

## Rules and Guidelines

as referred to in Article 7.12b, paragraph 1, sub-section b of the Higher Education and Scientific Research Act (*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*, WHW) for the 2022/23 academic year,  
applicable to the BACHELOR'S PROGRAMME **European Law School**,  
approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University.

### Article 1: Definition: Education and Examination Regulations (EER)

- a. In these Rules and Guidelines, the term 'Education and Examination Regulations' refers to the 2022/23 Education and Examination Regulations (*Onderwijs en Examenregeling*) of the bachelor's programmes in the European Law School of the Faculty of Law, within the meaning of the Higher Education and Scientific Research Act, approved and adopted by the Faculty Board of the Faculty of Law of Maastricht University.
- b. In these Rules and Guidelines, the term 'Board of Examiners' refers to the Board as referred to in Article 2, sub-section h respectively Article 2, sub-section e, of the Education and Examination Regulations.

### Article 2: The Board of Examiners

- a. The term of office of the Board of Examiners and its members shall commence and end concurrently with the academic year. If a member does not complete a term of office, a replacement member will be sought for the remainder of the term. In the event of illness or other prolonged absence of a sitting member, a temporary replacement may be appointed for the period in which the member is unable to fulfil his/her duties as a member of the Board of Examiners.
- b. With the exception of the powers referred to in Article 25, paragraph 1, the Board of Examiners shall be entitled to mandate the exercising of its powers to the Chair and/or one or more members of the Board of Examiners. A list of these mandates shall be held by the secretaries to the Board of Examiners.
- c. Communication regarding individual decisions or requests is done via the UM-mail.

### Article 3: Powers of examination

1. The Board of Examiners annually grants powers of examination (examenbevoegdheid) to teaching staff of the Faculty of Law for the duration of one academic year, unless the employment relationship of the person concerned with UM ends earlier. In that case, the power of examination continues until the last component of the unit of study in which the person concerned is involved has been completed and the appeal period for the last resit/remedy has expired or the last appeal has been settled. The examination competence of the year co-ordinators covers all parts of the respective course units.
2. In order to be granted powers of examination, a staff member must be an expert in the subject matter that is examined and must be able to show sufficient knowledge on examination. Sufficient subject matter expertise is in any case present if the person concerned is involved in the course(s) to be examined. Sufficient examination expertise is in any case considered to be present if the examiner in question has a BKO certificate or a comparable certificate. Proof of CPD-training is also taken into account.
3. The supervisor of a Bachelor's essay must have powers of examination. The first supervisor must also be affiliated with the Faculty of Law.
4. Individuals who are not affiliated with FdR UM may, on request of a course coordinator or a thesis supervisor be granted examination powers for specific courses or programme components. These persons may only act as second supervisor of an essay, unless their expertise concerning examination has been sufficiently demonstrated.
5. If the examiner does not comply with legislation and regulations or guidelines of the Board of Examiners, or if the examiner's competences in the area of testing (making, taking, assessing) have

repeatedly proven to be insufficient, the Board of Examiners may, in consultation with the administrative manager of the examiner in question, decide to replace the examiner or to team him/ her up with another examiner. The Board of Examiners may also, in consultation with the manager, revoke the appointment as examiner or not reassign examination authority.

#### **Article 4: Examination, objective and organisation**

1. Every exam or part thereof consists of an investigation into the knowledge, insight and/or skills of the student, to be carried out by the examiner(s) appointed according to art. 3, as well as the assessment of the results of that investigation.
2. On request, the coordinators provide the Board of Examiners with information regarding examinations. This can be done by sharing an existing testing plan or by sharing the exam matrix, procedural steps and documents relating to the quality of exams
3. A request to change the form or composition of exams must be submitted to the Board of Examiners by the coordinator eight weeks before the examination is planned at the latest before the start of the course concerned. Before making its decision, the Board of Examiners consults the Faculty examination expert (toetsdeskundige).

#### **Article 5: [placeholder]**

#### **Article 6: Dates and times**

1. Written final exams for courses on location take place at the date and time specified in the Exam schedule. This Exam schedule is published at least four weeks before the exam week. Being at the right place at the right time for an exam is the students' responsibility.
2. Other final assessment forms take place at a moment in the exam week specified by the coordinator. If not explicitly specified otherwise, take home exams have the same duration as exams on location. The coordinator must ensure that there is no overlap of exams.
3. If a coordinator makes use of exam components during the course, these components take place at a date and in a form specified by the coordinator and communicated at least two weeks before the exam date via Canvas and if the coordinator wishes by other means.
4. Oral exams take place during the exam week. In case these are non-regular exam opportunities (see art. 7b), these exams are scheduled on a date and at a time to be determined by the Board of Examiners.

#### **Article 6a: special exam arrangements (SPAR)**

1. Students who, due to physical or mental impairments need special exam arrangements, may request them with the Board of Examiners. The Board of Examiners does not decide unless the request is substantiated by an opinion / advice from Disability Support Office (DSO).
2. In order to be processed and organised in time, these requests, including all documentation from DSO must be submitted to the Board of Examiners at the latest three weeks before the start of the exam week for which the arrangements are requested. Requests that are made after the time limit or that are not substantiated by a DSO advice will not be processed.

#### **Article 7: Exams and exam components**

1. Exams shall be compiled by the coordinator.
2. An examiner in the sense of art. 3 shall be present at the exam location for written exams on location.
3. During written exams, the coordinators of the examinations being taken at that particular time, or their appointed deputies, shall be contactable by telephone.

#### **Art. 7a: Personal circumstances, study delay**

1. Students who experience hardship in the sense of unforeseen and unplanned serious personal circumstances (e.g. sudden, serious issues within the private life, severe (mental) health issues etc) which may lead to study delays, may request special exam arrangements from the Board of Examiners. The Board of Examiners only takes into account personal circumstances that have been notified in a timely manner, meaning the circumstances must have been communicated to one of the study advisors within two weeks of the issues presenting themselves. Request for special arrangements must be made two weeks before the start of the week during which the exam (component) is scheduled, in order to be processed in time.
2. Housing issues, financial difficulties, planned events, exchanges or internships are not considered personal hardship within the meaning of subsection 1.

#### **Art. 7b: additional exam opportunities**

1. Students may request extra (= third) exam opportunities from the Board of Examiners. This request is honoured if the following cumulative criteria are met:
  - The student has used both exam opportunities of the academic year
  - The student scored at least a 5,0 on one occasion
  - The course is the last course before graduating / starting a master
  - The course exam is not offered within a reasonable time frame (i.e. 1 period)
2. Requests in the sense of paragraph 1 must be made on July 15<sup>th</sup> at the latest in order to be processed and scheduled before the end of the academic year.
3. Financial issues, housing difficulties, an internship away from Maastricht, an exchange or the end of that exchange are insufficient justification to grant students' requests concerning different ways of (re)examination or earlier resits or exams than the regular exam or resit.
4. The Board of Examiners may offer replacement exam opportunities to replace exam opportunities where force majeure (e.g. internet crash, calamity...) prevented the orderly course of an exam.

#### **Article 8: Registration for and admission to exams**

1. A student may not participate in an exam unless he or she has registered on time for that exam.
2. If a student does not register for examinations on time, the student will not be given access to the examination. If the application of these rules leads to inequitable outcomes, the Board of Examiners may deviate from the regulations in favour of the student. It is the student's responsibility to show and if necessary prove why timely registration was impossible and why the consequences of not being able to sit the exam are unacceptable.
3. In line with the previous subparagraph, the Board of Examiners can make access to extra exam opportunities due to force majeure (e.g. internet crash, epidemic situation, see art. 7b para 4) dependent on timely registration. If this is the case, the applicable rules and time limits will be communicated through Law Student Messages and the relevant Canvas courses.
4. Registration for a resit of an exam (component) that has been graded with a passing grade is not possible.

#### **Article 9: Applicable rules**

1. The Board of Examiners ensures that invigilators are present for written exams in order to ensure that the examination takes place in accordance with the regulations. The UM Rules of Procedure (Reglement van Orde bij toetsen) apply.
2. During written exams on location, students may exclusively use bilingual, non-explanatory and non-legal dictionaries in which the source or target language is either English or Dutch.
3. The course coordinator may allow additional materials (open book / open source exam). In case the coordinator makes use of the possibility to allow the use of additional materials, the specific requirements must be made known to students in an appropriate manner at the latest one week before the examination (component) to which they relate. The applicable rules and a list of texts

allowed must also be communicated to toetscoördinatie in order to properly instruct the invigilators.).

4. Except with regard to open-book / open source examinations, no markings are permitted, except:
  - underlining and/or shading of specific words, sentences or phrases;
  - pre-printed tabs supplied by the publisher;
  - blank tabs, such as coloured strips.

## Article 10: Fraud and plagiarism & sanctions

1. If the Board of Examiners establishes that a student at any exam or exam part on location:
  - a. had access to or used prohibited devices or materials (e.g. phone, watch, texts or notes);
  - b. communicated or attempted to communicate verbally or non-verbally with a fellow student without permission;
  - c. copied or attempted to copy, or gave the opportunity to copy, including handing over one's own work to fellow students;
  - d. misrepresented him- or herself or allowed someone else to do so;
  - e. has deliberately misled the Board of Examiners, examiner or invigilator with regard to the exam or has attempted to mislead or has given the opportunity to mislead;the Board of Examiners imposes a sanction as mentioned in paragraph 5.
2. Plagiarism is defined as presenting your own or someone else's texts, words, structures, arguments or central ideas without properly referencing to the source, thereby giving the impression that these texts, thoughts, arguments, structures and the like are of the student's own making. If a piece of work does contain proper references, there is no plagiarism. However, this may still amount to insufficiently original work by the student, which the examiner must take into account when grading the work.

in particular, plagiarism can take the following forms (non-exhaustive examples):

  - a. using or copying other people's texts, data, ideas or thoughts without (correct) acknowledgement of the source;
  - b. presenting the structure or the central ideas from third-party sources as one's own work or thoughts;
  - c. no clear indication that literal or almost literal quotations were used;
  - d. paraphrasing the content of other people's texts without (correct) acknowledgement of the source;
  - e. submitting one's own work that has been submitted previously for grading in the same or another course without substantial rewriting of additions (self-plagiarism);
  - f. copying images, sound or test material, software or programme codes from others without correct source indication, and in so doing passing them off as one's own work;
  - g. copying work from fellow students and passing it off as one's own work;
  - h. submitting work which has been written by and / or acquired from a third party and passing this off as one's own work,the Board of Examiners imposes a sanction as mentioned in paragraph 5.
3. If the Board of Examiners establishes that with regard to any exam or any part of an exam there is fraud in any other way, the Board of Examiners imposes a measure as mentioned in paragraph 5.
4. Before the Board of Examiners imposes any sanction, the student in question will be given the opportunity to be heard on the matter. This hearing may be done in writing. The student can waive their right to be heard. If they wish to do so, this waiver must be communicated in writing and explicitly state this waiver. The Board of Examiners will then decide on the basis of the information available at that moment.
5. The standard sanction for fraud within the meaning of subsections 1-3 above consists of a formal warning which will be kept in the confidential student file and an invalidation of the exam (component) in question. In case circumstances justify a softer or harsher sanction, this will be explicitly mentioned and motivated in individual decision by the Board of Examiners. Harsher sanctions may include:
  - exclusion from (further) participation in one or more exams, exam components or resits for a period not exceeding one academic year;
  - a proposal of unsuitability (*iudicium abeundi*) (Article 31 and Article 33 of the *Education and Examination Regulations*) submitted to the Executive Board in serious fraud cases;

- in the event of repeated fraud that lends itself to this, a student can be reported to the police for forgery.
- 6. If the hearing shows that no fraud has been committed, all correspondence relating to the alleged fraud is rendered anonymous and shall not be included in the student's file.

#### **Article 11: Quality requirements for exam (component)**

1. The exam or exam component relates to the education in terms of content and level.
2. The questions and assignments of the examination or examination component are spread as evenly as possible over the learning objectives of the course as described in the syllabus.
3. The scope of the examination (parts) is such that, according to reasonable standards, the examinees have sufficient time to answer the questions.
4. The questions and assignments of the examination are clear; in so far as necessary, it is clear from the questions how detailed the answer must be.
5. After a written examination (component) has been constructed, it is assessed by a person with power of examination according to art. 3 of these R&G who did not participate in the creation of the exam(component) (four-eyes principle). This person will at least assess the distribution of the questions over the material, the ratio between easy, average and difficult questions or parts and the feasibility of completion in the time available.
6. In case of an oral examination (part), the requirements of paragraph 5 apply accordingly. The questions, propositions and cases which (may) come up for discussion during the oral examination will be determined beforehand. A minimal model of the answer will be agreed upon beforehand with the second person authorised to take part in the examination.

#### **Article 12: Assessment**

1. The assessment is such that the candidate is able to verify how the result of his/her exam (component) was determined.
2. When assessing examinations with closed questions, examiners will in principle use cut-off pass marks and apply correction for guessing.
3. Exam(components) consisting of essay questions are calculated by calculating the average of the marks from the answers for each question.
4. The separate exam questions, insofar as these consist of open questions, will be graded in whole or half grades on a scale from zero to ten.
5. By way of derogation from paragraphs 3 and 4, alternative methods of calculation may be used. The method of calculation must be explicitly stated on the cover page of the exam and must be published alongside the examination requirements to students before the exam.
6. Final grades of exams are whole numbers on a scale from zero to ten.
7. Exam(components) that consist of a paper as well as the bachelor essay are graded in half or full grades; a five and a half (5.5) constitutes a pass.
8. The Skills courses shall either be graded with a 'pass' or 'fail' or with a full grade on the scale of 0-10. The coordinator shall inform students of the assessment method in a suitable manner.
9. The Moot Court training shall either be awarded an assessment of 'pass' or 'fail' or shall be awarded a whole grade. The coordinator shall inform students of the assessment method in a suitable manner.
10. Participation in a moot court recognised by the faculty shall be graded with a 'pass' or 'fail' or a full grade on the scale of 0-10. The coordinator shall inform students of the assessment method in a suitable manner.
11. An internship that is approved by the Faculty and supervised by Faculty staff is graded with a 'pass' or 'fail'.
12. Language courses are graded with a 'pass' or 'fail'.

#### **Article 13: Notification and recording of the results**

1. The course coordinator provides the Education Office with the final results of courses, for purposes of informing the student of his or her result. The Education Office ensures that the final grades are recorded and published.

2. The results of oral exams shall be communicated to the student in person and confirmed in writing.
3. Upon notification of the results of an examination (component), the course coordinator shall provide information regarding the assessment criteria, allocation of points and other aspects of the assessment of that examination (component) in a suitable way.
4. The candidate is entitled to inspect his or her exam. UM wide or Faculty Rules regarding periods and process of inspection may apply.
5. Only final results are registered. If a student takes part in interim exam components but deregisters in writing from the final exam or from the course (this must be communicated to the course coordinator in writing) before the start of the exam week, the results from the components are considered partial results.
6. If exam results give rise to concerns regarding the quality of the exam, the Board of Examiners may subject the exam to more detailed scrutiny.

#### **Article 14: Feedback and contestation of grading**

1. If the exam(component) consists of closed questions, students are entitled to submit written comments regarding the content and design of these questions within three working days following the publication of the provisional model answers. On the basis of those comments, the examiner or coordinator may decide not to include a specific question in the calculation of the exam results, or he/she may decide to amend the set of answers. This shall apply, notwithstanding the stipulations of Article 27 respectively Article 29 of the Education and Examination Regulations (*Onderwijs- en Examenregeling*).
2. If the exam consists of essay questions, the coordinator offers timely feedback on the assessment of the exam in a suitable way (see also art. 13 para 3). This can be a detailed rubric, a collective feedback discussion or any other activity that enables students to verify the (in)correctness of their grading. Form and place are determined as the examiner deems suitable, but within two weeks after the results have been published.
3. If a student wishes to contest a grade, he/she must submit a written and reasoned request to the coordinator within two weeks of the results being published. Coordinators may assign another contact person, provided that this is clearly communicated to students.
4. In the event that an examinee believes that he/she is entitled to an amendment of the results of a written essay that have already been determined, the procedure laid down in section 3 applies.

#### **Article 15: Courses/subjects taken elsewhere**

1. Results achieved by a student in a foreign country will not be converted so that they correspond to the criteria currently in use in the Netherlands. The grades transcript will merely state that these courses have been completed satisfactorily. A student who did not obtain a certificate abroad shall, upon request, be entitled to receive a summary of the subjects he/she has studied. The study credits earned abroad shall be granted upon conversion by means of the criteria currently in use in the Netherlands.
2. Courses/subjects that are examined elsewhere will be subject to the regulations in force at that location.

#### **Art. 16**

[expired]

#### **Article 17: No exemption**

Notwithstanding article 33 respectively article 34 of the Education and Examination Regulations, no exemptions shall be granted:

- a. to first-year students for courses from the second or third years of the degree programme
- b. if the student has already taken an exam (component) for the course for which they have requested an exemption.

c. if the exam which is intended to replace the other one was taken during a period in which the student was excluded from participation in exams, under Article 10 section 5 of these Rules and Guidelines.

#### **Article 18**

[expired]

#### **Article 19**

[expired]

#### **Article 20**

[expired]

#### **Article 21: Bachelor exam European Law School**

Any student who has satisfactorily completed all of the exam components that form part of the bachelor's examination in European Law School and has fulfilled his/her other obligations stated in the Education and Examination Regulations (*Onderwijs en Examenregeling*) shall be deemed to have passed the bachelor's examination in European Law School.

#### **Article 22: Cum laude and summa cum laude**

1. In the event that, when completing the bachelor's examination, the Board of Examiners is of the opinion that an examinee has shown evidence of exceptional ability ('cum laude' and 'summa cum laude'), this shall be stated on the certificate.
2. Exceptional ability, as referred to in the previous paragraph, shall only be deemed to exist in cases where:
  - a. a student, without needing to resit an examination due to a fail grade in the first sit, has achieved an average minimum grade of a full eight (8.0) and no grade that is lower than a seven ('cum laude') or an average minimum grade of a full nine (9.0) and no grade lower than a seven ('summa cum laude') for all exam components forming part of the bachelor's examination, as referred to in the Education and Examination Regulations. In calculating the average grade, the relative difficulty of the various exam components shall not be taken into account.
  - b. a student, without needing to resit an examination due to a fail grade in the first sit, has passed all the components forming part of the bachelor's examination, as referred to in the Education and Examination Regulations, with an average grade of at least an eight and a half (8.5), which may include no more than one grade lower than a seven but not lower than a full six ('cum laude').
3. Article 24 is not applicable with regard to paragraph 2.
4. A student whom the Board of Examiners has found guilty of fraudulent acts within the meaning of Article 10 and therefore had a (partial) result declared invalid is ineligible for the attribution of 'cum laude' or 'summa cum laude',
5. Results achieved abroad shall not be taken into account when determining whether or not a student is eligible to receive the attribution of 'cum laude' or 'summa cum laude'.

#### **Article 23: Sanctions**

1. Notwithstanding the stipulations of Articles 9 and 10, the Board of Examiners shall be entitled to impose the following sanctions upon any student who does not fulfil an obligation contained within or arising from these Rules and Guidelines or the Education and Examination Regulations:
  - a. a formal warning;

**b.** exclusion from participation in one or more exam components for a maximum of one academic year.

**2.** If a student fails to appear before the Board of Examiners for a scheduled hearing or meeting without valid reason, he/she shall be formally warned and the issue will be decided without the student being heard or able to present his / her case respectively.

#### **Article 24: Hardship clause**

In exceptional cases, to be established by the student who wishes to invoke them, or by the Board of Examiners that wishes to deviate, the Board of Examiners may deviate from the stipulations contained within or that exist by virtue of these Rules and Guidelines in favour of the student.

#### **Art. 24a: Lacunae**

In case these Regulations and Guidelines do not cover a particular issue, the Board of Examiners is competent to decide on subject matters coming within art. 7:12b WHW.

#### **Article 25: Amendments to these Rules and Guidelines**

No changes to these Rules and Guidelines shall be made during the academic year to which the rules apply, unless it can reasonably be assumed that the interests of students will not suffer as a result.

#### **Article 26: Entry into force**

These Rules and Guidelines shall enter into force on 1 September 2022 and shall cease to apply on 1 September 2023.

Duly approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University on 27 July 2022.