

Examination rules and regulations for the Master's degree programmes

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

as determined by the Board of Examiners of the Leiden Law School

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

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:

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 of the Leiden Law School, hereafter referred to as "the programme".

Article 1.2 Definitions

- mid-term exam: a test which, in addition to one or more other examinations or practical assignments, forms part of the final examination of a course unit and contributes to the final grade of that examination. The relative weighting is documented in the Course and Examination Regulations (*OER*) and/or the e-Prospectus.¹

- *OER*: the Course and Examination Regulations as established by the Faculty Board of the Leiden Law School, for the programmes in Law, Notarial Law, Fiscal Law, Forensic Criminology, Crime and Criminal Justice, and Child Law;

- invigilator: person who is entrusted by or on behalf of the Board of Examiners with the actual supervision of orderly proceedings during an examination;

- examination: Depending on the content and context of the relevant provision:
 - the total of assessments (mid-term exams and/or practical assignments) of a course unit that together determine the final grade
 - or
 - the moment at which a particular examination is held at a specific location.

- the Act/*WHW*: the Dutch Higher Education and Research Act (*WHW*)

Any other terms have the same meaning as defined by the *WHW* or the *OER*.

Chapter 2 Duties and procedure of the Board of Examiners

Article 2.1 Chair and secretary of the Board of Examiners

2.1.1 The Board of Examiners has a chair and a deputy chair.

2.1.2 The Board of Examiners is assisted by an official secretary.

Article 2.2 Duties and authority of the Board of Examiners²

2.2.1 The Board of Examiners is the body that is charged with the objective and expert

¹ Pursuant to Art. 1.2 letter Q and Art. 4.3 *OER*

² Pursuant to Art. 7.12, 7.12b and 7.11 *WHW* and Art. 24 of the 'Regulations of the Leiden Law School'

assessment of whether a student has met the conditions as set in the *OER* with respect to the knowledge, insight and skills required for the completion of the degree programme.

2.2.2 Without prejudice to the law and the regulations based upon it, it is at least the duty of the Board of Examiners:

- a) to ensure the quality of examinations;
- b) to ensure the quality of organisation and procedures relating to examinations;
- c) to determine regulations and instructions within the framework of the *OER* to assess and determine the result of examinations;
- d) to grant permission to a student to follow a curriculum composed by him or her as referred to in Article 7.3h of the law, for which the examination leads to a degree qualification;
- e) to grant exemption for taking one or more examinations on one of the grounds as listed in the *OER*;
- f) to verify the validity of the result of any successfully passed examinations and obtained exemptions, as determined in the *OER*;
- g) in special cases, to decide whether an examination must be oral, written or have some other form, in deviation from that which is specified in the *OER*;
- h) in special cases, to determine whether an examination should take place publicly or behind closed doors, in deviation from that which is specified in the *OER*;
- i) to grant exemption from the obligation to participate in practical assignments required for admission to a particular examination, possibly on the condition of having to meet alternative requirements;
- j) in individual cases, to approve the choice of course components that form part of the programme;
- k) at the student's request, and taking into consideration the specifications of the *OER*, to allow the student to be examined on one or more components of the final examination before the student in question has successfully completed the first-year examination of the particular programme;
- l) to determine, in as far as the Faculty Board has stipulated this as a condition for taking examinations or parts thereof, that there is evidence of a sufficient command of the programme language for successful participation in the programme for any student who has been granted exemption from the entry criteria as intended in Article 7.24 of the Act on the basis of a diploma obtained outside the Netherlands, or when a student has been exempted from the entry requirements for the first-year part of the programme;
- m) *not applicable*;
- n) to issue a certificate and a supplement as intended in Article 7.11 of the Act, as evidence that an examination has been passed successfully;
- o) to issue a statement that lists any successfully passed examinations in case a student has passed more than one examination, yet is not eligible to be awarded a certificate as referred to under (n);
- p) to take measures and impose sanctions in case a student has committed fraud.

Article 2.3 Procedure

2.3.1 The Board of Examiners decides by simple majority. In the event of a tie, the chair casts the deciding vote.

2.3.2 The Board of Examiners may mandate its members, or others who qualify on the basis of their position, in writing, to carry out certain tasks. The Board of Examiners may ascribe conditions and further instructions to this mandate. Mandates are

documented in a mandate register.

- 2.3.3 Mandated members take decisions on the basis of the relevant Rules and Regulations, the *OER*, previously established policies, and any other instructions acquired. They are accountable to the Board of Examiners for their actions.³
- 2.3.4 As needed, the Board of Examiners documents further internal organisation and procedures.
- 2.3.5 In case a student submits a request or a complaint to the Board of Examiners that involves a member of the Board of Examiners, the examiner in question will not take part in the handling of the request or complaint.

Chapter 3 Appointment of examiners

- 3.1 Prior to the start of each academic year, and at other times as needed, the Board of Examiners appoints examiners for setting examinations and determining the results of these examinations.⁴
- 3.2 An examiner must possess the expertise pertaining to the field of study and the setting of examinations in accordance with the requirements of Article 4.2.
- 3.3 The Board of Examiners can appoint external examiners. The Board must ascertain that these examiners meet the specified quality requirements.
- 3.4 The Board of Examiners informs the examiner of the appointment, and indicates the particular examination(s) to which the appointment applies. The Board of Examiners also informs students and staff involved of the appointment.
- 3.5 The Board of Examiners may withdraw an appointment if there are serious reasons to do so.
- 3.6 Examiners provide the Board of Examiners with information as requested.⁵

Chapter 4 Assessment and examinations

Article 4.1 Assessment methodology (cf. Art. 4.3 OER)

- 4.1.1 The assessment method(s) for any particular course unit is (are) documented in the course description in the e-Prospectus. The examination for a course unit can consist of multiple (mid-term) exams and/or practical assignments.
- 4.1.2 Assessment can take place in groups. Candidates will be assessed individually, even when a presentation, piece of research, report or other assignment is carried out as part of a group.
- 4.1.3 In special circumstances the Board of Examiners may, in consultation with the examiner, decide that the method of assessment for all students involved will be different from what was announced in the e-Prospectus. The examiner will announce the method of assessment at least fifteen working days prior to the day of the assessment.

³ For example, by tabling for discussion overviews of any decisions taken at a meeting of the Board of Examiners.

⁴ Cf. Art. 7.12c of the *WHW*. 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 of the appointed examiners, or a register thereof, is issued (in writing) for the benefit of those concerned.

⁵ Cf. Art. 7.12c, second section, *WHW*.

- 4.1.4 At the motivated request of an individual student, the Board of Examiners may allow a different method of assessment for this student from what is indicated in the course description.

Article 4.2 Quality assurance of examinations

- 4.2.1 Each examination of a course unit comprises an investigation into the knowledge, insight and skills of the student, as well as an assessment of the outcomes of that investigation.
- 4.2.2 The questions in an examination are clear and unambiguous and contain sufficient indication for the required detail in the answers.
- 4.2.3 The examination is appropriate and serves solely to establish whether a student has achieved the intended learning outcomes as described in the course description in the e-Prospectus.
- 4.2.4 The examination is specific, so that only those students who have sufficient knowledge of the subject can answer the questions correctly. The examination is in concurrence with the academic level of the course unit.
- 4.2.5 The questions in the examination are an accurate and balanced representation of the course materials.
- 4.2.6 The questions in the examination only relate to those subject materials as indicated in advance. It should be clear to students in advance how and what they will be assessed on.
- 4.2.7 At least two members of teaching staff, at least one of whom is an examiner, will be involved with composing the examination.
- 4.2.7a The exam materials include the required readings, the syllabus and any material covered during course lectures, seminars and other forms of teaching.
- 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 complete the assignments.
- 4.2.9 The assessment of written examinations takes place on the basis of criteria that have been specified in writing beforehand. Notwithstanding the provisions in Article 4.8 of the *OER*, the document outlining these criteria is not by definition disclosed – this is determined by the examiner, per individual course.
- 4.2.10 The Board of Examiners documents its procedures surrounding the quality assurance of examinations in a handbook, 'quality assurance of examinations at the Leiden Law School'.
- 4.2.11 The Board of Examiners assesses the validity, reliability and suitability of the examinations through sample checks. The result of this assessment is then communicated to the relevant examiner and discussed on request. The Board of Examiners may also formally invite the examiner for a discussion.
- 4.2.12 The Board of Examiners will also investigate the validity, reliability and suitability of an examination, if evaluations or the 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 the assistance of an expert.

Article 4.3 Access to examinations (cf. Art. 4.1 and 4.2 OER)

- 4.3.1 The examiner must ascertain that the conditions for admission to the examination as specified in the *OER*, the present regulation and in the course description in the e-Prospectus, or that arise from the Act or a university regulation, have been met.
- 4.3.1a When a course unit contains a practical assignment, then participation in the

examination is only allowed for those who have successfully passed the practical assignment.

4.3.2 *Not applicable.*

4.3.3 To participate in the examination of a particular course unit, the successful completion of another course unit may be required, or that a particular examination as indicated in the course description has been passed.

4.3.4 At the request of a student and in special circumstances, the Board of Examiners may deviate from what is determined in Articles 4.3.1a to 4.3.3. The Board of Examiners may set different entry criteria for participation in an examination.

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

Article 4.4 Examination dates (cf. Art. 4.1 OER)

4.4.1 Dates of written examinations will be set and announced on behalf of the Board of Examiners.⁶

4.4.2 Wherever possible, dates and times are set so as to avoid overlap of examinations in the same stage of a particular programme.

4.4.3 A student taking more than one master's programme and/or more than one specialisation in the Master of Laws programme or the Crime and Criminal Justice programme, and who wishes to take written examinations for each of these, may, when there is a timetabling clash for the particular exams be allowed, upon request, to take these examinations on the same date, directly after one another, and in the same room. In this instance, the student may not leave the room between the two examinations. When determining such timetabling clashes, the examinations for elective course units are not taken into consideration, when the clash occurs for the first examination opportunity of the academic year.

4.4.4 A written request for a solution as intended in Article 4.4.3 must be submitted no later than twenty working days prior to the examination date. The request must be submitted in person, to the academic adviser.

4.4.5 It is only possible to deviate from the dates referred to in Article 4.4.1 in case of *force majeure*, after consultation with the programme committee, and taking into account the interests of the students.

4.4.6 The dates and times for oral exams are determined by the examiner.

4.4.7 The provisions of Article 4.4.3 also apply, to the extent possible, to examinations in another form than written or oral.

Article 4.5 Registration for and withdrawal from examinations (cf. Art. 3.4 OER)

4.5.1 An examination can only be taken or be assessed when a student has registered for the exam in the way that was determined and announced by or on behalf of the Board of Examiners.

4.5.2 In the following cases a student is not allowed to participate in an exam:

- a. when the registration for the exam did not take place in the prescribed manner (cf. Art. 4.5.1);
- b. when the student is not registered correctly at Leiden University;
- c. when the student does not meet the entry criteria as intended in Article 4.3;

⁶ See Art. 4.1.4 of the OER

- d. when the Board of Examiners has excluded the student from participation in the examination on the grounds of a disciplinary action in accordance with Article 6.6.
- 4.5.3 During the period in which it is possible to register for exams, withdrawing is permitted in the same manner.
- 4.5.4 The head of the student administration at the Leiden Law School (*OIC*) is responsible for the publication of rules and procedures surrounding exam registration.⁷

Article 4.6 Conducting examinations – orderly conduct

- 4.6.1 When conducting written examinations, examiners must follow the university examination protocol.
- 4.6.2 The examiner(s) involved must ensure that, as needed, invigilators are appointed for any written examinations, who see to it that the examination is conducted in an orderly manner.
- 4.6.3 Upon the request of the invigilator or (on behalf of) the examiner, the student must identify him/herself properly with an original student ID in combination with an original and valid form of legal identity (passport, identity card, driver's license or Dutch alien's passport).
- 4.6.4 Students are allowed to enter the room where the examination is conducted up until 45 minutes after the official start time. After the invigilator has completed the exam attendance procedure, students cannot leave the room any earlier than 45 minutes after the start of the examination.
- 4.6.5 Communication equipment, including mobile phones, smart watches and other telecommunication devices must be switched off during the examination and be beyond the student's reach. Other electronic devices may not be used without the prior consent of the examiner.
- 4.6.6 The student must 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, by or on behalf of the Board of Examiners or the examiner.

Article 4.7.1 Oral examination (cf. Art. 4.4 OER)

- 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 At an oral examination preferably two members of teaching staff, one of whom an authorised examiner, are present. If this is the case, then one staff member takes notes during the examination, and itemises the topics discussed, indicating whether the student demonstrates sufficient knowledge of these topics. Should only one member of teaching staff be present, then, in addition to the notetaking, 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.

⁷ See the programme-specific student website for the regulations on exam registration under "Administrative matters" -> "Course and exam enrolment".

Article 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 and independent degree programme, focused on a specialised (legal) field, a student must, for every master's programme or specialisation, write a separate thesis on a topic within the particular field of that programme or specialisation.
If the thesis topic is suitable, to be determined by the examiners, a student may write a second thesis on the same theme or subject as the first thesis, centring on the legal area of that second master's programme or specialisation.
- 4.7.2.2 Notwithstanding Article 4.7.2.1 a student may, when taking two master's programmes or specialisations (the Criminology programmes excepted), write a combined thesis of 20 ECTS credits, if the topic is suitable, which is to be determined by the examiners of both programmes/specialisations. The student will have to submit a proposal to this end to both these examiners. Should permission be granted, then the student needs to submit a request for the writing of a combined thesis to the Board of Examiners.
- 4.7.2.3 A combined thesis as intended in Article 4.7.2.2 is supervised by the intended examiners. They must ensure that the thesis indeed warrants 20 ECTS credits and will jointly assess and grade the thesis. The Board of Examiners may appoint a third examiner. After completion of the thesis two separate exam slips will be issued with the title of each particular programme or specialisation.⁸

Article 4.7.3 Supervision of a thesis outside the Leiden Law School

- 4.7.3.1 With due consideration of the provisions in Articles 4.7.2, 4.9.3 and 4.9.4, and after obtaining the permission of the Board of Examiners, a student is entitled to write a master's thesis at a university abroad or elsewhere in the Netherlands.
- 4.7.3.2 Prior to the student submitting a request for permission to the Board of Examiners, the thesis topic must have been approved by an examiner of the particular specialisation or programme department. The Board of Examiners will not grant permission when the examiner considers the supervision from outside the Leiden Law School to offer insufficient guarantees with respect to the quality of the thesis.
- 4.7.3.3 When granting permission, the Board of Examiners will appoint a supervisor from within the Leiden Law School, who will have (final) responsibility for the assessment and grading of the thesis. The assessment of the thesis will need to meet the procedural and content-related quality requirements as set by the Leiden Law School.

Article 4.7.4 'Interaction between legal systems' (ILS) – Master of Laws and LL.M. Child Law

A student who, in addition to a specialisation in the general Master of Laws programme, is enrolled in a second specialisation of this programme, is not entitled to an exemption for the ILS courses 'Interaction between legal systems – Law enforcement' [*Interactie tussen rechtssystemen – rechtshandhaving*] and 'Interaction between legal systems – Legal decision making' [*Interactie tussen rechtssystemen – rechtsvinding*] for this second specialisation.

⁸ An exam slip for 20 ECTS credits cannot be issued, as this would suggest on the diploma that the student has obtained 70 ECTS credits rather than the required and obtained 60 ECTS curriculum per master's programme or specialisation.

A student who, in addition to a specialisation in the general Master of Laws programme, is enrolled in a second specialisation of this programme and/or in the Child Law programme, is not entitled to an exemption for the course unit 'ILS' in the second programme, when the ILS course is the same in both programmes. If this is the case, the student must take one of the alternative variants of the ILS course as part of the second or subsequent specialisation or programme.⁹

Article 4.7.5 Substitution of a course unit from the Master of Laws programme by a course unit from a foreign institution

4.7.5.1 The Board of Examiners may allow a student to take a maximum of 10 ECTS worth of law course credits (i.e. a 10 ECTS or two 5 ECTS course units) abroad, as a substitute for a course unit in the Master of Laws programme at the Leiden Law School.

4.7.5.2 To qualify for such substitution the student must submit a written and motivated request to the examiner of the course unit to be substituted, prior to enrolling in the foreign course. In this request, the student must provide a clear course description, including the learning outcomes, of the foreign course unit.

The examiner will subsequently respond in writing, providing a reasoned response to the question as to whether the foreign course unit is of sufficient quality and scope that it can replace the course unit for which he or she is responsible in the Leiden programme.

The request and the response will then be forwarded to the Board of Examiners, after which the Board of Examiners will take the decision.

4.7.5.3 Course units that are required for the award of the so-called 'civil effect'¹⁰ cannot be replaced by foreign course units. Foreign course units that are equivalent to the Dutch civil effect courses can only be added to the diploma supplement as extracurricular courses.

Article 4.7.6 First and second examination attempts (cf. Art.4.7a and 4.1 OER)

4.7.6.1 Twice per academic year examinations are scheduled for each of the course units offered in that academic year, with the exception of the course units designated as 'Privatissimum' and/or 'Practicum', which are only examined once per academic year. When the examination for a course unit consists of more than one mid-term assignment/exam, the course description in the e-Prospectus can stipulate that retakes are not offered for all mid-terms. In this instance, the student should at a minimum be enabled to pass the course during the re-take examination, by means of an examination that is representative for the course.

4.7.6.2 No re-takes are offered for practical assignments (i.e. exams where the assessment is entirely or partly based on the preparation of and participation in taught courses), with the exception of the examiner having the authority to determine that a student is eligible to carry out a substitute re-take assignment or task in special circumstances.

⁹ This article does not apply to students who started the LL.M. programme **before** 1 September 2017, and have successfully completed the ILS course on 'Law enforcement' and/or 'Legal decision-making' in this context. In accordance with the transition regulations on the Leiden Law School's student website.

¹⁰ A requirement to be entitled to practice law in the Netherlands.

Article 4.8 Individual retakes ('last course regulation')

4.8.1 At the request of a student who has successfully completed all but one of the course units of the master's curriculum, the Board of Examiners may grant permission for an individual retake for a previously failed examination when:

- the student has submitted the final version of the thesis, for which the supervisor has indicated that the award of a passing grade can be expected;
- **and** the student would have had to wait at least four months for the next available examination for the particular final course unit (where the period between 1 July and the middle of August is not counted);
- **and** the student obtained a grade of five at least once at an earlier examination for the relevant course unit.

This provision does not apply to course units that are designated as 'Privatissimum' and/or 'Practicum' as intended in Article 4.1.1 of the *OER*.

Permission can be denied when the student has not, without valid reason, made use of an earlier regularly scheduled examination opportunity for the relevant course unit.

Permission will be denied if in that same academic year, the student attempted a retake after having obtained a passing grade at an earlier instance for the particular last course (Article 4.1.8.1 et seq. of the *OER*).

4.8.2 *Not applicable.*

4.8.2a When the student, within six months after an individual retake, submits a second request for permission for an individual retake for that same course unit, the Board of Examiners may deny permission.

4.8.3 When the student has obtained permission for an individual retake, he or she must make an appointment for the examination via the administrative office of the relevant course unit within one week after obtaining the permission.

4.8.4 Withdrawing from an individual retake must be done via the examiner or via the administrative office of the relevant course unit, with at least 24 hours notice.

4.8.5 When a student acts in violation of the provisions in Article 4.8.3 and Article 4.8.4, the permission becomes invalid.

Article 4.9 Examination assessment (cf. Art. 4.6 OER)

4.9.1 The examiner determines the results of the examination (i.e. the final grades) for a particular course unit. A student has successfully passed an examination if he or she achieves a grade of at least '6'. The examiner must round off all grades between 5,01 to 5,49 to a 5.

4.9.2 When determining the result of the examination (i.e. the final grade) of a course unit, for which the grading is expressed in numbers, only whole numbers on a scale of 1 to 10 may be used, where rounding off is done in the usual mathematical manner (i.e.: X,0 to X,49999 becomes X; X,5 to X,99999 becomes X+1).

4.9.3 When an examination (i.e. the final grade) of a course unit consists of more than one exam and/or assignment, the grades for these exams or assignments (with the exception of the so-called '*tussentoets*') are rounded off to one decimal on a scale of 1 to 10 and multiplied by the weight factor as indicated in the course description in the e-Prospectus. The numbers thus obtained are added to become the final grade, determined in accordance with Articles 4.9.1 and 4.9.2.

4.9.4 If the final grade for a particular course unit is determined on the basis of a grade for one or more practical assignments and a grade for a final examination, the grade(s) obtained for the practical assignment(s) count(s) for the same percentage for the final grade after a second examination opportunity, as it/they did for the first examination opportunity, unless the e-Prospectus states otherwise.

- 4.9.5 If for a written assignment a resubmission is allowed, it can be specified in the e-Prospectus that the final grade, in deviation from Article 4.9.2, may be capped at a grade 6, provided the student is given the choice between making use of the option to resubmit, and a re-take examination.
- 4.9.6 Permission to resubmit as referred to in Article 4.9.5, is understood as the possibility to improve an unsatisfactory result for a written assignment with the help of the examiner's comments.
- 4.9.7 When a course has a bonus point system, it should be ensured as far as possible that any bonus point is awarded only after it has been established that it actually reflects an individual achievement by the student. A bonus point may not lead to an increase of the final grade by more than 0.5.

Further provisions on thesis assessment:

- 4.9.8 For the assessment of the thesis, the examiners must take into account the Leiden Law School's thesis manual.
- 4.9.9 In deviation from Article 4.9.2, the grading of the thesis is in whole or half numbers, unless the grade is between 5 and 6.

Article 4.10.1 Retaking examinations

- 4.10.1.1 If a student has the right, under Article 4.8.1.1 *OER*, to retake an examination for which a passing grade was obtained but has not been able to exercise this right as a result of demonstrable *force majeure*, the Board of Examiners may grant permission to take part in the next regular examination opportunity.
- 4.10.1.2 Articles 4.1.7, 4.1.8.4, 4.1.8.6 and 4.1.8.7 *OER* apply *mutatis mutandis*.

Article 4.10.2 Validity of examinations and exemptions (cf. Art. 4.7 *OER*)

The validity of results of successfully passed examinations and any obtained exemptions is verified by the Board of Examiners. Results and exemptions can only be declared invalid when they were obtained or granted more than three years ago¹¹, **and** when the examined knowledge, insight and/or skills are demonstrably outdated. In case the student receives a financial allowance from the student support fund ['Profileringfondsen'] in relation to individual, special circumstances as referred to in Article 7.51 paragraph 2 of the Act, the Board of Examiners may extend the validity in individual cases for the duration of the financial compensation.

Article 4.11 Right to perusal, and debriefing (cf. Art. 4.8 *OER*)

- 4.11.1 Article 4.8 *OER* applies to the right to perusal and debriefing for written examinations.
- 4.11.2 The student may make a copy of his or her assessed work, provided this is done under the supervision of or on behalf of the examiner. The exercise of this right may be subject to conditions set by the examiner.
- 4.11.3 Articles 4.8 *OER* and Article 4.11.2 of these Rules & Regulations are equally applicable to theses.

Article 4.12 Exemptions from examinations and practical assignments (cf. Art. 4.9 *OER*)

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

¹¹ This period of three years starts on the 1st of September of the academic year following that in which the examination was passed or the exemption was granted (cf. Art. 4.7.3 *OER*).

arguments.

- 4.12.2 If a student has completed a course or course component from another programme – whether from his/her 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” [*vrijstelling*] will be awarded instead of a numerical 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 “exempt” or whether a numerical grade is awarded. 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 awarded or an actual grade, as well as, in the latter instance, how this grade is to be composed. As a rule of thumb, a student must have obtained a passing grade for both the exempted part as well as the part that must still be examined.
- 4.12.4 A student is not allowed to follow course units that form an obligatory part of his or her study programme with another study programme, without the explicit permission of the Board of Examiners. No exemption is granted if a unit of study has been obtained from another programme without such permission.

Chapter 5 Final examinations and diplomas

Article 5.1 Taking the examination (cf. Art. 4.10 OER)

- 5.1.1 In addition to Articles 4.10.1.1 to 4.10.1 of the *OER*, the Board of Examiners may determine that the examination also includes an investigation conducted by the Board itself, as intended in Article 4.2.1 of these present regulations.¹²

Article 5.2 No compensation

All individual examinations that form part of the final examination for the degree must be successfully passed. No compensation is allowed.

Article 5.3 Approval of individual curricula

A motivated request for approval of an individual degree programme as referred to in Article 7.3d of the Act must be submitted to the Board of Examiners in writing.

Article 5.4 Degree 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.¹³
- 5.4.2 The degree certificate is drawn up in Dutch or English and in Latin. The certificate is signed on behalf of the Board of Examiners by at least one of its members with a so-

¹² Cf. Article 4.10.2.1 *OER*.

¹³ In an appendix included with the degree certificate, the diploma supplement, all course components belonging to the degree programme are listed. Also included are any course components not belonging to the degree programme, and which, before their results were determined, the student had requested to take and subsequently passed successfully.

called 'wet ink' signature, with light-resistant ink.

- 5.4.3 The Board of Examiners adds a diploma supplement to the degree certificate. The supplement provides insight into the nature and content of the completed degree programme, also with a view to the international recognition of diplomas. The Leiden diploma supplement complies with the agreed European standard format.
- 5.4.4 Any person who has successfully passed more than one examination, yet is not eligible to be awarded a degree certificate as referred to in Article 5.4.1, will receive upon request a statement from the Board of Examiners that lists at least those examinations that were passed successfully.

Article 5.5 Degree classification (cf. Art. 4.12 OER)

- 5.5.1 The Board of Examiners awards a classification of "passed" to the final result of the degree programme, which, if the conditions described in the *OER* are met, may be supplemented with the designation "cum laude" or "summa cum laude".
- 5.5.2 The Board of Examiners will award the designation "cum laude" or "summa cum laude" in accordance with the relevant provisions of the *OER*.
- 5.5.3 The Board of Examiners will apply the stipulations in the *OER* concerning the award of the predicate "cum laude" and the predicate "summa cum laude" equally to part-time students as they apply to full-time students.

Chapter 6 Fraud and other irregularities

Article 6.1 Definitions and general rules

- 6.1.1 It is forbidden for students to commit fraud or other irregularities during examinations, midterm exams and practical assignments, including with respect to the thesis and other written assignments.
- 6.1.2 In this chapter the following terms and definitions apply:
- fraud any action, omission or intention that fully or partially undermines the rightful assessment of a person's knowledge, insight, skills, (professional) attitude or reflection. This also includes the intention or incitement to such action or omission. It can, among many other forms, involve committing plagiarism, the providing of one's own work to another person with the aim, understanding or expectation that this will be submitted for assessment by the other person as their own work, bringing notes to an examination (see Article 6.2), bringing communication equipment (such as a mobile phone or smart watch), pretending to be someone else, exchanging information with another person, or any other form of cheating;
Gaining access or attempting to gain access to courses or examinations on fraudulent grounds also constitutes fraud.
 - plagiarism: Plagiarism includes, in any event:
 - a. Using or copying another person's texts, data or ideas without complete and accurate source referencing;
 - b. Not indicating clearly in the text, for example with quotations marks or a specific text format, that the text was literally taken from another author's work, even when a correct source is included;

- c. paraphrasing the content of another person's texts without adequate source referencing;
- d. submitting a previously submitted or similar text for assignments from other exam components
- e. copying the work of fellow students in an attempt to pass this for one's own work;
- f. submitting assignments that have been obtained from a commercial organisation or that (either with or without payment) have been written by someone else.

- other irregularity: acts or omissions that do not consist of committing fraud, but that otherwise disrupt the orderly sequence of events during the examination, for example because the student does not follow one or more instructions as referred to in Articles 4.6.2 to 4.6.5.

Article 6.1a Duty to report for examiners

The examiner must report fraud and other irregularities during an examination and fraud (plagiarism) in any written assignments to the Board of Examiners at all times.

Article 6.2 Bringing appliances and (legal) texts

- 6.2.1 When taking an examination, it is only allowed to make use of texts or other equipment if and to the extent permitted by the examiner and/or the Board of Examiners for that examination.
- 6.2.2 When students are allowed to bring a certain text to an examination, this text may not contain any annotations. This also applies to any tabs that the publisher may have added, or were provided with the (hand)book. These tabs may only contain the information as added by the publisher.
- 6.2.3 The term 'annotations' in Article 6.2.2 does not include the following:
 - underlining, shading and marking with a fluorescent marker, pencil or pen;
 - references to articles of law;
 - references to jurisprudence and other literature, provided this is explicitly allowed for a particular examination;
 - Annotations in the margin added by the publisher of the legal publication.
- 6.2.4 The two articles above also apply to any legal text a student has brought to the examination that he or she may be entitled to use.

Article 6.3 Disciplinary measures to be taken by the examiner in case of fraud and other irregularities during an examination

- 6.3.1 In case of fraud or another form of irregularity the student will be immediately excluded from further participation in the examination. In case of fraud the examiner will mark the examination with a grade of 1. In the event of another irregularity, the exclusion will result in the examination being assessed in the state in which it is at the time of exclusion.
Before the examiner decides to exclude a student, the student will be given the opportunity to offer a brief explanation.
- 6.3.2 When the examiner, notwithstanding the provisions of Article 6.3.1, is of the opinion that in view of the plagiarism or other irregularity an additional disciplinary measure should be taken affecting the student involved, he/she will confer with the Board of Examiners.

Article 6.4 Disciplinary measures to be taken by the examiner in case of fraud regarding written assignments (plagiarism)

- 6.4.1 In case the examiner detects plagiarism in an essay, paper, thesis or other written assignment, he/she will mark the examination with a grade of 1.
Before the examiner decides to do this, the student will be given the opportunity to offer a brief explanation.
- 6.4.2 When the examiner, notwithstanding the provisions of Article 6.3.1, is of the opinion that in view of the plagiarism an additional disciplinary measure should be taken affecting the student involved, he/she will confer with the Board of Examiners.

Article 6.5 Confiscation and duty to report

- 6.5.1 The student is obliged to hand over to the examiner any items which the examiner considers to be important for the assessment of the fraud or other irregularity. The examiner is authorised to take (photo)copies of any such belongings for the purpose of that assessment.
The confiscated items will be returned to the student within a reasonable timeframe.
- 6.5.2 The examiner reports any cases of fraud or other irregularities during an examination and fraud (plagiarism) regarding written assignments, to the Board of Examiners.
- 6.5.3 When the examiner is of the opinion that an additional disciplinary measure should be taken affecting the student, as intended in Articles 6.3.2 and 6.4.2, he/she will submit to the Board of Examiners the items or (photo)copies that were confiscated applying Article 6.5.1. In all cases the examiner can, in place of the confiscated items or (photo)copies, submit to the Board of Examiners an official report signed by two examiners.

Article 6.6 Disciplinary measures to be taken by the Board of Examiners

- 6.6.1 In case of fraud or another regularity at an examination, or fraud (plagiarism) with respect to a written assignment, the Board of Examiners can, at its own initiative or at the request of the examiner, decide whether or not to take (additional) disciplinary measures.
- 6.6.2 Before the Board of Examiners decides to take disciplinary action, the examiner and the student are given the opportunity to be heard.
- 6.6.3 The disciplinary measures the Board of Examiners can take, whether or not in combination, are as follows:
- a. Invalidate the result of the examination and/or in case of plagiarism, the written assignment;
 - b. Exclude the student from participation in the examination in which the fraud or irregularity was committed for a duration of no more than one year;
 - c. Exclude the student from participation in one or more (other) examinations for a duration of no more than one year;
 - d. Exclude the student from participation in any courses, examinations and the final examination of one or more programmes offered by the Law School for a duration of no more than one year.
- (Parts of) examinations that are successfully completed at another faculty or educational institution during this period of exclusion (including papers, theses or other written assignments), may under no circumstances count towards the degree programme at the Leiden Law School.
- 6.6.4 In the event of serious fraud, the Board of Examiners may request the university's Executive Board to permanently terminate the student's enrolment in the

programme.¹⁴

Article 6.7 Entry in the electronic student file

In case a disciplinary measure is taken as referred to in this chapter, it will be recorded in the student's electronic file.

Chapter 7 *Not applicable*

Chapter 8 Annual reporting and data retention

Article 8.1 Annual reporting

8.1.1 The Board of Examiners compiles an annual report of its activities. The Board of Examiners submits this report to the Faculty Board.

8.1.2 The report shall in any case include the most important decisions of the Board of Examiners and a description of the manner in which it has fulfilled its task with regard to the quality assurance of examinations as referred to in Article 4.2.

Article 8.2 Data retention

8.2.1 The examination (including any so-called model answers) must be kept for a period of seven years. Any assignments the students did in the context of this examination are kept for a period of two years.

8.2.2 A student's thesis, including the assessment forms, will be kept for a period of seven years. When both a written and an electronic version of the thesis and completed and signed assessment forms are available, then it is sufficient to keep the electronic version.

8.2.3 The results of examinations are public. The exam registers in which the results of examinations are listed are kept indefinitely.

8.2.4 The decisions by the Board of Examiners as well as the results of examinations are accurately registered. Only those who have been mandated by the Board of Examiners have access to these registered data.

Chapter 9 Other provisions

Article 9.1 Special facilities during examinations (cf. Article 4.3.2 and 6.5 OER)

9.1.1 A student with a physical or mental disability or chronic illness, depending on the nature thereof, is entitled to special facilities.

9.1.2 The Board of Examiners permits the facilities referred to in Article 10.1.1 for the

¹⁴ See Article 7.12B, second paragraph, last full sentence, *WHW*.

duration of the academic programme, or for the duration of the disability or illness when it concerns a temporary disability or illness. The Board of Examiners can determine that the facilities are only allowed after the student submits a medical statement confirming the disability or illness. The 'Protocol on studying with a disability' applies to acquiring the facilities referred to in this article.¹⁵

- 9.1.3 Students to whom the provisions in Article 10.1.1 do not apply, may request the Board of Examiners to agree to special facilities during examinations due to special circumstances. The Board of Examiners decides on the approval of such facilities, and determines during which period they are permitted. The Board of Examiners can determine that the facilities are only allowed after the student submits a medical statement. In some cases, the Board of Examiners may refer the student to the student counsellor in order to obtain written advice regarding the question whether, and if so which, special facilities would be necessary, appropriate and suitable.
- 9.1.4 When the period for which the facilities referred to in this Article have been allocated has ended, the student can submit a new request for the approval of special facilities.
- 9.1.5 Requests as intended in this Article must be submitted by the student to their academic advisor.

Article 9.2 Special circumstances

- 9.2.1 In cases for which these rules and regulations do not provide, the Board of Examiners will decide.
- 9.2.2 If, in exceptional cases, the unabridged application of the provisions in these rules and regulation leads to evident unfairness, the Board of Examiners is authorised to decide otherwise.

Article 9.3 Changes

In case changes are made to these rules and regulations that apply to the present academic year, or that have significant consequences for those who were already enrolled in the programme prior to the change, any negative consequences for the students involved will be prevented as much as possible.

Article 9.4 Final provisions

- 9.4.1 These rules and regulations take effect on October 1, 2018.
- 9.4.2 Requests from students received prior to the entry into force of these rules and regulations and which have not been decided upon before that time will be subject to the rules and regulations as they read at the time of receipt of the request, unless the present rules and regulations are more favourable to the student.

¹⁵ The protocol can be accessed via:

<https://www.organisatiegids.universiteitleiden.nl/en/regulations/general/protocol-studying-with-a-disability>.