

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 2021/22 academic year, applicable to the BACHELOR'S PROGRAMMES in Dutch Law, Tax Law, the European Law School, including Dutch Law 'Bacheloropleiding Rechtsgeleerdheid geldend voor studenten die met ingang van academisch jaar 2020/2021 zijn aangevangen met hun opleiding', approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University.

In case of discrepancies between the Dutch and English version, the Dutch version of the Rules and Regulations is determinative.

Article 1

Definition: Education and Examination Regulations

- a. In these Rules and Guidelines, the term 'Education and Examination Regulations' shall be understood to mean: the 2021/22 Education and Examination Regulations (*Onderwijs en Examenregeling*) of the bachelor's programmes in Dutch Law; Tax Law; and 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' shall be understood to mean: 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 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.

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 are employed at the Faculty of Law of Maastricht University. The programme directors and year coordinators possess powers of examination with regard to all components of the respective programmes. Powers of examination apply for a period of one academic year, unless the appointment with the Faculty of Law ends before that time. In that case, powers of examination exist until the last part of the course/s in which the relevant person is involved has been completed and the appeal period for the last resit examination has expired or the last appeal has been concluded.

2.

If and when the occasion arises, the Board of Examiners may decide to grant powers of examination to persons other than those referred to in paragraph 1. The Board of Examiners may decide, at the request of a course coordinator granted powers of examination, to grant powers of examination to other persons who are involved in one or more courses at the Faculty of Law. The powers of examination of persons referred to in this section 2 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 not exceeding one academic year. 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 person 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. A person is deemed to have sufficient expert knowledge with regard to examinations if he or she is in possession of a BQT certificate or a similar qualification.

4.

Only examiners as referred to in the first paragraph may serve as a first or second supervisor for an essay or thesis. Examiners as referred to in paragraph 2 may only serve as a second supervisor, unless their expert knowledge with regard to examination is demonstrated.

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 – in consultation with the line manager or supervisor - 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

Examinations and examination components

1.

Examinations 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.

2.

An examiner shall be present at the examination location for written examinations on location.

3.

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

Article 8

No or late registration for examinations and admission

1.

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

If a student does not register for examinations on time, the student will not be given access to the examination 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.

2.

Resitting of examinations with passing grades is not permitted.

Article 9

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 exam 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. The course coordinator may impose additional requirements with regard to permissible dictionaries/texts/anthologies. If use is made of this competence, 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.

3.

Except with regard to open-book examinations it is not permitted to add markings of any kind to books and/or legal anthologies that are permitted in the written examinations, 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.

Article 10

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 5 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 5 of this Article.

3.

In the event that the Board of Examiners determines that, during any examination or examination component, fraud has been committed in any other manner, the Board of Examiners shall be entitled to impose on the student involved a measure of the type referred to in paragraph 4 of this Article.

4.

Before the Board of Examiners proceeds to impose an appropriate measure, the student involved will be given an opportunity to state his or her case.

5.

In the event that fraud is established, this shall be included in the file of the student in question. Where fraud has been established as set out in paragraphs 1 to 3, the Board of Examiners declares the result in the relevant examination (component) to be null and void. In addition, the following measures may be imposed:

- a reprimand;
- exclusion from (further) participation in one or more (resit) examinations relating to a particular degree programme for a period not exceeding one academic year;
- a proposal of unsuitability (*judicium 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.

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.

Article 11

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 examination (component) has been constructed, it is assessed by a third person (reviewer) with powers of examination who had no part in constructing the examination (components) concerned (four-eyes principle). This reviewer, at a minimum, assesses the substantive correctness of the questions, the distribution of the questions over the course, the relation between

easy, average and difficult questions or components and the feasibility of the examination within the time provided.

1a.

In case of oral exams, the first sentence of paragraph 1 applies. Additionally, the possible questions, cases and discussion points have to be determined by the examiner in writing before the exam. A minimal answer key will be discussed with the second person present at the oral exam.

2.

To change the assessment method for a course, a proposal must be submitted to the Board of Examiners no later than eight working weeks before the start of the relevant course. Approval takes place in consultation with the relevant programme director and year coordinator.

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 scope of the examination (components) will be such that, within reasonable limits, examinees will have sufficient time in which to answer the questions or complete the tasks.

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 12

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, test or examination (component) was determined.

2.

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

3.

Marks 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.

The separate test questions, insofar as these consist 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 examinations or examination components will be assessed in whole marks on a scale of zero to ten, unless stipulated otherwise below.

7.

The Skills practical 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.

8.

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.

9.

The Oefenrechtbank UM II component shall be awarded an assessment of 'pass' or 'fail'. The coordinator shall inform students of the assessment method in a suitable manner.

10.

The Onderhandelen practical shall be awarded an assessment of 'pass' or 'fail'. The coordinator shall inform students of the assessment method in a suitable manner.

11.

Participation in the Debat fiscale ethiek component shall be awarded an assessment of 'pass' or 'fail'. The coordinator shall inform students of the assessment method in a suitable manner.

12.

Participation in a moot court recognised by the faculty shall 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.

13.

The internship will be awarded an assessment of 'pass' or 'fail'. The coordinator shall inform students of the assessment method in a suitable manner.

14.

Notwithstanding Article 25, section 1 of the Education and Examination Regulations '*Bacheloropleiding Rechtsgeleerdheid geldend voor studenten die met ingang van academisch jaar 2020/2021 zijn aangevangen met hun opleiding*' and in accordance with Article 25, section 3 of the aforementioned Education and Examination Regulations, educational activities to which the Education and Examination Regulations '*Bacheloropleiding Rechtsgeleerdheid geldend voor studenten die met ingang van academisch jaar 2020/2021 zijn aangevangen met hun opleiding*' apply, may be awarded an assessment 'pass' or 'fail'.

15.

Written essays, including the Bachelor's essay, shall be assessed in half or whole grades; a five and a half (5.5) shall be deemed to be a pass.

16.

Language courses shall be awarded an assessment of 'pass' or 'fail'.

Article 13

Notification and recording of the results

1.

The examiner will provide the Education Office with the results of a written examination, for purposes of informing the student of his or her result. The Education Office will ensure that the results of examinations and tests are recorded and published along with any certificates relating to these.

2.

The results of oral examinations shall be issued by the examiner to the student in person.

3.

Upon notification of the results of an examination (component), the course coordinator shall provide information regarding the assessment criteria, point allocation and other aspects of the assessment of that examination (component) in manner determined by him or her.

4.

The examinee shall be entitled to inspect his or her examination, in a form and at a time to be determined by the Education Office.

5.

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.

6.

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 and the student adviser. 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, subject the examination results to more detailed scrutiny.

9.

Only final examination results shall be indicated on the list of examination components, not partial results nor results of examination components.

Article 14

Follow-up discussion

1.

Within three working days following the publication of the provisional model answers to a written examination the examinee shall be entitled to submit written comments regarding the content and design of closed questions that formed part of the 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 27 respectively Article 29 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 is entitled to request from the relevant examiner a follow-up discussion of the open questions contained in a written test. The follow-up discussion will take place in a form to be determined by the examiner.

3.

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 within three 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 in section 3 applies.

Article 15

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 announce decisions on My UM and by e-mail via the UM account.

Article 16

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.

Article 17

No exemption

Notwithstanding the stipulations of Article 33 respectively Article 34 of the Education and Examination Regulations, no extensions 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 examination (component) for the course for which they have requested an exemption.

c. if the examination was taken during a period in which the student was excluded from participation in examinations, under Article 10 section 5 of these Rules and Guidelines.

Article 18

Bachelor's examination in Dutch Law

1.

Any student who has satisfactorily completed all of the examination components that form part of the bachelor's examination in Dutch Law 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 Dutch Law.

Article 19

Bachelor's examination in Tax Law

1.

Any student who has satisfactorily completed all of the exam components that form part of the bachelor's examination in Tax Law 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 Tax Law.

Article 20

[expired]

Article 21

Bachelor's examination – European Law School

1.

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, 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, 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.

Any student whom the Board of Examiners has found guilty of fraudulent acts within the meaning of Article 10 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 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 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 24

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 Rules and Guidelines in favour of the student.

Article 25

Amendments to these Rules and Guidelines

1.

The Board of Examiners shall be entitled to amend and adopt these Rules and Guidelines and the Rules and Guidelines for the subsequent academic year.

2.

Amendments to these Rules 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 26

Entry into force

These Rules and Guidelines shall enter into force on 30 August 2021 and shall cease to apply on 1 September 2022.

Duly approved and adopted by the Board of Examiners of the Faculty of Law of Maastricht University on 20 July 2021.