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 2018/19 academic year, applicable to the MASTER’S PROGRAMMES in Dutch Law; Tax Law; International and European Tax Law, European Law School; Globalisation and Law; International Laws; Law and Labour; Forensics, Criminology and Law, approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University.

This translation is provided for information purposes only. In the event of a difference of interpretation, the original Dutch version of this document is binding.

Article 1
Definition: Education and Examination Regulations

a. In these Regulations and Guidelines, the term ‘Education and Examination Regulations’ shall be understood to mean: the 2017/18 Education and Examination Regulations (Onderwijs en Examenregeling) of the Master’s programmes in Dutch Law; Tax Law; International and European Tax Law, European Law School; Globalisation and Law; International Laws; Law and Labour; Forensics, Criminology and Law 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 Regulations and Guidelines, the term ‘Board of Examiners’ shall be understood to mean: the Board as referred to in Article 2, sub-section h of the Education and Examination Regulations.

Article 2
The Board of Examiners

a. A term of office shall commence on 1 September. If a member does not complete said term, a replacement member will be sought for the remainder of the term. In the event that a member is replaced during his/her term of office, the replacement member shall complete the term of office of his/her predecessor.

b. With the exception of the powers referred to in Article 23, 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.

Article 3
Powers of examination

1. The Board of Examiners shall decide to grant powers of examination to all Professors, Senior Lecturers, Lecturers, teaching staff and researchers who have been appointed to the Faculty of Law of Maastricht University. Powers of examination apply for a period of one year, unless the appointment with the Faculty of Law ends before that time. An employee appointed during the academic year is granted powers of examination until the end of the academic year.

2. If and when the occasion arises, the Board of Examiners may decide to grant powers of examination to staff members other than those referred to in paragraph 1, who have been appointed at a different faculty of this institution or at a different institution of academic education. Their powers of examination shall end once all resit examinations for the courses they have taught have been assessed and the applicable appeal period for those examinations has expired or the last appeal against the assessment has been concluded. The Board of Examiners may decide to grant said powers of examination for a longer period of time. The start and end of the appointment as examiner shall be registered. The names of the examiners shall be announced on the intranet site of the Board of Examiners.

3. Persons may only be appointed as examiners if they have sufficient content-specific expertise in the field concerned and also have expert knowledge with regard to examinations. A member of staff is in
any event considered to have sufficient content-specific expertise when he or she is involved in the education related to the component being tested in the examination.

4. Only examiners as referred to in the first paragraph may serve as a first assessor / supervisor for a thesis. Examiners as referred to in paragraph 2 may only serve as a second assessor. In principle, the examiner who serves as a first assessor for a Master thesis obtained a PhD. Other examiners / assessors than referred to in the latter sentence can demonstrate experience in supervising Master thesis or have specific knowledge with regard to the topic of the Master thesis.

5. Due to legal aspects, an appointment as examiner takes place in or after consultation with the examiner’s line manager or administrative manager. When appointed, the examiner is informed of the applicable Rules and Guidelines.

6. If the examiner does not comply with the legislation and regulations or guidelines of the Board of Examiners, or if the examiner’s competencies with regard to examinations (designing, administering, assessing) repeatedly prove to be of an insufficient level, the Board of Examiners may decide to replace the examiner or to appoint one or more extra examiners for the examinations concerned. The Board of Examiners may also revoke a person’s appointment as examiner.

Article 4
Information

The examiners shall provide the Board of Examiners with information requested by the latter.

Article 5
Administration of examinations

All examinations, tests, examination components or parts thereof shall take the form of a test to be carried out by the Board of Examiners or its designated examiner(s) of the knowledge, understanding and/or the skills of the student, as well as an assessment of the results of that test.

Article 6
Dates and times

1. Written examinations, examination components or parts thereof will be held at times determined by the Board of Examiners at least four weeks in advance.

2. Oral examinations, examination components or parts thereof will be held on a date and at a time to be determined by the examiner. In the event that a student is unable to attend at the specified time, he/she must inform the examiner of this at least one day in advance. At this time, a new date and time for the oral examination is agreed, once only, in mutual consultation between the examiner and the student. Any student who has registered for an oral examination and subsequently fails to take part in the examination in question without prior notification will be excluded from any further oral assessment for the relevant component.

Article 7
Lapsed.

Article 8
Exams

1. Exams shall be compiled by the designated examiner (coordinator). The examination requirements shall be determined by the Board of Examiners on an annual basis no later than eight working weeks before the start of the relevant course/practical.

2. An examiner shall be present at the examination location for written exams.

3. 

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During the written exams, the course coordinators of the exams being taken at that particular time, or their appointed deputies, shall be contactable by telephone.

**Article 9**

No or late registration for exams

A student may not participate in an exam for a course until he or she has registered on time for that exam in MyUM.

If a student does not register for exams on time, the student will not be given access to the exam unless he/she can demonstrate personal circumstances. Personal circumstances include the following only:

- illness of the person concerned
- pregnancy/childbirth of the person concerned
- demonstrable distressing personal circumstances of the person concerned.

In special cases where applying the rules concerning on-time registration would lead to serious unfairness, the Board of Examiners may deviate from the current regulations in favour of the student.

**Article 10**

Disciplinary measures

1. The Board of Examiners must ensure that invigilators are appointed for written examinations in order to ensure that the examination takes place in accordance with the regulations. The Rules of Procedure shall apply to the examinations.

2. When taking a written test, students will only be permitted to use bilingual, non-explanatory and non-legal dictionaries in which the source or target language is either English or Dutch. This will also be indicated on the front sheet of the test form. The course coordinator may impose requirements with regard to dictionaries/texts/anthologies that he/she will permit to be used, such as with regard to the language in which such dictionaries/texts/anthologies are written. The Dutch and English languages will always be permitted.

3. It is not permitted to add markings of any kind to books and/or legal anthologies that are permitted in the written exams, except:
   - underlining and/or shading of specific words, sentences or phrases
   - pre-printed file tabs supplied by the publisher
   - blank file tabs, such as coloured strips.

4. Examinees are not permitted to make use of correction pens, correction fluid or other means of correction during the exam.

**Article 11**

Fraud and plagiarism

1. In the event that the Board of Examiners finds that, in any examination or examination component, a student:
   a. had access to prohibited aids, texts or notes, or has used prohibited electronic aids and/or means of communication
   b. communicated or attempted to communicate, either verbally or by means of gestures and without the permission of an invigilator, examiner or a member of the Board of Examiners, with a fellow student
   c. looked at someone else’s work, has attempted to look at someone else’s work or has provided an opportunity for someone else to look at his/her work
   d. impersonated someone else or caused someone else to impersonate him/her
e. intentionally misled, or attempted to mislead, the Board of Examiners, a checker, examiner, or invigilator in relation to the test, or has provided an opportunity for them to be misled, the Board of Examiners shall be entitled to impose a measure of the type referred to in paragraph 4 of this Article.

2. In the event that the Board of Examiners determines that in any examination or examination component, a student has committed plagiarism, which, amongst other things, shall be considered to include cases in which the student:
   a. has made use of or copied from another person’s texts, data, ideas or thinking, without correctly stating the source thereof
   b. has presented the structure or central thinking of third-party sources as his/her own work or his/her own thoughts
   c. has failed to provide a clear indication within the text, such as in the form of quotation marks or a certain layout, of the fact that verbatim or almost verbatim quotations were being included
   d. has paraphrased the content of someone else’s text, without correctly stating the source thereof
   e. has copied any image, sound or test material, software, or programming code belonging to others, without correctly stating the source, thereby allowing it to appear as his/her own work
   f. has copied the work of fellow students and allowed it to appear as his/her own work
   g. has submitted work or projects that have been acquired from a third party, or were written by another person, whether in return for payment or not, and has allowed this to appear as his/her own work.

   the Board of Examiners shall be entitled to impose a measure of the type referred to in paragraph 4 of this Article.

3. If the Board of Examiners establishes that a participant has committed any other type of fraud during any examination or examination component, the Board of Examiners shall be entitled to impose a measure of the type referred to in paragraph 4 of this Article.

4. In the cases referred to in paragraphs 1, 2 and/or 3, the Board of Examiners shall be entitled to declare the result in the relevant examination to be null and void and may additionally impose the following measures:
   - a reprimand
   - exclusion from (further) participation in one or more examinations relating to a particular degree programme for a period not exceeding one year
   - a proposal for unsuitability (iudicium abeundi) (Article 49 of the Education and Examination Regulations) submitted to the Executive Board in serious fraud cases
   - in the event of repeated fraud, a student can be reported to the police for forgery.

5. Before the Board of Examiners proceeds to implement an appropriate measure, the student involved shall be provided with an opportunity to state his/her case.

6. In the event that fraud is determined, this shall be included in the file of the student in question.

7. In the event that, following an investigation, it is ultimately determined that the student did not commit fraud, any correspondence relating to the alleged fraud shall be rendered anonymous and shall not be included in the student’s file.

8. The Board of Examiners shall not grant any exemptions based upon any educational outcomes that the student obtains outside his/her degree programme during the period in which the student was excluded from participation in the examinations relating to his/her degree programme, as a result of the fraud that he/she committed.

Article 12
Requirements governing examinations, tests, examination components or submitted work

1. The content and level of any examination, test or examination component must be in line with the curriculum. Once a written test has been constructed, the planning group presents the test
components to a third person (reviewer) who had no part in constructing the test components concerned for assessment (four-eyes principle).

2. To change the assessment method for a course, the planning group must submit a proposal to the Board of Examiners no later than eight working weeks before the start of the relevant course/practical.

3. The questions and tasks that form part of an examination, test or examination component will encompass an evenly distributed mix of the course material under examination.

4. The duration of the tests will be such that, within reasonable limits, examinees will have sufficient time in which to answer the questions.

5. The questions and tasks will be formulated clearly; insofar as is necessary, the wording of the question will reveal how detailed the answer is required to be.

Article 13
Form of assessment

1. The form of assessment is such that the examinee will be able to verify how the result of his/her examination or (part of) an examination component was determined.

2. Examiners will use cut-off pass marks and apply correction for guessing when assessing examinations with closed questions.

3. Grades for written examinations, as far as they are made up of open questions, are calculated by calculating the average of the marks for the answers to the examination questions. If a student answers fewer than the number of examination questions required per examination or per subject, he or she shall be given a mark of zero per unanswered question. If a student answers more than the number of examination questions permitted per examination or per subject, the lowest marks shall be used to calculate the grade of the examination.

4. Separate test questions, insofar as the test consists of open questions, will be assessed 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 for written tests or examinations. The method of calculation must be explicitly stated on the cover page of the test and shall be published alongside the examination requirements.

6. The (course) examinations will be assessed in whole grades on a scale of zero to ten, unless stipulated otherwise below.

7. The internship shall be awarded and assessment of ‘pass’ or ‘fail’. The coordinator shall inform students of the assessment method in the course material.

8. Participation in a moot court recognised by the faculty will 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 the course material.

9. Language courses, including the French language course worth 6 credits, as referred to in Article 24(b) of the 2018 – 2019 Education and Examination Regulations (master) shall be awarded an assessment of ‘pass’ or ‘fail’.

10. Written essays, including the master’s thesis, shall be assessed in half or whole grades; a five and a half (5.5) shall be deemed to be a pass.

Article 14
Notification and recording of the results
1. The examiner shall inform the Students and Exam Administration Office in the Education Office of the results of a written or oral examination. The Education Office then informs the examinee of the result (in the case of a written test) by publishing it in MyUM, quoting this publication per course examination on the student intranet.

2. The final grade of the written test shall not be published until the Board of Examiners has taken a decision on the matter. In the case of an oral test, a transcript of the results shall be issued by the examiner to the student in person.

3. Upon notification of the results of a written test that forms part of the compulsory courses of the master’s programmes, the course coordinator shall at the same time make available a set of standard answers via Student Portal.

4. The Education Office will ensure that the results of examinations are recorded and published, along with any certificates relating to these.

5. The examinee shall be entitled to inspect the information referred to in paragraph 3 in a form and at a time to be determined by the Education Office.

6. Members of staff who have acted as a tutor in any given course are entitled to view the examination results of the relevant course, insofar as the results relate to students supervised by them.

7. Unless the examinee gives his/her consent, all information on record will only be notified to the Board of Appeal for Examinations, the Board of Examiners, the student adviser and the members of the Admissions Board. The Board of Examiners shall be entitled to provide data to third parties for the purpose of scientific research, subject to the stipulations contained in the General Data Protection Regulation and additional regulations.

8. The Board of Examiners may, in the event that the results constitute just cause to do so, form a committee in order to subject the test results to more detailed scrutiny.

9. Only standalone examination components shall be indicated on the list of examination components.

Article 15
Follow-up discussion

1. The examinee shall be entitled to submit written comments regarding the content and design of the closed questions that formed part of the test within three days following the publication of the provisional set of answers to the relevant written test. On the basis of those comments, the examiner may decide not to include a specific question in the calculation of the test results or he/she may decide to amend the set of answers. This shall apply notwithstanding the stipulations of Article 45 of the Education and Examination Regulations (Onderwijs en Examenregeling).

2. For a period of two weeks, commencing the day after the results are published, the examinee shall be entitled to request a follow-up discussion of the open questions of a written test from the Board of Examiners or the relevant examiner. The follow-up discussion shall take place in a form to be determined by the Board of Examiners or by the examiner.

3. In the event that a collective follow-up discussion is organised by or on behalf of the Board of Examiners, the examinee shall only be entitled to request a follow-up discussion, as referred to in the previous paragraph, if he/she was present at the collective follow-up discussion, unless the reasons for his/her absence are determined to justify this absence.

4. In the event that an examinee believes that he/she is entitled to an amendment of the results of an examination that have already been determined, he/she shall be entitled to submit a written and reasoned notice of appeal to the relevant examiner (course coordinator) within three weeks of the
results being published.
5.
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, he/she will be entitled to contact the examiner for the relevant essay within three weeks of the results being published.

Article 16
Communication and announcement of decisions

1.
The Board of Examiners and the examiners make use of My UM and e-mail via the UM account for examinations.
2.
The Board of Examiners and the examiners may announce decisions on My UM and e-mail, which students can access with their UM account.

Article 17
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 shall 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 studied abroad. 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 (within another faculty or university in the Netherlands or at a university abroad) will be subject to the regulations in force at that location.

Article 18
No exemption

Notwithstanding the stipulations of Article 51 of the Education and Examination Regulations, no exemptions shall be granted:
 a. if an exemption were to lead to a student having to earn an unsubstantial number of the credits required to complete the degree programme
 b. if the student has already taken an exam for the course for which they have requested an exemption.

Article 19
Master's examination

1.
Any student who has satisfactorily completed all of the exam components that form part of the master's examination and has fulfilled his/her other obligations stated in the Education and Examination Regulations (Onderwijs en Examenregeling) shall be deemed to have passed the master's examination.
2.
Students are not permitted to resit examinations in which they obtained a satisfactory grade.

Article 20
Cum laude and summa cum laude

1.
In the event that, when completing the master'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 availing himself/herself of the opportunity to resit examinations, 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 the exam components forming part of the master’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 availing himself/herself of the opportunity to resit examinations, has passed all the components forming part of the master’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. Any student whom the Board of Examiners has found guilty of fraudulent acts within the meaning of Article 11 and therefore had a test result declared null and void shall not be eligible for the attribution of ‘cum laude’ or ‘summa cum laude’, contrary to the foregoing stipulations.

4. 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 21
Sanctions

1. Notwithstanding the stipulations of Articles 10 and 11, 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 Regulations and Guidelines or the Education and Examination Regulations:
   a. a reprimand
   b. exclusion from (further) participation in one or more examination components.

2. If a student fails to appear upon invitation by the Board of Examiners without valid reason, he/she shall be reprimanded.

Article 22
Hardship clause

In exceptional cases, the Board of Examiners shall be entitled to deviate from the stipulations contained within or that exist by virtue of these Regulations and Guidelines in favour of the student.

Article 23
Amendments to these Regulations and Guidelines

1. The Board of Examiners shall be entitled to amend and adopt these regulations and guidelines and the regulations and guidelines for the subsequent academic year.

2. Amendments to these regulations and guidelines that apply to the current academic year shall not be enacted, unless it can reasonably be assumed that the interests of students will not suffer as a result.

Article 24
Entry into force

These Regulations and Guidelines shall enter into force on 1 September 2018 and shall cease to apply on 1 September 2019.

Duly approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University on 4 July 2018.