

# **Erasmus School of Law Comprehensive Test Policy for bachelor and master programmes**

November 2015  
ESL Examining Board  
Erasmus University Rotterdam

## **Objective**

Under current legislation, the Examining Board has been given the task of monitoring and guaranteeing the quality of tests and examinations in the initial programmes. In view of this responsibility, the Examining Board has adopted various measures during the past years and cooperated in initiatives that focus on the quality and quality assurance of testing and examining.

The aim of this memorandum is to formulate the basis for a cohesive and transparent system of measures and provisions to promote and monitor the quality of testing and examining: a comprehensive test policy<sup>1</sup>. This test policy enables the Examining Board to guarantee to the parties concerned (students, employers and society) that graduates have attained a final level that is sufficient for awarding a degree and the relevant certificate.

A comprehensive test policy involves various aspects of testing and examining at different levels – policy level and operational level – and many persons and forums may be involved in this in one way or another. The scope of the test policy is limited by legal frameworks and general principles such as the principle of academic freedom. The Examining Board has formulated core values against which the test policy must be tested. In addition, the Education Inspectorate's "Table of Tests" is a major guideline for the test policy.

This memorandum sets out the comprehensive test policy for the bachelor and master programmes on the basis of the following: frameworks; core values; players; quality requirements for testing; quality assurance for testing.

## **Frameworks**

The general framework for the test policy is the Higher Education and Research Act (hereinafter: WHW). Under and pursuant to this Act, the test policy is fleshed out and elaborated at university and faculty level in e.g. the general section of the Students' Article, the Course and Examination Regulations (OER)<sup>2</sup>, the Examining Board's Rules and Guidelines (2014)<sup>3</sup>, and the accreditation frameworks such as those in force at the AACSB and the NVAO.

## **Core values**

Under current legislation, the Examining Board has been given the task of monitoring the quality of the tests and examinations in the programmes. The Examining Board will be carrying out this task while taking the following core values into consideration:

- Professionalism;
- Academic freedom;
- Open test culture;
- Joint responsibility;
- Continuous improvement.

### *Professionalism*

At ESL, self-regulating professionals constitute the basic principle: lecturers who understand their work, who collaborate on the basis of consultation and agreements at sections, and who instruct students in a way that fulfils and complies with the objectives, frameworks and standards set by the faculty, university or legislation. ESL professionals who are qualified to hold examinations hold a basic test qualification recognised by the Examining Board.

### *Academic freedom*

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<sup>1</sup> See p. 55 of the report entitled "Insight into testing" by the Education Inspectorate (2003).

<sup>2</sup> Pursuant to Article 7 paragraph 13 of the WHW.

<sup>3</sup> Pursuant to Article 7 paragraph 12 of the WHW.

Individual examiners and/or teams of examiners determine the content and form of the testing within the frameworks set by the faculty and the law. Article 1 paragraph 6 of the WHW states that academic freedom must be observed at educational institutions. However, even academic freedom is subject to certain limits. Academic freedom is restricted by e.g. the distribution of tasks at a section, and by the Course and Examination Regulations (hereinafter: OER). When lecturing students and testing them, lecturers must take the course objectives and final attainment levels laid down for the programme curriculum into consideration. The Examining Board may also give examiners rules and guidelines relating to e.g. standardisation and assessment of testing.

#### *Open test culture*

ESL's aim is to achieve an open test culture in the programmes. Part of this open test culture includes the idea that coordinating and discussing tests with one's colleagues at the relevant sections is self-evident. The types of tests must be checked for intelligibility and coordination with course objectives and forms of education. It also means that time must be set aside for this. An open test culture forms part of an education culture at ESL in which it is completely normal for lecturers to discuss the content, layout and organisation of the education given.

#### *Joint responsibility*

Examiners are responsible for assessing students' knowledge and skills. This means that students know how they will be tested and assessed well in advance. Examiners do not expect students to obtain credits in improper ways such as taking advantage of group work or committing fraud. Assessments must be an accurate reflection of students' individual performance. Transparency is the norm here, and examiners and students can make sure that they are all adhering to this norm.

#### *Continuous improvement*

The 'continuous improvement' core value means that the test policy must contribute to an improvement in the quality of the programme. The Examining Board does not merely wish to act as an enforcing body; it also aims to attain a constructive learning climate in order to enable continuous improvements to be made in the test quality. An open test culture supports the exchanging of test practices, thereby contributing to continuous improvements in the testing and assessment procedures.

### **The players**

Various persons and forums – internal and external – may be directly or indirectly involved in ESL's test policy in different ways. Here is an illustrative and non-limitative summary of the parties concerned, given in alphabetical order: alumni; the Executive Board; the Board of Appeal for Examinations; the dean; the Education Dean; lecturers and examiners; the Administrative Department for Examinations; the Examining Board; the Faculty Council; the Degree Programme Committees; the Programme Directors; students; student counsellors; study advisors; sections; and employers (external advisory council). For the purposes of this memorandum, however, it would be going too far to give an exhaustive description of the specific roles of all the parties involved.

In practice, a large part of the test policy is determined by collaboration between the Education Dean, the programme director, the sections, the lecturers and examiners and their respective teams, and the Examining Board. But since the students are the ones who are being tested, they also help determine the test results. In this memorandum, it will suffice to give a brief description of the roles of these major players in connection with the test policy.

1. *Education Dean*: the dean has authorised this person to administer and manage the curriculum. The Education Dean determines the layout of the education given (courses, course objectives, final attainment levels, etc) and its implementation (assigning lecturers through the sections). The Education Dean is advised in all this by the degree programme committee. The Education Dean also prepares the Course and Examination Regulations (OER) for each programme. The Course and Examination Regulations are contained in a central document in connection with the test policy. This document states

the course objectives for the courses and the final attainment levels for the programme, and sets rules on the way in which tests must be held, how often tests must be held and so on. The Education Dean is responsible for the quality of education.

2. *Programme director*: this person is responsible for organising the programme as described in the OER, and for implementing education and quality assurance. The programme director is responsible for including assessment standards for educational performance in the OER and ensuring that they function properly, and for satisfactory feedback to students and lecturers when applying these standards.
3. *Sections*: the sections are responsible for providing the education in the programmes. Tasks are distributed within the relevant section. This section must ensure that the tasks can also be performed properly. Firstly, this means a balanced distribution of the education, research and administrative tasks and secondly, it must provide sufficient opportunities for individual development and improvement in connection with staff policy.
4. *Examiners*: the Examining Board appoints examiners for the purpose of holding examinations. These examiners are the ones who are primarily responsible at course level. Compiling tests and assessing students form part of their discretionary powers. The scope of these powers is limited by the coordinating relations within the sections, the programme's education and examination regulations, and the guidelines set by the Examining Board. See also the appendix on page 10.
5. *Examining Board*: this is the central body at the institution whose job it is to guarantee the quality of the testing. In connection with the examinations, the Examining Board plays a key role at various levels. The Examining Board has a general supervisory responsibility for the holding of examinations. It has to ensure that the tests in their entirety relate to the final attainment levels formulated for the programme. It is responsible for awarding certificates, taking measures in the event of fraud, and monitoring the quality of the examinations. In addition, the Examining Board has an administrative and regulatory duty with respect to the organisation and coordination of the examinations. For example, the Examining Board may issue order regulations and give examiners guidelines and instructions. This is implemented in the Examining Board's Rules and Guidelines (2014). Furthermore, the Examining Board is responsible for declaring the academic staff to be qualified to hold examinations. Members of the academic staff may only hold a test on condition that the Examining Board has declared them to be qualified to do this.<sup>4</sup>
6. *Test Committee*: The Examining Board may delegate part of its duties to a test committee. A test committee comprises a number of examiners appointed by the Examining Board in a certain programme, plus a member of the Examining Board and possibly an external specialist as well.
7. *Students*: although students do not determine the test policy, or at any rate, only indirectly through their membership of a degree programme committee or the Faculty Council, or through students' evaluations of the courses, ESL expects students to make active and sufficient efforts and display a proper attitude to their studies in order to help guarantee the quality of the tests.

## Quality of the tests

In this memorandum, 'tests' shall be taken to mean a written, oral or other form of assessment – including a practical – or a combination of the three, in which the student's knowledge, understanding and skills are evaluated as well as the results of the relevant test<sup>5</sup>. Examiners compile the tests, determine the standards and evaluate the results. Programmes devote particular attention to guaranteeing the quality of the bachelor and master theses. The determining factor for the quality of the tests is the extent to which the requirements set by the Education Inspectorate are fulfilled: valid, reliable, transparent and efficient.<sup>6</sup>

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4 Pursuant to Article 7 paragraph 12c of the WHW. Examiners: 1. The Examining Board shall appoint examiners for the holding of examinations and the establishing of their results. 2. The examiners must provide the Examining Board with all the information required by the Examining Board.

5 Taken from the definitions of the Course and Examination Regulations for the programmes.

6 See the 'Table of tests'.

### *Validity*

Tests are valid if they actually do measure what they are supposed to measure.

1. A relationship exists between course objectives/competencies and test content and type, which is laid down in e.g. a test matrix.
2. The level of difficulty of the test corresponds to the level of the programme or programme component.
3. There is a variety of types of test that are suitable for the different course objectives in the programme.

### *Reliability*

Reliability is the extent to which one can depend on measurement results, or in other words, the degree to which the scores are consistent, exact and reproducible.

4. Criteria for test assessment are set in consultation with one's colleagues.
5. Examiners have to be able to justify their criteria for assessment vis-à-vis students and third parties.
6. Assessment criteria are derived from learning objectives.
7. The bachelor and master theses are assessed by more than one examiner.

### *Transparency*

It is perfectly clear to the parties concerned what course objectives the test is supposed to measure, the way in which the test is carried out and how students' performance will be assessed.

8. Students are aware of the course objectives that the test is supposed to measure.
9. Students are aware of the type and length of the test and the amount of time they will have to complete the test.
10. Students are aware of the number of points allocated for each question, and of the nature of the questions asked (knowledge, understanding, application).
11. Students are given feedback on the content and results of the test. A period of time is set for this.

### *Efficiency*

The information obtained through testing compensates for the investment required, particularly with respect to time.

12. Tests are held throughout the year.
13. Test time and education time are in balance.
14. The instructions in the tests are brief, concise and clearly phrased.
15. Where appropriate, the manner in which a test is held is adjusted to suit students' personal situation.

The Examining Board gives an explanation and a further elaboration of these requirements in a test manual for examiners. The quality requirements have been incorporated into the Examining Board's Regulations and the Course and Examination Regulations for the programme as far as possible. The test plan for the programme takes all these quality requirements into consideration.

## **Quality assurance for tests**

Quality assurance comprises rules, policy and procedures for checking whether the test policy is being properly pursued. Quality assurance comprises the following:

1. rules and policy rules relating to testing and examining;
2. checking whether the testing corresponds to the course objectives;
3. fostering expertise in testing among examiners;
4. supervising compliance with the test policy;
5. checking whether the final attainment levels for the programmes have been achieved;
6. imposing measures or sanctions in the event of actions or decisions that conflict with the test policy;
7. providing legal protection in connection with testing and examining.

The following tools are used in connection with quality assurance:

*1. Setting rules on testing and examining*

**Course and Examination Regulations**

The dean draws up Course and Examination Regulations for each programme every year. This document lays down the curriculum for the programme. The dean determines the level and the length for each individual component. In addition, rules on a fixed order for the courses are set, as well as rules on exemptions from components and rules on the way in which tests are held and how often they are held. The Course and Examination Regulations also include the admission requirements for future students. The Course and Examination Regulations are drawn up by the Education Dean in consultation with the degree programme committee (comprising academic staff and students) and the Examining Board. The Faculty Council has to concur in the Course and Examination Regulations<sup>7</sup>.

**Examining Board's Rules and Guidelines (2014)**

The Examining Board sets rules and guidelines for the programmes every year. These rules and guidelines mainly relate to the type of test and how these tests fit in with the final attainment levels. This refers to matters such as assessment rules relating *inter alia* to pass-fail borders; compensation rules; measures taken against fraud; and order rules.

**Test plans**

Test plans are drawn up at programme level by the programme directors and are an actual reproduction of the test programme for the programme. A test plan comprises four elements: the framework, the curriculum, a description of the tests and the practical aspects of the tests.

**Test Manual**

The Examining Board has compiled a test manual to assist the examiners. This manual contains recommendations, guidelines, explanatory notes and procedures relating to the basic requirements for testing, types of test, peer reviews, determination of a pass mark, etc. It also contains suggestions for measures and procedures for combating the improper allocation of credits through fraud or profiting from other students' work, as well as rules governing inspection and the processing and administration of results.

**Guidelines relating to the organisation of testing and examining**

The Examining Board draws up guidelines relating to the logistics of testing. These guidelines concern e.g. test schedules for the even distribution and coinciding of tests, the requirements with which examination rooms have to comply (also for students with a temporary or permanent disability), deployment of invigilators and the regulations they have to observe, and regulations relating to the combating of fraud.

*2. Promoting examiners' expertise with respect to testing*

**Examination service point**

Promoting expertise among academic staff and training them to compile satisfactory tests is an essential part of quality assurance for tests. Staff must be given regular training on testing and assessment and this must be structurally enshrined in the sections' staff policy. Examiners are also given support where necessary. Examiners must be officially qualified to hold tests.

*3. Checking whether the test corresponds to the course objectives for the courses*

**Prior inspection of the study guide**

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<sup>7</sup> See Article 9 paragraph 38 of the WHW.

The course objectives and testing are described in a study guide for each course. The Examining Board systematically checks that the tests fit in with the course objectives. If necessary, the Examining Board will obtain advice from external specialists when doing this. To carry out these checks, the study guides are submitted to the Examining Board through the programme director in plenty of time.

#### *4. Monitoring compliance with the test policy*

##### **Test Committee**

The Examining Board appoints one or more Test Committees which monitor compliance with the test policy in a certain programme, under the Examining Board's responsibility. The Test Committee's major task is to promote the quality of the tests. The Test Committee comprises a number of examiners plus one member of the Examining Board. The Test Committee holds at least three meetings a year. The Test Committee monitors the quality of the tests on the basis of information provided by the examiner such as the study guide, the test matrix and the test, the assessment model, the results and if appropriate, the statistical assessment of the multiple-choice questions.

The Test Committee must keep the examiner, the senior professor responsible and the Examining Board informed of its findings. The Test Committee may advise the Examining Board to declare the results of an examination invalid if the test's reliability and validity are at issue. The Test Committee promotes the quality of the tests by publishing good test practices. The Examining Board must provide the Test Committee with a framework within which it can work.

#### *5. Checking whether the final attainment levels for the programmes are attained*

##### **Checking whether the course objectives in their entirety fit in with the final attainment levels set**

The programme director must ensure satisfactory coordination of the course objectives with the final attainment levels for the programme. The degree programme committees will advise him in this. The course objectives and final attainment levels are set out in the programme study guide every year. The Examining Board is responsible for ensuring that the tests in their entirety relate to the final attainment levels formulated for the programme. Awarding the certificate means that the Examining Board guarantees that the graduate has achieved the final attainment levels by passing the tests.

##### **Monitoring the bachelor and master thesis**

The theses are assessed by at least two examiners. The Test Committee monitors the quality of the theses by carrying out random spot checks.

#### *6. Measures and sanctions in the event of acts that conflict with the test policy*

##### **Measures to be taken against students in the event of fraud**

In accordance with the law<sup>8</sup>, the Examining Board has laid down measures in the Examining Board's Rules and Guidelines (2014), which can be taken if any student commits fraud.<sup>9</sup>

These measures include the following:

- a. a reprimand;
- b. declaring the relevant examination invalid;
- c. exclusion from the relevant examination for a period not exceeding one year;
- d. exclusion from one or more rounds of examinations;

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<sup>8</sup> Article 7.12 paragraph 4 of the WHW

<sup>9</sup> The Examining Board sets regulations relating to a proper procedure during examinations and to the measures to be taken in this connection. These measures may mean that in the event of fraud on the part of a student, the Examining Board will deprive the student of their right to sit one or more examinations at the institution to be specified by the Examining Board, for a period not exceeding one year to be determined by the Examining Board.

- e. a combination of the aforesaid measures, with a period of exclusion from all examinations not exceeding one year;
- f. in the event of violation of Article 15 of these regulations (fraud and misconduct; prohibitions), the Director of Public Prosecutions may also be called in.

These measures and procedures have been incorporated into the Examining Board's Regulations.

#### **Measures to be taken against students in the event of violation of order regulations**

All persons present in the university buildings or the university grounds or making use of the university provisions are obliged to observe the order regulations and the relevant instructions given. Order regulations have also been set for the use of examination rooms and provisions. These regulations are generally enshrined in the Examining Board's Rules and Guidelines (2014). The following measures may be taken against any student who does not adhere to the order rules or whose conduct is otherwise unacceptable:

- a warning;
- a reprimand;
- a fine, if this has been agreed or is deemed to have been agreed by contract;
- a temporary, provisional or definitive ban (not exceeding 10 working days) on access to the university buildings and grounds, or on use of the university provisions. For example, if a student makes improper use of the Internet, their ERNA account may be closed down. If such a ban is imposed, the relevant student will be given the opportunity to defend themselves verbally or in writing, in advance if possible. The student may arrange to be represented by legal counsel.

All students whose interests are directly concerned may file an objection against any such decision with the Executive Board and subsequently lodge an appeal against the decision with the Higher Education Appeals Tribunal in The Hague. Lodging an objection or an appeal will not have a suspensive effect on a decision as referred to in the Order Regulations.

#### **Measures taken against staff members**

If a member of the university staff's conduct contravenes the examination regulations, they may be called to account by their immediate superior, either in the shape of a performance interview or otherwise. Possible improvement procedures may be discussed with the relevant staff member. As an ultimate measure in connection with staff policy, the university may impose disciplinary measures in conformity with the CAO-NU collective employment agreement.

#### **Revoking a lecturer's authority to hold examinations**

As an ultimate measure in the event of demonstrably persistent dysfunctioning with respect to testing, the Examining Board may revoke the relevant lecturer's authority to hold examinations. It goes without saying that this step will not be taken until after talks have been held with the relevant lecturer and their immediate superior, and after giving them a reasonable opportunity to improve their performance.

#### **Measures against the Examining Board**

The Examining Board's special position requires it to be capable of functioning independently. If, in spite of everything, the Examining Board fails to function properly, the dean may remove certain members of the Examining Board after consultations with the Faculty Council.

### **7. Legal protection in connection with testing and examining**

#### **Appeal procedure for examinations**

Protection of the legal position of students at a public university such as Erasmus University Rotterdam is provided for by law. A student can (*inter alia*) lodge an appeal with the EUR Board of Appeal for Examinations against decisions made by the Examining Board. If the appeal is valid, the Board of Appeal for Examinations may quash all or part of the decision appealed against and a new decision will have to be taken.



**Complaints procedure**

The internal EUR Legal Protection Facility is a supplementary procedure whose aim is to protect students' rights. Any student who feels they have been treated discourteously by the university may also consult one of the counsellors before actually instituting objection or appeal proceedings. The counsellors' task is to mediate between the complainant and the staff member or university department to which the complaint relates. If mediation is unsuccessful, the counsellor may consult the faculty dean or the Executive Board to enable them to take further steps in the matter.

## ***Appendix to Erasmus School of Law Comprehensive Test Policy for Bachelor and Master Programmes***

### **Recruiting examiners and granting authority to hold examinations, or in other words: how do lecturers become examiners?**

Prior to 1 September 2012, all lecturers employed at ESL were automatically granted authority to hold examinations. This new policy only applies to lecturers and guest lecturers employed at ESL and persons with a hosting agreement (hereinafter: HO) who were attached to ESL after 1 September 2012. The following applies to the last-named group:

1. Authority to hold examinations is granted to all members of the permanent or temporary academic staff employed at ESL before 1 September 2015 who have borne partial responsibility for four examinations.
2. Members of the academic staff who do not fulfil the conditions specified under sub 1., or who were not employed by ESL or attached to ESL until after 1 September 2015 may exclusively obtain authority to hold examinations in one of the following ways:
  - a. by fulfilling the conditions that apply to the obtaining of the test qualification by following a Basic Teaching Qualification course set by Risbo, such as e.g. the *Devising of Tests* module;
  - b. or on the substantiated suggestion made by the relevant senior professor through a resolution to this effect adopted by the ESL Examining Board.

Explanation: the ESL Examining Board regulates the way in which it guarantees the quality of the tests in the memorandum entitled *Erasmus School of Law Comprehensive Test Policy for Bachelor and Master Programmes*. Part of this is the stipulation that the only lecturers (members of the temporary or permanent staff) who may be appointed as examiners are those who hold a test qualification. The former regulation in force until 1 September 2012, which granted authority to hold examinations *qualitate qua* to all members of the temporary or permanent staff, should be regarded as unsuitable in view of the importance of guaranteeing the quality of the tests. At the same time, it was also considered inappropriate to oblige lecturers who were already employed at ESL on 1 September 2015 and who had gained sufficient experience as examiners to formally demonstrate their quality as examiners by obtaining the test qualification.

For this reason, ESL decided that lecturers in this category with sufficient experience – in the present case, those who had acted as examiner or co-examiner on four occasions – should be formally awarded authority to hold examinations. Those who do not have such experience, or do not have it to a sufficient extent, may obtain authority to hold examinations by gaining further experience, i.e. by following a Basic Teaching Qualification course. In such an event, there will have to be an examiner who is authorised to hold examinations and who will be ultimately responsible for the examining duties performed by the relevant lecturer.

With effect from 1 September 2015, obtaining the test qualification will exclusively apply as a new route to be followed by new staff members who will also be acting as examiners. To this end, we will have to examine ways in which the training and testing required for the relevant lecturers can be fleshed out.

Since there will always be a possibility of exceptions to this, the Examining Board is authorised to award authority to hold examinations (i.e. the status of examiner) to a lecturer if the Examining Board receives a substantiated proposal to this effect from the senior professor responsible. This proposal must be accompanied by the relevant information, such as the relevant lecturer's extensive curriculum vitae and a description of the precise duties to be performed at ESL, thereby stating whether these duties are performed independently or not.

*Is it possible for lecturers to be authorised to hold examinations without a hosting agreement?*

The legal status of the lecturer in question must be attachment to EUR by a hosting agreement at the very least. If this is not the case, the professor responsible simply has to sign a statement guaranteeing quality. The procedure is as follows: the professor who is ultimately responsible notifies the Examining Board that a number of named external lecturers are being deployed – under their leadership and responsibility – for duties involving the assessment of examinations, partial examinations and theses. The professor explicitly states

that they guarantee the quality of such assessments and that they are personally responsible for it. This professor – or possibly another senior lecturer – is ultimately the person who formally determines the marks and whose name appears on the thesis and examination papers assessed.

Last amended on 9 November 2015