

Examination rules and regulations by the Board of Examiners of Leiden Law School

for the Advanced Master's degree programmes in

Air & Space Law;
European and International Business Law;
European and International Human Rights Law;
Law and Digital Technologies;
International Children's Rights Law;
International Civil and Commercial Law;
International Dispute Settlement and Arbitration;
International Law and Finance; and
Public International Law.

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

supplementary to and a constituent part of the Course and Examination Regulations of the master's degree programmes of Leiden Law School and adopted by the Board of Examiners on the grounds of its exclusive authority for this purpose by virtue of Article 7.12b paragraph 3 of the Dutch Higher Education and Research Act. There is no right to be consulted or right of consent concerning the adoption of these rules and regulations.

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Chapter 1 General provisions

Article 1.1 Scope

These rules apply to the examinations of the Advanced Master's degree programmes Air & Space Law; European and International Business Law; European and International Human Rights Law; Law and Digital Technologies; International Children's Rights Law; International Civil and Commercial Law; International Dispute Settlement and Arbitration; International Law and Finance; and Public International Law.

Article 1.2 Definitions

- AI software: Artificial Intelligence is the ability of a machine to display human-like capabilities such as reasoning, learning, planning and creativity. Types of AI software are virtual assistants, image analysis software, search engines, speech and face recognition systems, (self-learning) applications that are independently able to discover existing or new connections and/or patterns in (big) data and to independently make decisions, and chatbots such as ChatGPT; an evaluation of the knowledge, understanding and skills of the student with respect to a particular component, and an assessment thereof (in accordance with Article 7.10 of the Act). The evaluation can take place in written, oral or digital form, or as a combination of these methods. An examination may consist of several constituent tests. Credits are only awarded for examinations passed.
- examination: person who is entrusted by or on behalf of the Faculty Board with the actual supervision of orderly proceedings during an examination, either physical or digital, using surveillance software;
- invigilator: 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 description in the Prospectus;
- mid-term exam: the Course and Examination Regulations as established by the Faculty Board of Leiden Law School, for the Advanced Master's programmes in Air & Space Law; European and International Business Law; European and International Human Rights Law; Law and Digital Technologies; International Children's Rights Law; International Civil and Commercial Law; International Dispute Settlement and Arbitration; International Law and Finance; and Public International Law.
- OER: a practical assignment as (part of) an examination as intended in Article 7.13, second paragraph, under d of the Act, in one of the following forms:
 - writing a thesis,
 - writing a paper or draft setup,
 - carrying out a research assignment,
 - participating in an excursion,
 - doing an internship,
 - participating in another type of educational activity that is aimed towards acquiring particular skills;
- practical assignment:
- the Act: the Dutch Higher Education and Research Act.

Any other terms have the same meaning as defined by the Act 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.
- 2.1.3 The Board of Examiners has an external member.

Article 2.2 Duties 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 met the conditions as set in the *OER* with respect to the knowledge, insight and skills required for obtaining the degree qualification.

2.2.2 Without prejudice to the Act and the regulations based upon it, the Board of Examiners in any case has a duty:

- 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) *not applicable*;
- e) *not applicable*;
- 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 *E-Prospectus*;
- 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 units that form part of the programme;
- k) *not applicable*;
- 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;
- m) *not applicable*;
- n) to issue a degree certificate and a supplement as intended in Article 7.11 of the Act, as evidence that the degree 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 degree certificate as referred to under (n);
- p) to take measures and impose sanctions in case a student has committed fraud;
- q) to appoint examiners;
- r) to issue the study progress decision to students with a residence permit on behalf of the Executive Board, as referred to in the Aliens Decree 2000 and the Leiden University Regulations on Study Progress of International Students (MoMi) 2024;

- s) to compile an annual report of its activities for the Faculty Board.

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, See Appendix 1.
- 2.3.3 *Not applicable;*
- 2.3.4 As needed, the Board of Examiners documents further internal organisation and procedures.

Chapter 3 Appointment of examiners

Article 3.1

- 3.1.1 Prior to the start of each academic year, and at other times as needed, the Board of Examiners appoints examiners for setting examinations.
- 3.1.2 An examiner possesses the expertise pertaining to the field of study and the setting of examinations in accordance with the requirements of Article 4.2.
- 3.1.3 The Board of Examiners can appoint external examiners. The Board must ascertain that these examiners meet the specified qualitative requirements.
- 3.1.4 The Board of Examiners informs the relevant examiner of the appointment and indicates the particular examination(s) to which the appointment applies. At a student's request, the Board of Examiners provides an overview of the examiner(s) appointed for any particular course unit.
- 3.1.5 The Board of Examiners may withdraw an appointment if there are serious reasons to do so.
- 3.1.6 Examiners provide the Board of Examiners with information as requested.
- 3.1.7 The Board of Examiners may assess the expertise of external examiners based on their Curricula Vitae, publications lists, teaching qualifications where applicable, such as may be apparent from BKO-certification or comparable qualifications.

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 Prospectus. If the examination of a course unit is comprised of more than one separate assessment or practical exercise, the Prospectus will state the extent to which the separate assessments or exercises count towards the final examination grade for the course.

- 4.1.2 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 Prospectus. The examiner will announce this alternative method of assessment at least fifteen working days prior to the day of the assessment.
- 4.1.3 Assessments 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. An individual assessment is not mandatory if a group assignment accounts for no more than 30% of the final grade.
- 4.1.4 In special circumstances and on the request of a student, the Board of Examiners may permit a student to take an exam in a different manner than that stated in the Prospectus, or than stated by a decision that deviates from the Prospectus as provided for in Article 4.1.2.

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 should be clear and unambiguous and contain sufficient indications for the required detail of the answers.
- 4.2.3 The examination is appropriate and serves solely to establish whether a student has achieved the intended learning outcomes as determined and listed beforehand in the course description in the Prospectus.
- 4.2.4 The examination corresponds to the content and the academic level of the course unit.
- 4.2.5 The questions and assignments in the examination are an accurate representation of the course materials.
- 4.2.6 The questions and assignments in the examination only relate to the exam materials indicated in advance. It is made clear to students in advance how and on what they will be assessed.
- 4.2.7 Exams will be composed by the examiners as approved by the Advanced Master Board of Examiners. Adherence to the four eyes principle is recommended.
- 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 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 examiner determines per individual course unit whether these criteria will be disclosed beforehand and if so, how.
- 4.2.10 The Examiners document their procedures surrounding the quality assurance of examinations in the Course Assessment Matrix.
- 4.2.11 The Board of Examiners can assess the validity, reliability and suitability of the examinations through sample checks. The result of this assessment is communicated to the relevant examiner and discussed upon request. The Board of Examiners may also formally invite the examiner for a discussion.
- 4.2.12 The Board of Examiners can also investigate the validity, reliability and suitability of an examination if evaluations or the results so warrant. The examiner may be invited for a discussion for the purpose of such an investigation. The result of the investigation is communicated to the relevant examiner and discussed further upon request.
- 4.2.13 In the procedure and investigation referred to in 4.2.10 to 4.2.12, the Board of Examiners may request the assistance of experts.

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 regulations and in the course description in the Prospectus, or that arise from the Act or a university regulation, have been met.
- 4.3.2 When a course unit contains a practical assignment, participation in the examination may be subject to conditions, in the sense that participation is only open to those who have successfully participated in the practical assignment. The Prospectus states whether the practical assignment is a condition of entry to (other parts of) the examination of the course unit.
- 4.3.3 To be allowed to participate in the examination of a particular course unit, the successful completion of another course unit or a particular examination, as indicated in the course description, may be required.
- 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 4.3.2 and 4.3.3. The Board of Examiners may then set alternative entry criteria for participation in an examination.
- 4.3.5 Any examination result that a student has obtained that conflicts with the provisions as outlined in the preceding articles is invalid and will not be registered in uSis.

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

- 4.4.1 Dates of examinations are determined by the Programme and will be announced by the Programme.
- 4.4.2 The dates as referred to in Article 4.4.1 can be deviated from in case of *force majeure*, taking into account the interests of the students.
- 4.4.3 Dates and times of oral exams are determined by the examiner.
- 4.4.4 Wherever reasonably possible, dates and times are set so as to avoid overlap of examinations within the master's programme or specialization within that programme offered by Leiden Law School as taken by students. In the event that there are nevertheless overlapping exams, the Board of Examiners may, where appropriate, offer the student the opportunity to take two exams on the same day in succession, in the same room. In that case, the student may not leave this room in the meantime, without supervision.

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

An exam can only be taken and the result thereof assessed after the student has been registered for participation in an exam.

Article 4.6 Conducting examinations and orderly conduct

- 4.6.1 When conducting examinations on location, examiners must follow the University examination protocol. In the case of remote online examinations, the University examination protocol shall apply *mutatis mutandis* in so far as the contents of the rules contained therein do not oppose this.
- 4.6.2 The Faculty will ensure that sufficient invigilators are appointed to ensure that the exam proceeds correctly.
- 4.6.3 Surveillance software may be used in the case of an online examination. When surveillance software is used, students will be informed of this no later than the tenth working day before the examination at the latest, stating the technical conditions for taking an examination using the software.

The General Data Protection Regulation shall apply to data processing in the context of examinations that use surveillance software.

- 4.6.4 Upon the request of the invigilator or the examiner, the student must identify themselves with an original LU-Card in combination with an original and valid form of legal identity, i.e. a passport.
- 4.6.5.1 In the case of an examination held on location, students may be admitted to the location where the examination is taking place up to a maximum of 45 minutes after the time the examination started. Students may leave the room – once the attendance list has been finalised – at the earliest 45 minutes after the start of the examination.
- 4.6.5.2 In the case of a remote online examination, students will be admitted up to 30 minutes after the specified starting time to the (online) environment where the examination is to be taken. In the event of problems with logging in, the student should immediately contact the examiner.
- 4.6.6 In the case of a remote online examination, students must submit a 'Declaration of integrity' prior to the examination.
- 4.6.7 Communication equipment, including mobile phones and smart watches, must be switched off during the examination and be out of the student's reach. Other electronic devices may not be used without the prior consent of the examiner.
- 4.6.8 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 immediately before, during or immediately after the examination, by or on behalf of the Board of Examiners or the examiner.
- 4.6.9 If a student disrupts the order during an examination, they will receive a warning. If the disturbance is repeated or continued, the examiner will instruct the student to leave the room or the online examination environment. The examiner will draw up an official report of what happened. The examiner will send this official report to the student and the Board of Examiners without delay. The examiner will also inform the student that the examination will not be corrected until after the Board of Examiners has given permission to do so.
- 4.6.10 In the event that due to a technical fault, an online examination cannot proceed or continue once it has started, the Board of Examiners will decide whether a replacement examination must be held.
- 4.6.11 Students must ensure that they have the required hardware and software and properly functioning internet connection that is required for an online examination. If a student does not have the required hardware and software or a properly functioning internet connection, they are responsible for the consequences this may have.
- 4.6.12 If a student experiences technical problems during an examination, they should report this immediately according to the instructions provided prior to the examination. If the student does not comply with these instructions, they will not be entitled to claim an additional or replacement examination.
- 4.6.13 The work of a student that is submitted directly to the lecturer or examiner following the report of technical problem, may be accepted for correction, provided:
 - a) shortly before or immediately after the end of the time for the examination, the student approached the lecturer;
 - b) the student attached their work; and
 - c) it is sufficiently plausible that a technical problem had occurred.
- 4.6.14 If the examiner sees no reason to correct the student's work, they will refer the student to the Board of Examiners.
- 4.6.15 Work that is accepted for correction will be checked for plagiarism.

- 4.6.16 Students who claim that a technical problem is the cause of a missing answer will be referred to the Board of Examiners.

Article 4.7.1 Oral examinations (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 Preferably two members of teaching staff, one of whom is an authorised examiner, are present at an oral examination. If this is the case, one of the two teachers takes notes during the examination, meaning that the topics discussed are itemised, indicating whether the student demonstrates sufficient knowledge of these topics. Should only one member of teaching staff be present during an oral examination, 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.

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 legal field of that programme or specialisation.
- 4.7.2.2 *not applicable.*
- 4.7.2.3 *not applicable.*
- 4.7.2.4 *not applicable.*

Article 4.7.3 Writing a thesis in English

- 4.7.3.1 *not applicable.*
- 4.7.3.2 *not applicable.*

Article 4.7.4 Supervision of a thesis outside Leiden Law School

- 4.7.4.1 *not applicable.*
- 4.7.4.2 *not applicable.*
- 4.7.4.3 *not applicable.*

Article 4.7.5 'Interaction between legal systems' (ILS) within the Master of Laws

not applicable.

Article 4.7.6 First and second examination attempts (cf. Art. 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. When the examination for a course unit consists of more than one mid-term assignment/exam, the course description in the 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 retake examination, by means of an examination that is representative for the course.
- 4.7.6.2 *not applicable.*

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, on the grounds of which the supervisor has indicated that the award of a passing grade can be expected;
 - **and** the student from the time of submission of the request would have had to wait at least four months for the next available examination for the particular final course unit;
 - **and** the student obtained a grade of 5 at least once at an earlier examination for the relevant course unit.
- 4.8.2 Such permission may be denied when the student has not, without valid reason, made use of an earlier regularly scheduled examination opportunity for the relevant course unit.
- 4.8.3 Permission will be denied in all cases when:
- the request concerns a course unit that is designated as a core course in the Prospectus;
- 4.8.4 When the student has obtained permission for an individual retake, they must make an appointment for the examination via the course coordinator of the relevant course unit within one week after obtaining the permission.
- 4.8.5 When permission is granted, but the student wishes to withdraw, the student must notify the examiner and the programme of the relevant course unit at least 24 hours prior to the scheduled retake.
- 4.8.6 When a student acts in violation of the provisions in Article 4.8.4 or Article 4.8.5, the permission becomes invalid.

Article 4.9 Facilities in the event of a functional disability (cf. Article 4.3.3 OER)

- 4.9.1 A student with a functional disability as referred to in the Dutch Equal Treatment Act on the grounds of a disability or a chronic illness is entitled to appropriate provisions during an examination.
- 4.9.2 A request for an appropriate provision is submitted via the tile 'Studying with a disability' in uSis. A student is required to submit adequate evidence regarding his or her disability.
- 4.9.3 The Board of Examiners decides on requests for appropriate provisions with due observance of national legislation and the [Protocol on studying with a disability at Leiden University](#).
- 4.9.4 The student counsellor, on behalf of the Board of Examiners, decides on requests for an appropriate provision consisting of an extension of the time for taking a written examination that will be taken on location by ten minutes per hour. Division 10.1.1 of the General Administrative Law Act (Awb) applies.

Article 4.10 Examination assessment (cf. Art. 4.6 OER)

- 4.10.1 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 they have achieved a grade of at least '6'. The examiner rounds off all grades between 5,50 and 5,99 to a 6 and grades between 5,01 and 5,49 to a 5.
- 4.10.2 When determining the result of the examination of a course unit for which the results are expressed in grades, whole numbers and half numbers on a scale from 1 to 10 are used and the rounding is done in the mathematical manner as defined by Article 4.6.8 of the OER.
- 4.10.3 When an examination of a course unit consists of more than one exam and/or practical assignment, the grades for these exams or assignments 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 Prospectus. The rounding to one decimal place is done in the usual mathematical manner. This means that 6,001 to 6,049 becomes 6,0 and that 6,050 to 6,149 becomes 6,1 etc. The numbers thus obtained are added to give the final grade, which is determined in accordance with Articles 4.10.1 and 4.10.2.

- 4.10.4 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 when calculating the final grade, unless stipulated differently in the Prospectus.
- 4.10.5 If 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.
- 4.10.6 For the assessment of the thesis, the examiners follow the stipulations as set in the thesis manual that applies to that particular programme.
- 4.10.7 *not applicable.*
- 4.10.8 In deviation from Article 4.10.2, the grading of the thesis is in whole or half numbers, unless the grade is between a 5 and a 6.
- 4.10.9 A student who does not write down any answer will receive a mark of 1 and will be considered to have taken the exam.
- 4.10.10 In the grading of a (mid-term) exam consisting multiple-choice questions, the guess correction is applied at all times.

Article 4.11 Retaking examinations

- 4.11.1 *Not applicable.*
- 4.11.2 Articles 4.1.14, 4.1.15 and 4.1.16 *OER* apply *mutatis mutandis*.

Article 4.12 Validity of examinations and exemptions (cf. Art. 4.7 OER)

- 4.12.1 The validity of results of successfully passed examinations is verified by the Board of Examiners.
- 4.12.2 The validity of examination results can only be restricted when they were obtained or granted more than three years ago, and when the examined knowledge or insight is demonstrably outdated, or when the examined skills are demonstrably outdated. The period of three years commences on the 1st of September of the academic year following that in which the examination was passed.
- 4.12.3 At a student's request the Board of Examiners may extend the validity. When deciding on such a request, the Board of Examiners takes into account special circumstances as referred to in Article 7.51, paragraph 2, of the Act. The validity of successfully passed examinations will in the case of such special circumstances as intended in Article 7.51, paragraph 2, be extended by at least the duration of any financial compensation awarded on the grounds of Article 7.5.1, paragraph 1.
- 4.12.4 Articles 4.12.1 to 4.12.3 apply *mutatis mutandis* to exemptions.

Article 4.13 Inspection and evaluative discussion (cf. Art. 4.8 OER)

During the period stated in the OER, the questions and assignments of the examination concerned are available for inspection, together with the criteria that were used in making the assessment. The questions and assignments can be viewed on a single occasion, at a location to be specified by the Board of Examiners.

Article 4.14 Exemptions from examinations and practical assignments (cf. Art. 4.9 OER) not applicable.

4.14.1 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 arguments.

4.14.2 *not applicable.*

4.14.3 *not applicable.*

4.14.4 *not applicable.*

Chapter 5 Final examinations and diplomas

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

Article 5.2 No compensation

Each examination that forms part of the final exam (programme) for the degree must be successfully passed. No compensation is allowed.

Article 5.3 Approval of individual exam programmes

The Board of Examiners will decide within thirty working days after receipt of the request. If a decision has not been given within this period, the Board of Examiners will be deemed to have given the requested approval.

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, paragraph 2, of the Act.

5.4.2 The degree certificate is drawn up in Latin and English. The certificate is signed with a digital signature of the chairman of the Board of Examiners.

5.4.3 The Board of Examiners adds a diploma supplement to the successfully completed degree certificate, which meets the applicable statutory requirements. The final page of the diploma supplement is signed with a digital signature of the chairman of the Board of Examiners. The aim of the supplement is to provide insight into the nature and content of the completed degree programme, also with a view to international recognition of degree programmes. The Leiden University diploma supplement conforms with the standard European diploma supplement.

- 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 5.4.2, final full sentence, is equally applicable.

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

- 5.5.1 The Board of Examiners awards the classification “passed” to the final result of the degree programme.
- 5.5.2 For full-time students, the classification is supplemented with the designation ‘*cum laude*’ or ‘*summa cum laude*’ in case the requirements as set in Article 4.12 of the OER are met.
- 5.5.3 Article 4.12 of the OER is equally applicable to part-time students, on the understanding that the designation ‘*cum laude*’ or ‘*summa cum laude*’ is awarded if master’s examination was passed within two academic years.
- 5.5.4 A ‘part-time student’ in Article 5.5.3 is understood to mean a student who is enrolled as a parttime student during the entire programme and who has a full-time job or equivalent.

Chapter 6 Fraud

Article 6.1 Definitions and general rules

In this chapter the following definitions apply:

- fraud any action or omission that renders proper judgment of someone’s knowledge, insight, skills, (professional) attitude or reflection entirely or partially impossible, including in any event:
 - a. the possession of unauthorised communication equipment, software such as unauthorised AI software or unauthorised documentation during an examination or practical assignment;
 - b. the presence during an examination or written assignment of unauthorised notes in the permitted material;
 - c. copying all or part of someone else’s answers, or using unauthorised AI software during an examination or practical assignment;
 - d. giving information to or exchanging information with another person during an examination or practical assignment;
 - e. pretending to be another person during an examination or practical assignment; f. plagiarism;
 - g. modifying the submitted examination (digitally or otherwise) at the inspection.
 - h. making use of fictitious research data, graphs, literature and literature references.Fraud also includes gaining or attempting to gain access to courses or a midterm exam, practical assignment or examination on improper grounds;

- plagiarism: Plagiarism includes, in any event:
 - a. Using or copying someone else’s texts, data or ideas without complete and accurate source referencing;

- b. Not indicating clearly in the text, for example with quotation 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 in 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 written (whether or not for payment) by someone else.

- irregularity: actions or omissions that do not consist of committing fraud, but that otherwise disrupt the orderly sequence of events during the examination.

Article 6.2 Duty to report for examiners

The examiner must report fraud or a serious suspicion of fraud to the Board of Examiners at all times.

Article 6.3 Bringing appliances and (legal) texts

- 6.3.1 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 or the Board of Examiners for that examination.
- 6.3.2 When a student is allowed to make use of a certain text when taking an examination, this text may not contain any annotations. This also applies to any tabs that the publisher may have added, or that they provided with the case law or legislative text. These tabs may only contain the information as added by the publisher.
- 6.3.3 The term 'annotations' in Article 6.3.2 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;
 - references to articles of law that were added by the publisher of the legal publication.
- 6.3.4 Articles 6.3.2 and 6.3.3 are equally applicable to a legal text a student has brought to the examination that they may be entitled to use.

Article 6.4 Disciplinary measures to be taken by the examiner in case of fraud, not including plagiarism

- 6.4.1 If, in the opinion of the examiner, fraud, not being plagiarism, is committed during a midterm exam, practical assignment or examination, the examiner immediately informs the student. The examiner states that the student may complete their work. The examiner also informs the student that the fraud will be reported to the Board of Examiners for further assessment and decision-making, and that the student's work will not be assessed until the Board of Examiners has given permission. The examiner reports the event to the Board of Examiners, with a copy to the student. The reporting can be done using the specific form provided for this purpose.
- 6.4.2 The student is obliged to hand over any material that they have with them and that may be important for the assessment of the case at the examiner's request. This material is returned to the student within a reasonable period of time after the examination.

- 6.4.3 The examiner makes the material taken available to the Examination Board. If this does not stand in the way of a careful assessment of the case, it will suffice to send photos or photocopies.
- 6.4.4 This provision does not apply in the event of plagiarism.

Article 6.5 Disciplinary measures to be taken by the examiner in case of plagiarism

- 6.5.1 The Guidelines to follow when dealing with cases of plagiarism Board of Examiners LLM Advanced Master Programmes, see Appendix 2, is applicable in the event of sanctions meant in this provision.
- If, in the opinion of the examiner, a paper, thesis, or other written assignment submitted by a student for assessment has been plagiarised, the examiner will report this as soon as possible to the Board of Examiners, accompanied by the student's work, and if an electronic plagiarism check has taken place, the reporting thereof. The report can be made using the form provided for this purpose.
- 6.5.2 The examiner immediately informs the student of the detection of plagiarism and informs the student that the matter has been reported to the Board of Examiners for further assessment and decision-making. The examiner also informs the student that his/her work will not be assessed until the Board of Examiners has given permission.
- 6.5.3 In the event of suspected plagiarism, the Board of Examiners can hear the examiner, the student and possibly others.

Article 6.6 Sanctions for fraud

- 6.6.1 The Board of Examiners decides on the imposition of a sanction in the event of fraud.
- 6.6.2 The Board of Examiners takes a decision regarding the imposition of a sanction as soon as possible after having been informed about the fraud by the examiner. Before deciding to impose a sanction, the Board of Examiners offers the student the opportunity to be heard.
- 6.6.3 The sanctions that the Board of Examiners can impose, whether or not in combination, are as follows:
- a. giving an official warning;
 - b. declaring the result of the examination or the written assignment invalid;
 - c. excluding the student from participation in the examination for which the fraud or another irregularity was established for a maximum of one year;
 - d. excluding the student from participation in one or more other examinations for a maximum of one year.
- In the event of severe fraud, the Board of Examiners may request the university's Executive Board to permanently terminate the student's enrolment in the programme in accordance with the Act.
- 6.6.4 If the student committed fraud before, the Board of Examiners will include this in its decision regarding the sanction to be imposed.
- 6.6.5 If the student is excluded from participation in one or more examinations, any examinations or components of examinations that have been successfully completed at another faculty or higher education institution during this period of exclusion can in no way be included in the exam programme of the degree.

Article 6.7 Entry in the electronic student file and communication to other parts of the university

- 6.7.1 In case a disciplinary measure has been imposed, this will be recorded in the student's personal electronic file.
- 6.7.2 In case a student who has committed fraud participates in a programme provided by the Honours Academy, the relevant Board of Examiners will be notified of the fraud and the measure that has been imposed.
- 6.7.3 Before reporting to the Board of Examiners of the Honours Academy, the Board of Examiners informs the student of its intention to do so, stating the option for the student to respond to this intention within two weeks. If the Board of Examiners rules the student's view well-founded, no notification will be made to the Board of Examiners of the Honours Academy

Article 6.8 Severe fraud or irregularities

- 6.8.1 In the event of a severe irregularity or fraud concerning a midterm exam or examination without it being possible to determine which individual students are involved, the Board of Examiners declares the relevant midterm exam or examination invalid for all students.
- 6.8.2 In the event of a well-founded suspicion of a severe irregularity or fraud concerning a midterm exam or examination without it being possible to determine which individual students are involved, the Board of Examiners can declare this midterm exam or examination invalid for all students.
- 6.8.3 A midterm exam or examination declared invalid pursuant to Article 6.8.1. or 6.8.2 must be retaken. To this end, a new examination date is set and communicated in the shortest possible term.

- 6.8.4 If, in accordance with Article 7.42a of the Act, if a student has demonstrated by behaviour or remarks that they are unfit to practise one or more of the professions for which they are being trained in the degree programme that they are following, or is unsuited to engage in practical preparation for professional practice, the Board of Examiners will, on request, issue advice to the Executive Board regarding the refusal or termination of that student's enrolment in the degree programme. If the student referred to in Article 5.7.1 is enrolled in another degree programme, and within that programme is following the courses of a specialisation that is similar to or, in terms of the practical preparation for professional practice, is related to the degree programme for which the enrolment has been terminated pursuant to Article 7.42a(1) of the Act, the Board of Examiners will, on request, issue advice to the Executive Board regarding whether the student can be permitted to follow this specialisation or other components of this degree programme. The Board of Examiners will issue advice as referred to in 5.7.1 or 5.7.2 within ten working days after this request has been made by the Executive Board.

Chapter 7 The study progress decision

Article 7.1 The study progress decision for international students (MoMi)

The Board of Examiners issues the study progress decision on behalf of the Executive Board, with due observance of the provisions of the Leiden University Regulations on Study Progress of International Students (MoMi) 2024.

Chapter 8

Annual reporting and data retention

Article 8.1 Annual reporting

- 8.1.1 The Board of Examiners compiles an annual report on its activities. The Board of Examiners submits this report to the Faculty Board.
- 8.1.2 The report shall in any case contain the most important decisions of the Board of Examiners as well as a description of the manner in which the Board of Examiners has performed its duties with regard to the quality assurance of examinations as referred to in Article 4.2.

Article 8.2 Data retention

- 8.2.1 The work made by students is kept for two months after the publication of the exam results in uSis. The Board of Examiners keeps a representative selection of the work made by students for quality assurance purposes for a period of two years. Exam questions and answer keys are kept for a period of at least seven years.
- 8.2.2 A student's graduation assignment, including the assessment form, will be kept for a period of at least seven years.
- 8.2.3 The decisions of the Board of Examiners and the results of all (final) examinations taken will be carefully recorded. Access to the recorded information will be restricted to persons who have been given such permission by the Board of Examiners.
- 8.2.4 The results of examinations as referred to in 8.2.2 and 8.2.3 will be retained for fifty years.

Chapter 8bis Board of Examiners complaints and appeals

- 8.2.1b A student who wishes to lodge a complaint or administrative appeal, as referred to in Article 7.61(1) of the Act, regarding a decision taken by the Board of Examiners or by one or more of the examiners appointed by the Board of Examiners, should lodge this complaint or appeal with the Examination Appeals Board no longer than six weeks after the release of the initial grade.
- 8.2.2b The time limit for lodging a written administrative appeal, as referred to in 8.1.1, is six weeks after the written notification of the decision that is the subject of the administrative appeal.
- 8.3.1b Complaints are handled in accordance with the current procedures laid down in the Regulations relating to the Ombudsperson, the Regulation on Other Complaints, the Regulations of the Examination Appeals Board and the General Administrative Law Act (Awb).
- 8.4.1b Administrative appeals are dealt with in accordance with the current procedures. These are laid down in the Regulations of the Examination Appeals Board and the Student Charter.

Chapter 9 Final provisions

Article 9.1 Special circumstances

- 9.1.1 If in special circumstances the unabridged application of the provisions in these rules and regulation leads to evident unfairness, the Board of Examiners is authorised to decide otherwise.
- 9.1.2 In cases not covered by these rules and regulations, the Board of Examiners decides.

Article 9.2 Transitional provisions

- 9.2.1 In the event of amendments after the date of entry into force of these rules and regulations, the reasonable interests of the students will be taken into account.
- 9.2.2 Requests from students received prior to the entry into force of these rules and regulations, or prior to an amendment as referred to in Article 8.2.1 and for which a decision was not yet taken at the time of entry into force, 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, or the amendment is more favourable to the student.

Article 9.3 Entry into force

These rules and regulations enter into force on 3 September 2025.

**Advanced Master Board of Examiners
Programme Mandate for Academic Year 2025 – 2026**

With a view to the programmes themselves having a better knowledge of their students and the performance of their students the Advanced Master Board of Examiners have looked to the programmes with a view to taking back more responsibility this is specifically relating to the Programme Director, the Academic Coordinator and the Programme Coordinator.

Currently there is a plethora of emails back and forth with requests from programmes, the students with their requests and the Advanced Master Board of Examiners Secretary to ascertain information that should already be checked by the programme before sending any request.

The following measures are being proposed for approval of the QAS:

Informing Advanced Master Board of Examiners of a Request (this is ok from the point of view of the law)

- Only the Programme via either the Programme Director, the Academic Coordinator and/or the Programme Coordinator should send a request to the Advanced Master Board of Examiners after checking that the student name, student ID and the programme name on which the student is studying on are included in any request or any email sent for the recording of a request. If students feel they cannot go through the programme for the request, for personal or other reasonable reasons, the student should be instructed that these details also need to be included in the request they send to the secretary.

Requesting Extensions of work and thesis (this is ok from the point of view of the law)

- Extensions for handing in work and thesis will be mandated back to the Programme Director where a request is of a reasonable duration and does not exceed the student registration period of 31 August of any academic year. In the case of A&SL this will be the end of January for the February intake.

An email of the request and the programme decision should be sent to the Advanced Master Board of Examiners Secretary for the recording of the volume of the requests.

- Multiple extension requests by the same student should be sent directly to the Advanced Master Board of Examiners Secretary.

Plagiarism and Inadmissible use of AI (Requires discussion for the 'minor' forms of plagiarism)

- Minor cases of plagiarism and inadmissible use of AI should be dealt with by the Programme Director and associated Course Coordinator following the guidelines of the Plagiarism Protocol for the Advanced Master Programmes.

An email of the incident and the programme decision should be sent to the Advanced Master Board of Examiners Secretary for the recording of these incident.

- Multiple plagiarism incidents by the same student and more serious cases of plagiarism should be sent directly to the Advanced Master Board of Examiners Secretary.
- The question whether a case of plagiarism should be sent to the Advanced Master Board of Examiners depends on whether a sanction needs to be imposed. Only the Advanced Master Board of Examiners can do that. In case the 'mild' plagiarism is taken into account by the lecturer in grading the work, this is not technically a sanction and hence can be done by the lecturer/programme management.

Requests to waive the 80 % attendance rule (this is ok from the point of view of the law)

- Requests to waive the 80 % attendance rule will be dealt with by the Programme Director and the individual Course Coordinator.
- An email of the request and the programme decision should be sent to the Advanced Master Board of Examiners Secretary for the recording of the volume of the requests.

Retake Requests (this is ok from the point of view of the law)

- First retakes are always dealt with by the individual Course Coordinator of the failed course.
- Requests for retakes to count as first exam, for example when students have not participated in the first exam due to illness or *force majeure*, are dealt with by the individual Course Coordinator of the failed course and/or the programme management.
- Second retake requests, i.e., when a student has failed both the first exam and the retake (i.e., a third exam opportunity) should be sent to the Advanced Master Board of Examiners Secretary.

Students Entitlement

When a programme makes any decision regarding the above items the student should automatically be informed if they are not in agreement with the decision of the programme then a request needs to be made to the Advanced Master Board of Examiners via the Secretary.

The following responsibilities remain with the Advanced Master Board of Examiners (other than the ones included above)

- Reregistration to complete degree
- Third retake requests
- Retakes as first exam even though the students passed the course
- Disability requests
- Request for consideration of cum laude
- Programme advice request for difficult student (?)

**BOARD OF EXAMINERS
LLM ADVANCED MASTER PROGRAMMES**

Guidelines To Follow When Dealing With Cases of Plagiarism

I. Introduction

Each year, many of us will find ourselves having to deal with situations involving plagiarism. Such situations can arise in the context of exams (open and closed book), course papers, or in student theses. While the University's policy on plagiarism is relatively clear in terms of the definition adopted and the possible consequences for the offender,¹ there is often some confusion as to the procedure course instructors/coordinators should follow in dealing with cases. The objective of this brief document is to offer some clarity and certainty for those involved in teaching on LLM Advanced programmes.

We all know that plagiarism cases are rarely clear-cut and that each case sits on a spectrum from minor, negligent plagiarism, to severe, intentional plagiarism. Where a case sits on this spectrum generally determines how we as instructors will instinctively deal with it. If we encounter a situation where a student has omitted quotation marks in a handful of instances, but has cited the source, we will typically treat this as a minor case, speak with the student, inform the Programme Director, and impose a penalty that we feel fits the crime. How we approach cases that fall into the severe category is usually quite different, no doubt because of the likely consequences for the student. We handle such cases with greater procedural formality. When confronted with a severe case, the instructor will inform the Programme Director, meet with the student, and the case will be referred to the Board of Examiners for adjudication. Referring the case institutes a formal process in which the student is afforded the right of reply.

It is important that we all understand the procedures to be followed in each of the programmes we teach on. We must keep in mind that while common sense must prevail, we nonetheless have very limited discretion under the Rules and Regulations of the

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See:

<https://www.organisatiegids.universiteitleiden.nl/binaries/content/assets/ul2staff/reglementen/onderwijs/regeling-plagiaat-eng.pdf>

respective programmes we teach on. It is also important to keep in mind that Course Coordinators, Programme Directors, and crucially the Board of Examiners must be informed of plagiarism cases irrespective of whether they are minor or severe.

II. What is plagiarism?

Article 22.2 of the LLM Advanced Course and Examination Regulations² addresses issues relating to misconduct. Plagiarism is specifically addressed under Article 22.2.2 in the following way:

Plagiarism, i.e., reproducing and submitting for any assessment the work of another person, whether in whole or in part and with or without the knowledge of the other person, without proper attribution to the other person. For the full overview of Leiden University's policy regarding plagiarism, please see: <http://media.leidenuniv.nl/legacy/plagiarism.pdf>

The University's policy offers further detail and clarity as to the definitional boundaries of what constitutes plagiarism:

Generally, plagiarism is understood as presenting, intentionally or otherwise, someone else's words, thoughts, analyses, argumentations, pictures, techniques, computer programmes, etc., as your own work. Most students will understand that cutting and pasting is not allowed without mentioning the source of the material, but plagiarism has a wider meaning. Paraphrasing someone else's texts, e.g. by replacing a few words by synonyms or interchanging some sentences is also plagiarism. Even reproducing in your own words a reasoning or analysis made by someone else may constitute plagiarism if you do not add any content of your own; in so doing, you create the impression that you have invented the argumentation yourself while this is not the case. The same applies if you bring together bits of work by various authors without mentioning the sources.³

The University's policy illustrates that there are many shades of grey along the plagiarism spectrum that need to be taken into consideration when determining each suspected case.

III. What sanctions can be imposed?

² See <https://www.student.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/reglementen/oeren/adv-masters-course-and-exam-regulations-2018-2019.pdf>

³ See <http://media.leidenuniv.nl/legacy/plagiarism.pdf>

The sanctions that the Examiner, the Academic Board, or the Board of Examiners can impose, whether or not in combination are as follows:

- a. giving an official warning;
- b. declaring the result of the examination or the written assignment invalid;
- c. excluding the student from participation in the examination for which the fraud or another irregularity was established for a maximum of one year;
- d. excluding the student from participation in one or more other examinations for a maximum of one year.

In the event of severe fraud [this is a broader offence that also encompasses cheating in exams or related misconduct], the Board of Examiners may request the university's Executive Board to permanently terminate the student's enrolment in the programme.

The University plagiarism policy and the LLM Advanced Course and Examination Regulations endow the Board of Examiners (and Course Instructors and/or Programme Directors in consultation with the Board of Examiners, see section on minor cases below) with wide discretion to approve and impose a range of sanctions following a finding of plagiarism. For example, the University's plagiarism policy states:

If plagiarism is proven, the relevant Board of Examiners will, as a rule, impose penalties. Their severity will depend on the seriousness of the offence and may be influenced by previous infringements [...]. Like plagiarism itself, the applicable sanctions for plagiarism sit on a spectrum from minor and corrective, to severe and punitive. Each case and its context must be carefully considered before the appropriate sanction can be agreed upon. There is no formula that will dictate the sanction to be imposed, rather it is a discretionary determination of the Board of Examiners based on the information available to it.

However, in the interests of further information and clarity the following non-exhaustive list of sanctions may be considered by the Board of Examiners:

1. Imposition of penalty points ranging from 0.5 for minor or inadvertent plagiarism accompanied by a written reprimand. The student will be required to resubmit the paper or thesis with the plagiarism corrected;
2. In cases of moderate plagiarism (i.e. plagiarism that is more than minor but not considered severe), imposition of penalty points ranging from 1.0 to 2.0 accompanied by a written reprimand. The student will be required to resubmit the paper or thesis with the plagiarism corrected;
3. In cases of severe, intentional, plagiarism, a failing grade for the assessment, a written reprimand, and the requirement that they resubmit a new paper or thesis on a new topic within a specified timeframe;

4. In cases, where a student is found responsible for severe, intentional, plagiarism on more than one occasion, the Board of Examiners may request the university's Executive Board to permanently terminate the student's enrolment in the programme.

IV. The process to follow when dealing with plagiarism on LLM Advanced programmes

The following guidelines distinguish between how to deal with minor and severe cases.

4.1. What to do when you encounter minor or less severe plagiarism on the Advanced programmes:

1. Report the situation to the Programme Director (and the Course Coordinator if there is more than one instructor on the course, or the Thesis Coordinator);
2. The Programme Director will then arrange to meet with the student, along with the instructor/supervisor/Course Coordinator, the Academic Coordinator, and the Programme Coordinator. During the meeting the student is given the opportunity to give an account of their actions. At the end of the meeting, or shortly thereafter the Programme Director, in consultation with the instructor, the Academic Coordinator and the Programme Coordinator will agree on the proposed sanction to be imposed;
3. The Programme Director informs the student of the outcome and sanction, making clear that a record has been kept of the incident for the duration of the academic year. The Programme Director also informs the student of their right to appeal the decision reached to the Board of Examiners;
4. The Programme Director informs the Board of Examiners of the case and the imposed sanction;
5. Should the student decide to appeal, the Board of Examiners will communicate this to the Programme Director.

4.2. What to do when you encounter a severe or repeated cases of plagiarism on the Advanced programmes:

1. Report the situation to the Programme Director (and the Course Coordinator if there is more than one instructor on the course, or the Thesis Coordinator);
2. The Programme Director will then arrange to meet with the student, along with the instructor/supervisor/Course Coordinator, the Academic Coordinator, and the Programme Coordinator. During the meeting the student is given the opportunity to give an account of their actions;
3. The Programme Director then submits a report to the Board of Examiners (including the assignment/thesis in question, the Blackboard/Brightspace plagiarism report, and any other relevant supporting materials), and requests that it deal with the matter;
4. The Board of Examiners will then invite the student to respond to the allegation;
5. Following the student's response, the Programme Director is given an opportunity to respond to the student's submissions;

6. Once all submissions have been received, the Board of Examiners will deliberate and determine the sanction, if any, to be imposed. The student and the Programme Director will be informed accordingly.

V. Important Take-Away Points

1. **Always report cases of plagiarism, both minor and severe, to Course Coordinators and Programme Directors;**
2. **Decisions on mild plagiarism cases should always be communicated to the LLM Advanced Board of Examiners. The Advanced programmes have discretion to deal with minor cases, but these should still be communicated to the Board of Examiners;**
3. **Decisions on repeated or several plagiarism cases should always be communicated to the LLM Advanced Board of Examiners for decision on the appropriate sanction.**
4. **The student is always given the opportunity to respond and appeal;**
5. **If a student decides to appeal a decision, instructors, Course Coordinators and Programme Directors will be informed by the Board of Examiners.**