference to the sources, and in doing so passing these off as one's own work;
    - d. submitting papers that have been written by someone else (whether or not in exchange for payment), including papers that were acquired from a commercial institution.
  6. The stipulations in Articles 5.1-5.6 apply to examinations, interim examinations, essays and final assignments.

#### *Article 5.2 – Complicity*

1. Sanctions may be imposed on both the perpetrator and any co-perpetrators of fraud and plagiarism.
2. If the work of a fellow student is reproduced with the consent and/or cooperation of a fellow student, the latter is a co-perpetrator of plagiarism.
3. If one of the authors of a joint paper 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.

Upon submitting a text, a student implicitly consents to the text being entered in the database for the purpose of plagiarism detection.

#### *Article 5.4 – Procedure*

1. If there is a suspicion of fraud and/or plagiarism, the examiner will immediately notify the student and the Examinations Board in writing, submitting the written documents and findings.
2. If the Examinations Board is notified of a suspicion of fraud, the results will be temporarily deferred.
3. The Examinations Board will give the student the opportunity to be heard within a period of two weeks.
4. The Examinations Board will determine whether fraud or plagiarism has 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 Examination Appeals Board.
5. 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.
6. The written warning or sanction that has been imposed will be recorded by the Examinations Board.

7. If an Examinations Board imposes a sanction on a student who is not enrolled in the degree programme, the Examinations Board concerned will inform the Examinations Board of the degree programme in which the student is enrolled at the University of Amsterdam.

*Article 5.5 – Sanctions in the event of fraud and plagiarism*

1. Any sanction will be determined by the Examinations Board.
2. If the student has committed fraud or plagiarism, the Examinations Board can determine in its decision that the student will be ineligible for an additional examination opportunity for the course concerned or that the student can only apply for an additional examination opportunity after a period of time to be determined by the Examinations Board, which will not exceed 12 months.

*Article 5.6 – Aggravating circumstances*

If the student has already received a written warning or a sanction in connection with the detection of fraud or plagiarism, this can be deemed an aggravating circumstance.

## **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 8.0 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. The duration of the study programme may not exceed 'nominal (i.e. official time period with no delays) plus one' and is calculated from the start of the period of instruction during which the first component of the examination programme was passed.
5. The Bachelor's thesis must have been awarded a mark of 8.0 or higher.
6. The calculation as described in paragraph 1 above will only include the components of the examination programme.
7. No 'Cum Laude' distinction may be awarded if the student was penalised for fraud or plagiarism at any time during their studies.

*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 8.0 or higher and no mark for any component is less than 7.0. This calculation will disregard components of which the 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. Each examination component may only have been taken once.
4. The duration of the study programme may not exceed 'nominal (i.e. official time period with no delays) plus half' and is calculated from the start of the period of instruction during which the first component of the examination programme was passed.

5. The Master's thesis must have been awarded a mark of 8.0 or higher.
6. The calculation as described in paragraph 1 above will only include the components of the examination programme.
7. No 'Cum Laude' distinction may be awarded if the student was penalised for fraud or plagiarism at any time during their studies.
8. In the event a student completes two separate tracks of a single Master's programme, the Master's diploma is issued with the 'Cum Laude' distinction if at least one of the tracks has been completed 'Cum Laude'.
9. In derogation from paragraph 4, the duration of the study programme may not exceed 'nominal plus one' for students who enrolled before 1 September 2018. For enrolments per 1 September 2018, the rule stated in paragraph 4 applies.

## **7. Exemptions**

### *Article 7 – Exemptions*

1. Requests to be exempt from taking examinations must be submitted to the Examinations Board no later than four 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 examinations, 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 1 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, they have the possibility to lodge an appeal against the decision to the Examination Appeals Board within six weeks of the date on which the decision was communicated in the prescribed manner. The procedure for doing so can be found on the UvA website.

## **12. Special measures due to the coronavirus**

1. In derogation from the Cum Laude regulations set out in Article 6.1 and paragraph 3 of Article 6.2, students are allowed one retake opportunity for one subject (not being the thesis) for examinations taken during the 2020-2021 academic year.
2. In derogation from the Cum Laude regulations set out in paragraph 4 of Article 6.2, the permitted duration of the study programme may amount to 'nominal plus one' for students who were enrolled in a Master's programme in the 2019-2020 or 2020-2021 academic years.
3. If a technical or other problem occurs during a remote examination that prevents the examination from continuing, the Examinations Board will decide if and when a new examination will be scheduled.
4. If remote examination takes place and a student does not submit an examination or an examination component digitally in the correct manner, this is at the student's own risk, unless it is the consequence of a technical error on the part of the UvA.
5. If remote examination takes place and a student fails to comply with the previously published stipulations and instructions, the Examinations Board may declare this student's examination invalid.
6. Remote examinations in the 2021-2022 academic year may only take place with the approval of the Examinations Board. The Examinations Board may lay down specific rules and conditions for remote examinations in the 2021-2022 academic year. Such rules and conditions will be announced within 10 working days before the examination takes place at the latest.
7. Examinations in the 2021-2022 academic year may be taken in 'hybrid' format (i.e. on site and remotely at the same time). Hybrid examinations may only take place with the prior approval of the Examinations Board. The Examinations Board may decide that additional fraud prevention measures (such as proctoring and/or the prohibition of backtracking) must be put in place for the remote examinations only.

## **13. 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 enter into force on 1 September 2021.

Adopted by the Examinations Board for Bachelor's and Master's programmes at the Faculty of Law, University of Amsterdam on 21 June 2021.