Examination Rules and Regulations for the master’s degree programmes

Law
Notarial Law
Fiscal Law
Forensic Criminology
Crime and Criminal Justice
Child Law

set by the Boards of Examiners of the Leiden Law School

pursuant to Article 7.12b, paragraph 3 of the Higher Education and Research Act (“WHW”)

On-going – version 8 – valid from 1 September 2013

Supplementary to and constituent part of:
The course and examination regulations (Dutch abbreviation “OER”) of the master’s degree programmes of the Leiden Law School, in particular:

Course and examination regulations (OER) Law
Course and examination regulations (OER) Notarial Law
Course and examination regulations (OER) Fiscal Law
Course and examination regulations (OER) Forensic Criminology
Course and examination regulations (OER) Crime and Criminal Justice
Course and examination regulations (OER) Child Law

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Chapter 1 General Provisions

Article 1.1 Scope
These rules apply to the examinations of the master’s degree programme(s) in Law, Notarial Law, Fiscal Law, Forensic Criminology, Crime and Criminal Justice, and Child Law, hereafter referred to as ‘the programme’, of the Faculty of Law of Leiden University, known internationally as the Leiden Law School.

Article 1.2 Definitions
- Fraud: Any action (including plagiarism), omission or intention (including incitement) that partially or entirely impedes the rightful assessment of a person’s knowledge, insight, skills, (professional) attitude and reflection.
- OER: The Course and Examination Regulations of the programme as established by the Faculty Board;
- Invigilator Person entrusted by or on behalf of the Board of Examiners with the actual supervision of orderly proceedings during an examination;
- The Act The Dutch Higher Education and Research Act (“WHW”)

Any other terms have the meaning as given to them by the Higher Education and Research Act (hereafter the Act) or the OER.

Chapter 2 Responsibilities and procedure of the Board of Examiners

Article 2.1 Appointment of the chair and secretary
2.1.1 The Board of Examiners has a chair and a deputy chair.
2.1.2 The Faculty Board may, if required, appoint an official secretary.

Article 2.2 Responsibilities and authority of the Board of Examiners
2.2.1 The Board of Examiners is the body that is charged with the objective and expert assessment of whether a student has fulfilled the qualifications as set in the OER regarding the knowledge, insight and skills required for the completion of the degree programme.
2.2.2 Without prejudice to the Act and the regulations based upon it, it is at least the further responsibility of the Board of Examiners:
   a) To safeguard the quality of the examinations;
   b) To set out regulations and instructions within the framework of the OER to assess and determine the result of the examinations;
   c) For the most appropriate Board of Examiners for the particular case, to grant permission to a student to take a curriculum composed by him or her as referred to in section 7.3d of the Act, for which the examination leads to a degree; in which case the Board must also indicate which degree programme of the university the curriculum is considered to belong to for the application of the Act;
   d) To grant exemption from sitting one or more examinations on the basis of one of the grounds referred to in the OER;
   e) As the occasion arises, to extend the validity of any successfully completed examinations as specified in the OER;
f) In special cases, to decide whether an examination must be oral, written or have some other form, as a departure from that which is specified in the OER;
g) In special cases, to decide whether an examination must be taken publicly, as a departure from that which is specified in the OER;
h) To grant exemption from the obligation to participate in practical assignments required for admission to the relevant examination, possibly under condition of alternative requirements;
i) In individual cases, to approve the choice of course components that form part of the programme;
j) At the student’s request, and taking into consideration the specifications of the OER, to grant access to one or more components of the final examination before the student in question has successfully completed the first year examination of the relevant programme;
k) To determine, in as far as the Faculty Board has formulated this as a condition for completing examinations or examination components, that there is evidence of an adequate command of the Dutch language for successful participation in the programme by a student who has been granted exemption from the preliminary programme as referred to in Article 7.24 of the Act on the basis of a diploma obtained outside the Netherlands, or in cases where a student has been exempted from the entry requirements for the first-year phase of the programme;
l) Not applicable;
m) To issue a certificate and a supplement as referred to in Article 7.11 of the Act as proof that an examination has been successfully completed;
n) To issue a statement that specifies any examinations successfully completed by a student in the event that the student has successfully completed more than one examination, but is not eligible to be awarded a certificate as referred to under (m);
o) To take measures and impose sanctions in case a student or external candidate has committed fraud.

Article 2.3 Procedure
2.3.1 The Board of Examiners decides by simple majority. In case of an equal division of votes, the chair has the casting vote.

2.3.2 Members can be mandated for certain tasks. This will be determined and noted by the Board of Examiners.

2.3.3 Mandated members take their decisions on the basis of the relevant Rules and Regulations, the OER and previously formulated policy, and are accountable for their actions.2

2.3.4 As needed, the Board of Examiners determines and makes note of its internal organisation and working procedures.

Chapter 3 Appointment of examiners
3.1.1 Prior to the beginning of each academic year, and in addition as and when necessary, the Board appoints examiners3 for setting examinations and determining the results of these examinations, and publishes this information in writing.

3.1.2 An examiner must be in possession of expertise relating to the field of study and the setting of examinations conform the requirements of Article 4.2.

3.1.3 The Board of Examiners can appoint external examiners. The Board must ascertain that these examiners fulfil the specified quality requirements. The external examiners receive a letter of appointment from the Board of Examiners that specifies that they have been appointed as external examiners and for which examination.

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1 Namely to issue a (binding) study recommendation as referred to in Article 7.8b on behalf of the Faculty Board.
2 For example by tabling for discussion overviews of any decisions taken at a meeting of the Board of Examiners.
3 Cf. Art. 7.12c of the Act. In principle this happens on an annual basis, by means of a generic decision according to criteria set by the Board of Examiners.

A list or register of the appointed examiners must be issued (in writing) for the benefit of those concerned.
3.1.4 The Board of Examiners makes the appointment of examiners known to students and staff members concerned. Cf. footnote Art. 3.1.1.

3.1.5 The Board of Examiners may withdraw an appointment if there are important reasons for doing so.

3.1.6 The examiners must provide the Board of Examiners with information if requested to do so. (Cf. Art. 7.12c section 2 of the Act)

Chapter 4 Examinations

Article 4.1 Form of the examinations

4.1.1 The form of the examinations is specified in the course descriptions (cf. art. 4.3 OER). In special cases, the Board of Examiners may, in consultation with the examiner, decide to offer the examination in a different format than that specified. The examiner must inform all relevant parties of how the examination will be offered, at least 25 working days prior to the date of the examination.

4.1.2 At the motivated request of a student, the Board of Examiners may allow an examination to be taken in a different manner than specified in the OER. The Board of Examiners makes its decision following consultation with the examiner, and within ten working days after receiving the request.

Article 4.2 Quality assurance of examinations

4.2.1 Every examination tests the knowledge, insight and skills of the student.

4.2.2 The questions and assignments of an examination are clear and unambiguous, and contain sufficient indication for the required detailing of the answers.

4.2.3 The examination is appropriate and serves solely to establish whether the student has acquired the qualities determined beforehand to be the aim of the relevant course component, and as they are specified in the OER.

4.2.4 The examination is so specific that only students who have sufficient command of the material are able to answer the questions correctly. The examination is attuned to the level of the course component.

4.2.5 The questions and assignments of the examination are spread as evenly as possible over the examination material.

4.2.6 The questions and assignments of the examination only relate to examination material that has been announced in advance. Students are clearly informed beforehand of how and what they will be tested on.

4.2.7 The examination material includes the required readings, the workbook and any material covered during course lectures, seminars and any other teaching methods.

4.2.8 The duration of each examination is such that the student can reasonably be expected to have sufficient time to answer the questions and/or carry out the assignments.

4.2.9 The evaluation of written examinations takes place on the basis of criteria that have been specified in writing beforehand. Notwithstanding the provisions in art. 4.8 of the OER, the document outlining these criteria is not by definition public – this is determined by the examiner, per individual course. (Previously art. 18.2)

4.2.10 The Board of Examiners determines the procedure relating to the quality assurance of examinations.

4.2.11 The Board of Examiners assesses the validity, reliability and workability of the examinations on a random basis. The result of this assessment is then discussed with the relevant examiner or examiners.

4.2.12 The Board of Examiners may further carry out an investigation into the validity, reliability and workability of examinations if evaluations or results so warrant.

4.2.13 In the procedure and assessment referred to in 4.2.11 and 4.2.12, the Board of Examiners may request assistance from relevant experts.
Article 4.3  Access to examinations

4.3.1 The examiner must ascertain that the conditions for admission to the examination as specified in the OER, or that arise from the Act or a University regulation, have been met.

4.3.2 Admission to an examination may be subject to certain conditions. These need to be included in the relevant course description. For practical assignments and any other courses where assessment (wholly or partially) takes place on the basis of the preparation of and participation in course meetings – for a course only offered once per academic year – the Board of Examiners may make additional or alternative arrangements regarding a second or retake examination. For example, participation in the first examination (of a particular course unit) may be a condition for entry in any retake assignment(s). Moreover, an additional requirement of a certain minimum result at the first examination may be set.

4.3.3 (Not applicable)

4.3.4 A student is not entitled to participate in an examination when he or she does not meet the requirements of the so-called ‘restricted continuation regulation’. (See art. 4.2 of the OER concerning the mandatory order of course units).

4.3.5 Any examination that a student has taken whilst not having met the requirements outlined in the preceding articles is invalid.

Article 4.4  Examination dates

4.4.1 Dates of written examinations will be set and announced on behalf the Board of Examiners. See art. 4.1.4 of the OER.

4.4.2 Dates and times are set so as to avoid wherever possible any overlap of examinations in the same phase of a particular programme.

4.4.3 A student may submit a request for a solution for any timing overlap of two examinations, when he or she is enrolled in more than one master’s programme and/or more than one specialisation of the general Law programme, and wishes to participate in the examinations of both programmes.

4.4.4 A written request for a solution as intended in article 4.4.3 may be submitted no later than twenty working days prior to the date of the examination. It should be directed to the Board of Examiners of the relevant (master’s) programme and must be handed in in person to the academic advisor. Under the responsibility of the Board of Examiners, and after consultation with the examiners, a choice of one of two solutions can be made:

a. Both written examinations are held one after the other, on the same day and in the same location (whereby students are not entitled to leave the location in between);

b. For one written examination the originally set date will be maintained; with respect to the other examination, the student who made the request will be offered an alternative examination date,

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4 Such a request must be directed to the Board of Examiners of the relevant master’s programme and may be handed in with the study advisor.

5 This provision has a rather broad scope. Therefore the Board of Examiners has indicated that, with the application of this provision, consideration is given to whether the overlap is (on the one hand) a result of poor planning and/or lax study behaviour on the part of the student (for example by not having used previous examination opportunities and/or the deliberate accumulation of untaken examinations) and/or a student wanting to do too much at the same time without having demonstrated to be able to handle it, or (on the other hand), that there are good and legitimate reasons for the request (including when someone has demonstrated to be able to handle a larger than regular study load). See also art. 4.4.4.

6 Simultaneously, the student must also register for the regular examination, in the usual manner prescribed for the particular course unit.

7 The method of assessment for this examination is up to the discretion of the examiner and does not have to be identical to the method of the so-called regular examination; if the course is suitable, this may also be an oral exam.
after consultation with the student.

4.4.5 The dates as specified in article 4.4.1 can be modified only in case of force majeure, following the advice of the Programme Committee and taking into account the interest of students as reasonably possible.

4.4.6 The dates and times of oral examinations are determined by the examiner(s).

4.4.7 The provisions of 4.4.3 also apply, to whatever extent possible, to all examinations that take a form other than written or oral.

Article 4.5 Registration for and withdrawal from examinations

4.5.1 An examination can only be taken or its result assessed after the student has registered for the examination in a manner that has been determined and announced by or on behalf of the Board of Examiners.

4.5.2 In the following situations, without prejudice to other cases, a student is not entitled to participate in an examination:
   a. When registration for the examination did not take place in the prescribed manner (cf. 4.5.1);
   b. When he or she is not registered appropriately at Leiden University;
   c. When the Board of Examiners has excluded the student from participation in the examination on the grounds of a disciplinary action cf. art. 6 Para. 3.

4.5.3 During the registration period for an examination, a student may withdraw in the same manner that the registration took place.

4.5.4 The head of the student administration service ("OIC") is responsible for the publication of regulations and procedures surrounding exam registration.

Article 4.6 Conducting an examination – orderly conduct

4.6.1 The examiner(s) involved must ensure that, as needed, invigilators are appointed for any written examinations, who see to it that the examination takes place in an orderly manner.

4.6.2 At the request of the examiner or the invigilator, a student must present a student registration card together with a valid ID.

4.6.3 Students are allowed to enter the room where the examination is conducted until one hour after the official starting time. They may not finish their exam and leave the room any earlier than one hour after the official starting time of the examination.

4.6.4 Communication equipment, including mobile phones, must be switched off during the examination. Other electronic devices may not be used without the consent of the examiner.

4.6.5 The student is bound to follow the instructions of the Board of Examiners or the examiner as published prior to the examination, as well as any instructions given during and immediately following the examination.

4.6.6 If a student fails to follow one or more of the instructions as referred to in articles 4.6.2 to 4.6.5, the examiner may exclude him or her from further participation in the examination. Subsequently the examination will be graded 1 (out of 10). Before an examiner decides to exclude a student, he or she must give the student an opportunity to give a brief explanation.

4.6.7 The examiner informs the Board of Examiners in writing and without delay of any measures taken in pursuance to article 4.6.6.
Article 4.7 Oral examinations and provisions regarding course units

4.7.1 Oral examinations

4.7.1.1 During an oral examination only one student will be examined at a time, unless the examiner has determined otherwise (cf. art. 4.4 of the OER).

4.7.1.2 The examination for a course unit may consist of a group examination (cf. art. 4.4 of the OER; for assessment see OER art. 4.3.6).

4.7.1.3 At an oral examination preferably two members of teaching staff are present. If this is the case, then one staff member takes notes during the examination, itemising the topics discussed, and indicating – for example with a plus or minus sign – whether the student demonstrates sufficient knowledge of the particular topics. Should only one member of teaching staff be present, then, in addition to the note taking, the examination must be recorded. The examiner must keep the notes and/or any recording on file for a period of three months following the examination.

4.7.2 Thesis (cf. art. 3.1 and art. 3.3.2 OER)

4.7.2.1 Because a master’s programme – and within that each specialisation – is a complete, independent degree programme, which is focused on a specialised (legal) field, a student must, for every master’s/specialisation programme, write a thesis on a topic within the particular field of that programme.9

[NB The thesis should preferably relate to whatever extent possible to any research programmes that are linked to the master’s/specialisation programme.]

4.7.2.2 A student who takes more than one master’s programme and/or specialisation, must write the same number of theses as the number of programmes. No exemptions will be given for the thesis of any of the master’s programmes and/or specialisations.

For students who do two master’s programmes or specialisations, the following additional regulations apply (these refer to any of the specialisations within master’s programmes and to the six master’s programmes themselves):

- A student must write two master’s theses;
- Provided the subject area is suitable, a student may write a combined thesis (of 20 ECTS credits);

For the master’s programmes and specialisations in Criminology a student may not write a so-called combined thesis (of 40 ECTS credits);

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9 At the time the master’s programmes were created, the Faculty Board and the Education Board formulated the reasons that underlie these articles as follows:

"An individual thesis for each master’s programme

In the decision-making surrounding the new master’s programmes there is an element for which we ask extra attention: Every master’s or specialisation programme must be concluded with a thesis in the particular field. No more exemptions will be given in cases of students graduating in more than one specialisation, as is currently the case. The Law School presents two arguments for this.

1) (…) The new master’s/specialisation programmes each form a complete and individual degree programme as is evident from the ‘common denominator’ and the link to the research programmes of the Meijers Institute. In our new master’s programmes the Law School wishes to emphasise the importance of each master’s/specialisation area maintaining the colour and content of its own particular field (criminal law, civil law, etc.). After all, this is the field in which graduates will present themselves in the professional arena. The freedom of choice for the area of the thesis was at odds with this concept.

2) Until 2005 it was, in several cases, very easy to graduate with two specialisations. One frequently chosen combination is company and civil law. The exemption from having to write a second thesis strongly contributed to the ease of doing two degrees. The fact that two full degrees have been taken needs to be lived up to. (…)"

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Provided the subject area is suitable, a student may write a second thesis on the same theme or topic as the first thesis, focused on the particular subject area of the second master’s or specialisation programme.

Further explanation and case law for art. 4.7.2:

* For example: a student who writes on the topic of unlawfully obtained evidence may write either a combined thesis or two theses in succession for the two programmes (for instance by focusing on civil law and constitutional and administrative law or criminal law). The examiner determines whether the subject area is appropriate for either option.

** For a combined thesis there will be two examiners supervising the thesis, one representing each relevant subject area, and they will jointly determine the final grade.

*** The Board of Examiners of the general Law programme provides the following additional comments in response to questions regarding art. 4.7.2.2:

- The principle remains that for each specialisation area of the general Law programme a thesis to the value of 10 ECTS credits must be written. In exceptional cases it is possible to write a combined thesis of 20 ECTS credits for two specialisations. Aspects of (the content and theme of) each of these specialisations must form a substantial part of the thesis. Two members of teaching staff (one representing each specialisation) must approve the student’s thesis proposal, supervise the student, and ensure that the thesis actually warrants 20 ECTS credits. In order to maintain conformity and workload (i.e. the level, or, in terms of the framework document ‘Leiden University Register of Study Programmes’: the abstract structure) for the thesis, the chair of the Board of Examiners, via one of the academic advisers, must approve the students’ thesis proposal following the approval of the two supervisors. The two supervisors will jointly assess the thesis and determine the final grade.

- If a student writes a combined thesis of 20 ECTS credits, two exam report sheets of 10 ECTS will be issued, each listing the course title of the particular programme and/or specialisation.

### 4.7.3 Writing and supervision of a thesis outside the Leiden Law School

4.7.3.1 With due consideration of the provisions in art. 4.7.2, a student is entitled to write a master’s thesis, which forms part of an examination, with a university abroad or elsewhere in the Netherlands.

4.7.3.2 For the above-mentioned, both the approval of the thesis proposal and its final assessment - and along with that (at least part of) the supervision - must be in the hands of an examiner at the Leiden Law School. The Board of Examiners will appoint an examiner from within the faculty who will be involved with the approval and will determine the grade of the thesis.

Under no circumstances will permission or approval be given when the examiner deems the supervision from outside the Law School to be insufficiently guaranteed to safeguard the quality of the thesis.

Further explanation: This provision does obviously not exclude the fact that a student will receive actual and content-related supervision from a supervisor at another Dutch or a foreign university. Nevertheless, the topic, the thesis and the assessment of the final product must meet the Leiden criteria. The examiner of the Leiden Law School is, on the basis of the findings of the supervisor at the other university, ultimately responsible for the assessment and the awarding of the grade and he or she signs the exam report sheet.

### 4.7.4 Enrolment in more than one specialisation of the general ‘Law’ programme – course unit ‘Interaction between legal systems’

Issuing only one exam report sheet of 20 ECTS would have it appear on the diploma that a student has obtained a total of 70 ECTS credits, instead of the actually required and obtained 60 ECTS credits of the curriculum per master’s programme or specialisation.
A student who is, in addition to a specialisation of the general Law programme, enrolled in a second specialisation of this programme, is for this second specialisation not entitled to an exemption for the courses ‘Interaction between legal systems – Law enforcement’ and ‘Interaction between legal systems – Legal decision making’.

Examination of the Board of Examiners of the general Law programme:
For each specialisation of the general Law programme students must choose between the two courses or variants of the integration course ‘Interaction between legal systems’. No exemption will be given in case a student is enrolled in a second specialisation. After all, the principle stands that each master’s programme is an independent and complete programme, and that exemptions as were given in the past for the ‘old style’ programmes no longer be given. Likewise, no exemption is given for the thesis if a student is enrolled for a second master’s programme (see art. 4.7.2.2). This means that if a student in his or her first specialisation has chosen the course variant ‘law enforcement’, he or she should opt for the variant ‘legal decision making’ for the second specialisation – and vice versa.

Possible exemption for the course ‘Interaction between legal systems’ in the regular Law programme11 (for new students with a non-legal background and for those who have already obtained the right to enter legal practice):

There are two categories of students who may not need to take the course on ‘Interaction between legal systems’. The Board of Examiners must grant permission or exemption and specify a corresponding replacement in the form of an alternative course. It concerns:

a. Dutch students with a non-legal background who are not able to obtain the right to enter legal practice (the so-called ‘civil effect’); and
b. Students who have already obtained their ‘civil effect’ because they have graduated from an ‘old style’ programme in Dutch Law and would like to deepen their knowledge through the general Law programme.

Any request must be submitted to the Board of Examiners providing argumentation and specifying the particular course that the student wishes to take instead. Such an alternative course must in principle be at least at level 500.

The general ‘Law’ programme – conditions for the completion of Leiden curriculum course units and/or compulsory courses abroad
The Board of Examiners may allow a student to undertake a maximum of 10 ECTS credits worth of law courses* abroad (meaning the equivalent of one 10 ECTS or two 5 ECTS courses).

In order to do so, a student must submit a written and clearly motivated description of the content and learning outcomes of the particular course(s) to the relevant member of teaching staff. This member of teaching staff subsequently provides a written response providing arguments as to whether the course to be taken abroad is deemed to be at a level and load for it to adequately replace the course in the Leiden master’s curriculum for which he or she is responsible.

11 The Education Board in its meetings on the 3 July and 12 October 2007 (regarding the content of article 3.1 of the OER, being the course units and/or the course programme) decided that certain student categories do not need to take the course on ‘Interaction between legal systems’ in the general Law programme, after permission and/or exemption granted by the Board of Examiners, as well as a specific alternative course assigned as a corresponding replacement.
12 This concerns Dutch* students who are admitted to the master’s programme on the grounds of art. 5.2, 5.3 and 5.4.1 of the OER of the general Law programme; for example a student with a prior degree in politics and other students who because of their non-legal background might benefit more from a specific course other than ‘Interaction between legal systems’.

* For international students there are alternative English-language course units included in the curricula of the specialisations in ‘European Law’ and ‘Public International Law’ of the general Law programme, as alternatives/variants for the course on ‘Interaction between legal systems’.
The (chair of the) Board of Examiners then takes a decision whether or not to grant the request. The Board of Examiners will pass this information on to the Office for International Education and to the student administration service (“OIC”).

* NB underlying notion: courses that are essential for the so-called ‘civil effect’ are not eligible under this present provision.

Article 4.8  Entitlement to) Individual retakes

4.8.1 A student who has submitted the final version of his or her thesis, whereby the supervisor indicates that it may be reasonably expected that the thesis will receive a sufficient grade, and where the student has completed all but one of the courses of the master’s curriculum and would need to wait at least four months for the next scheduled examination opportunity for the last component of the compulsory curriculum for which a score of at least ‘5’ was achieved on at least one prior occasion, is entitled to an earlier individual retake examination for this course. For this provision the period between 1 July and the middle of August is not included in the calculation. This provision is not valid for course units entitled ‘Privatissimum’ and/or ‘Practicum’ as intended in art. 4.1.1 of the OER.

4.8.2 If the student has received permission for an individual retake, he or she must within one week make an appointment for the retake via the administration department for the particular course.

4.8.3 Withdrawal from an examination arranged as an individual retake or another specific arrangement must be done via the examiner or the administration department of the department or division to which the examiner belongs. Any withdrawal must have taken place at least 24 hours before the examination would have been held. Should a student act in violation of the preceding paragraph, this entitlement will lapse.

Article 4.9  Examination assessment (cf. art. 4.6 of the OER)

4.9.1 A student has successfully passed an examination if he or she achieves a grade of at least ‘6’. The examiner must round off any grades between 5.50 and 5.99 to 6, and any grades between 5.01 to 5.49 to a 5.*

* The Board of Examiners has decided that the examiner may determine that a student who has achieved a grade that is lower than a 6 may not take the examination again. This may be the case for parts of the examination curriculum of the programme for which the result is determined on the basis of two or more partial exams, if these constitute a combined pass grade for the course.

4.9.2 When determining the result of examinations, for which the grading is expressed in numbers, only whole numbers on a scale of 1 to 10 may be used. Rounding off must take place in the usual mathematical manner (i.e.: X.0 to X.49999 becomes X; X.5 to X.9999 becomes X+1).

4.9.3 In deviation from article 4.9.2 the thesis may be graded in whole or half numbers.° + °

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13 Should a student – who finds him- or herself in a situation as described in this provision – have an opportunity for a regularly scheduled examination, he or she must use this opportunity. If a student does not make use of this opportunity without valid reason and (or: “in order to”) request an opportunity for an individual retake shortly thereafter, the Board of Examiners may decide that the student must enroll in the course (again).

14 Half numbers may be given from 6 up and 5 down (i.e. not between 5 and 6; a grade of 5½ is therefore not permitted). The examiner must express the grade of theses directly as a whole or half number. Therefore no grades can be submitted to the student administration service in decimals that still require rounding off.

15 The possibility of half grades for theses applies from 1 September 2012; no distinction will be made between students who started their degree before, on, or after 1 September 2012. Therefore no transition arrangements are required.
Article 4.10  Validity of results (see art. 4.7 of the OER)

4.10.1  Retaking examinations

4.10.1.1  Examinations that have been successfully passed and have kept their validity may not be retaken. Only in very exceptional circumstances may the Board of Examiners deviate from this provision at the request of a student only on highly serious grounds. In such cases the latterly obtained grade replaces any prior grade, without exception. In case a failing grade was obtained there will be no entitlement to a retake conform art. 4.8.

4.10.1.2  In case of non-compliance with the provisions of paragraph 1, the Board of Examiners considers the second examination result invalid.

4.10.2  Period of validity of examinations

At the request of a student, the Board of Examiners may extend the period of validity of successfully completed examinations as specified in the OER, by a maximum of one year, in the case of individual and exceptional circumstances, whether or not of a personal nature, and only if the criteria or requirements set by the Board of Examiners have been met, and the learning outcomes of the particular course unit have not significantly changed.

Article 4.11  Perusal and final evaluation (see also art. 4.8 of the OER)

4.11.1  During the period specified in the OER, students are entitled to a perusal of the questions and assignments of any particular examination, along with the criteria used for grading. The questions and assignments may be perused on a single occasion at a location specified by the Board of Examiners or examiner. In principle any copying of the questions or assignments is prohibited.

4.11.2  General principle holds that if ten or more candidates have been examined at a time, the examiner will schedule a collective evaluation at a time and place determined by him or her.

Article 4.12  Exemption from examinations and practical assignments (see art. 4.9 of the OER)

4.12.1  A request for exemption from taking one or more examinations and/or participating in one or more practical assignments as referred to in the OER, must be submitted by the student in writing, and with clear arguments, to the Board of Examiners.

4.12.2  If a student has completed a course or course component from another programme – whether from one’s own or another faculty or institution – and the Board of Examiners grants a full exemption for this course at the request of the student, then the designation ‘exempt’ will be awarded instead of a numbered grade.

4.12.3  In case of a partial exemption, it will be determined under the auspices of the Board of Examiners whether the whole course will receive the designation ‘exemption will be granted’ or one numbered grade. Depending on the nature, scope and content of the course and its place in the curriculum, and on the part for which exemption is requested and the part for which examination still needs to take place, it will be determined on a case-by-case basis whether the designation ‘exempt’ will be given or a grade, as well as, in the latter case, how this grade is to be composed. General rule of thumb is that the student must have achieved a passing grade for both the exempted part as the part that must be examined.

16 The student must include these serious grounds in his or her request. Whether or not the seriousness of the case is considered to be valid is determined on a case-by-case basis.
Article 4.13  Retention periods

4.13.1 The examination (including any so-called model answers) and the work carried out in the context of this examination (answer sheets, papers, etc.) are to be kept for a period of six\(^1\) or two years, respectively.

4.13.2 A student’s thesis, including the assessment form, is to be kept for a period of six years.\(^2\)

4.13.3 The decisions of the Board of Examiners as well as the results of examinations are properly recorded. Access to the registered data is restricted to individuals mandated by the Board of Examiners.

Chapter 5  Final examinations and diplomas\(^3\)

Article 5.1  Final examinations

In deviation from and/or in addition to Article 4.10.1 of the OER, the Board of Examiners may decide that the final examination must also comprise an investigation conducted by the Board as referred to in Article 4.2.1. (See art. 4.10.2 OER.)

Article 5.2  No compensation

No compensation may take place. All individual examinations that form part of the final examination for the degree must be successfully passed.

Article 5.3  Approval of final examination programmes

A request for approval of a final examination programme as referred to in Article 7.3d of the Act must be submitted to the Board of Examiners in writing and with a motivation.\(^4\)

Article 5.4  Certificate and diploma supplement

5.4.1 As evidence that the final examination was successfully completed, and once the Executive Board has declared that all relevant procedural requirements have been met, the Board of Examiners issues a degree certificate. This certificate contains the data as described in Article 7.11, second paragraph, of the Act.\(^5\)

5.4.2 The certificate is drawn up in Dutch or English and in Latin. The certificate is signed on behalf of the Board of Examiners by two of its members, one of whom the chair. In the absence of the chair, the deputy chair will sign the certificate on his or her behalf.

5.4.3 Any person who has successfully completed more than one examination but who is not entitled to receive a degree certificate as referred to in 5.4.1, will receive, upon request, a statement by the Board of Examiners that specifies at least those examinations that were completed successfully.

Article 5.5  Final examination result

5.5.1 The Board of Examiners attaches to the result of the final examination a final grade for the achievements of the candidate. This grade is based on the average of the grades obtained for the

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\(^1\) This term is longer than two years because of quality assurance visitations.

\(^2\) If both a paper and an electronic version of the thesis are available then only the paper version needs to be kept.

\(^3\) Cf. Art. 7.10 and 7.11 of the Act.

\(^4\) Cf. Art. 7.3d of the Act (‘freedom of choice for course programmes in academic higher education’).

\(^5\) In an appendix included with the certificate, namely the diploma supplement, all course components belonging to the examination for the degree are listed. Additionally included are any course components not belonging to the degree programme, which, before their results were determined, the student had requested to take and that he subsequently passed successfully.
course components included in the final examination, weighted according to the course load.\textsuperscript{22}

5.5.2 If the result is a weighted average grade of 8.5 or higher, the Board of Examiners may confer the designation “\textit{cum laude}”.

**Article 5.6 Retention periods**

The results of final examinations are public. The examination registers containing the results of final examinations are kept indefinitely.

**Article 5.7 Exclusion from the programme or certain parts of it**

( Unsuitability for professional practice)

5.7.1 If a student demonstrates by his or her behaviour or remarks that he or she is unfit for the practice of one or more of the professions for which the programme provides an education, or for any practical preparation for such professional practice, the Board of Examiners may, upon request, advise the Executive Board regarding the refusal or termination of the enrolment of the particular student in the programme.

5.7.2 If the student, as referred to in Article 5.3, is enrolled in another degree programme, and in that context takes courses within a specialisation that corresponds to, or - in view of the practical preparation for professional practice - is related to a programme from which the student was excluded on the basis of Article 7.42a, paragraph one of the Act, the Board of Examiners will, upon request, advise the Executive Board as to whether the student should be allowed to take this specialisation or any other components of that particular programme.

5.7.3 The Board of Examiners issues an advice as intended in 5.7.1 and 5.7.2 within ten working days after being requested to do so by the Executive Board.

**Chapter 6 Fraud, irregularities and plagiarism**

**Article 6.1 Permitted texts, legal texts**

6.1.1 If during the course of an examination a student is permitted to use a text that he or she was allowed to bring to the exam, this text may not contain any notes.\textsuperscript{23}

6.1.2 In 6.1.1, the term ‘notes’ does not include the following:

- Underlining, shading and markings in the text with a fluorescent marker;
- References to articles of law;
- References to case law and other literature, provided this is explicitly permitted in the particular examination;
- Marginal notes that have been added by the publisher of a volume of legislation.

6.1.3 The above articles also apply to any legal text a student has brought to the examination that he or she is entitled to use.

**Article 6.2 Disciplinary measures to be taken by the examiner**\textsuperscript{24}

6.2.1 In case of an irregularity or fraud the examiner may immediately exclude a student from further

\textsuperscript{22} In order to determine the final examination result that is listed on the diploma supplement, a final grade is calculated. This is done by adding the grades of all course examinations, multiplied per unit by the number of ECTS credits; the total is then divided by the total of ECTS credits of all examinations. (cf. art. 4.10 OER)

\textsuperscript{23} This also applies to any tabs that the publisher may have added, or that were provided with the book in order to use them for tabbing – any legal texts may only contain the information as added by the publisher. No other information may be added.

\textsuperscript{24} NB See also art. 4.6 on orderly proceedings (and possible measures to be taken) during an examination.
participation in the examination. The examiner may confiscate any objects that the student may have in his or her possession and that may be important for the assessment of the irregularity or fraud.

6.2.2 A student is obliged to hand over to the examiner, upon his or her request, any objects in his or her possession that might be important for the assessment of an irregularity or fraud. The confiscated items will be returned to the student within a reasonable period of time.

6.2.3 If the examiner, without prejudice to the specifications in paragraph one of this article, is of the opinion that on the basis of an established irregularity or fraud, a disciplinary action must be taken against the student other than immediate exclusion from further participation in the examination, the examiner will contact the Board of Examiners.

Article 6.3 Disciplinary measures to be taken by the Board of Examiners

6.3.1 In case of an irregularity or fraud during the course of an examination, the Board of Examiners may choose to hear the examiner, the student, the invigilators and other parties.

6.3.2 The disciplinary actions that can be taken by the Board of Examiners are:
   a. An annulment of the results of the examination;
   b. The award of a grade of 1;
   c. Exclusion from participation in the examination in which the irregularity or fraud was committed for a duration of a maximum of one year and/or exclusion from participation in one or more examinations for a duration of a maximum of one year and/or exclusion from participation in any courses, examinations or the final examination of one or more programmes offered by the Law School for a maximum period of one year. Courses that are successfully completed at another faculty or higher education institution during such an exclusion period (including essays, papers and theses that were successfully completed) may under no circumstance be included in the curriculum.
   d. In the event of serious fraud, the Institutional Board may, following a proposal by the Board of Examiners, permanently terminate the student's enrolment in the programme.

Article 6.4 Further provisions regarding the relation between disciplinary measures taken by the examiner and the Board of Examiners in case of irregularities or fraud

6.4.1.1 If an irregularity* or fraud consists primarily of disrupting the orderly proceedings during an examination, it is generally sufficient for the examiner to remove the student from the examination and exclude him or her from further participation in the examination. The examiner does not collect the student's examination paper, so no claim can be made that the student participated in the examination. The examiner does not award the student a grade.

6.4.1.2 If an irregularity or fraud does not consist primarily of a disturbance of orderly proceedings during an examination, the examiner may choose from the following two options:
   a. The examiner may deal with the fraud or irregularity him- or herself by giving the student a grade of 1; **
   b. The examiner can ask the Board of Examiners to take disciplinary action. Should the examiner choose this option, he or she can still give the student a grade of 1; the disciplinary actions taken by the Board of Examiners will then be supplementary.

* Examples
   a. The irregularity or fraud consists of the appearance of notes in a law textbook or other texts the student was allowed to use during the examination. In general, the examiner will ask the Board of Examiners to take disciplinary action if he or she is of the opinion that the irregularity or fraud is so serious that the Board of Examiners should not merely declare the examination result invalid and/or award a grade of 1, but should also exclude the student from any future participation in examinations.
   b. A student was caught cribbing.
c. A student receives information or exchanges information with another student during the examination.

** In general it suffices for the examiner to award a grade of 1 for the examination, when he or she considers this an appropriate penalty for the irregularity or fraud.

6.4.2 If as a result of an irregularity or fraud the examiner asks the Board of Examiners to take disciplinary action, the examiner will make the objects that he or she has confiscated (under Article 6.2.2) available to the Board of Examiners. If the irregularity or fraud on the basis of which the examiner requests the Board of Examiners to take disciplinary action consists of notes in a legal textbook or another text, the use of tools that were not allowed by the examiner (for instance a book), etcetera, the examiner may provide the Board of Examiners with photocopies of the confiscated objects rather than the objects themselves. The examiner may in all cases choose, instead of the confiscated objects or photocopies, to hand to the Board of Examiners a testimony of the established irregularity or fraud, signed by two examiners.

6.4.3 If an examiner chooses to deal with an irregularity or fraud in the manner described in paragraph 1.1 or in paragraph 1.2 under (a), he or she will inform the chair of the Board of Examiners of this fact as soon as possible.

** Article 6.5 Disciplinary measurements to be taken in case of plagiarism\(^{25}\)**

6.5.1.1 The examiner/lecturer may declare invalid any essay, paper, thesis or research assignment in which plagiarism has been clearly demonstrated. If the examiner/lecturer chooses to deal with a case of plagiarism in this manner, he or she will immediately inform the chair of the Board of Examiners of this fact.

6.5.1.2 If the examiner/lecturer is of the opinion that, in addition to declaring the student’s examination invalid, additional disciplinary action must be taken against the student, he or she will contact the Board of Examiners.

6.5.1.3 If the examiner/lecturer requests the Board of Examiners to take disciplinary action as a result of plagiarism, the examiner will submit to the Board of Examiners the relevant essay, paper, thesis or research assignment.

6.5.1.4 In case of suspected plagiarism, the Board of Examiners may choose to hear the examiner/lecturer, the student, and other parties.

6.5.2 The disciplinary actions that the Board of Examiners can take are:

a. Declaring the essay, paper, thesis or research assignment invalid;

b. Excluding the student from participation in writing the essay, paper, thesis or research assignment for which plagiarism was established for the duration of a maximum of one year; in which case, within this period of exclusion, if an essay, paper, thesis or research assignment of the same nature as that for which plagiarism was demonstrated is successfully completed at another faculty or higher education institution, this work may under no circumstance be included in the student’s curriculum;

c. And/or exclusion from participation in one or more examinations for a duration of a maximum of one year, and/or from participation in courses, examinations and the final examination from one or more programmes offered by the Law School for a duration of a maximum of one year. Courses that are successfully completed at another faculty or other higher education institution during the period of exclusion may under no circumstance be included in the student’s curriculum.

d. In the event of serious fraud, the Institutional Board may, at the suggestion of the Board of Examiners, permanently terminate the student’s enrolment in the programme.

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\(^{25}\) Cf. Art. 4.5.1 OER. Leiden University’s definition of and views on plagiarism, and what the consequences may be should a student be found to have committed plagiarism, can be found on the university’s information pages with general information about plagiarism:

http://www.regulations.leiden.edu/education-students/plagiarism.html
Article 6.6 Entry in the electronic student record
In case a disciplinary measure is taken as referred to in chapter 6, this will be noted on the student’s electronic record.

Chapter 7 (Not applicable)

Chapter 8 Complaints and appeals

Article 8.1 Submission
8.1.1 A student may file a complaint or appeal as referred to in Article 7.61, first paragraph, of the Act, with the Examination Appeals Board, in response to a decision taken by the Board of Examiners or by one or more examiners appointed by this Board.
8.1.2 The term for filing a written appeal as referred to in 8.1.1 is six weeks after the written announcement of the decision against which the appeal is filed.

Article 8.2 Handling of complaints
Complaints are handled in accordance with the existing procedures as laid down in the Regulations on the Ombudsperson, the Regulations on Other Complaints, the Rules of Procedure of the Examination Appeals Board and the General Administrative Law Act.

Article 8.3 Handling of appeals
(Administrative) appeals are handled in accordance with the existing procedures. These are included in the Rules of Procedure of the Examination Appeals Board and the Student Charter.

Chapter 9 Annual reporting
9.1 The Board of Examiners produces a yearly report of its activities. The Board of Examiners submits this report to the Faculty Board.
9.2 The report must include the most important decisions of the Board of Examiners, as well as a description of the manner in which the Board of Examiners has fulfilled its responsibilities with respect to safeguarding the quality of examinations as referred to in Article 4.2.

Chapter 10 Final provisions

Article 10.1 Disabilities
10.1.1 A student with a physical or psychological disability or chronic illness is entitled to additional support facilities, depending on the nature of the disability.
10.1.2 The Board of Examiners provides such support facilities for the duration of the degree programme, or for the duration of the disability or illness if it concerns a temporary disability or illness. The Board of Examiners may determine that additional support is only provided after the student has submitted relevant medical evidence for the disability.

26 The provisions in art. 10.1 are implemented in compliance with the 'Protocol on studying with a disability at Leiden University' by the Executive Board, dated 29 May 2012.
10.1.3 Students to whom the provisions of paragraph 1 do not apply, may submit a request to the Board of Examiners for additional support during examinations (for instance the facilities as intended in paragraph 1), due to special circumstances. The Board of Examiners decides on the allocation of support facilities, and on which period they will be offered. The Board may decide that additional support is only provided after the student has submitted relevant medical evidence.

10.1.4 When the period for which the support facilities as intended in the preceding paragraphs has passed, the student may submit a new request for additional support facilities.

10.1.5 When a student is offered additional support during an examination and he or she without valid reason fails to attend, the Board of Examiners may on future occasions deny the student opportunity to qualify for these provisions.

10.1.6 Requests as intended in this article are handled by the academic adviser. (Art. 10.1 forms an addition to art. 4.3.3 and art. 6.5 of the OER.)

Article 10.2 Study abroad and internships
Students who might experience course or programme delays as a result of a period of study abroad approved by the Board of Examiners, or an internship approved by the Board of Examiners, will be accommodated to reduce the delay, to the extent reasonably possible, through arrangements made by or on behalf of the Board of Examiners.

Article 10.3 (Not applicable – namely art. 4.7.3)

Article 10.4 Special circumstances
10.4.1 In cases not covered by these rules and regulations, the Board of Examiners has the final say.

10.4.2 If in specific cases the unabridged application of these rules and regulations were to lead to an obvious injustice, the Board of Examiners is authorised to take a different decision.

Article 10.5 Amendments
In case of amendments to these rules and regulations that apply to the current academic year, or that may have substantial consequences for students already enrolled in the programme, any possible harm to the interests of the students involved must be avoided as much as possible.

Article 10.6 Final provision – general criteria
The Board of Examiners and the examiner will, with any decisions they make, take into account the following criteria and balance them as relevant:

a. The safeguarding of quality and selection requirements of examinations

b. Efficiency requirements, including those reflected in efforts to:
   - Reduce course delays for students wherever possible;
   - Urge a student to discontinue his or her studies, when it is evident that any successful completion of examinations has become unlikely;
   - Help students protect themselves from taking on too large a course load
   - Leniency towards a student, who, due to circumstances beyond his or her control has encountered delays in the progression of their degree programme.
Article 10.7 Entry into force

These rules and regulations will enter into force on 1 September 2013.