

**Regulations from the Examination Board  
Erasmus School of Law**

effective September 1<sup>st</sup>, 2019

**Erasmus University Rotterdam  
Erasmus School of Law**

# Regulations from the Examination Board Erasmus School of Law

*translation of:  
Regels van de examencommissie  
Erasmus School of Law*

Effective September 1<sup>st</sup>, 2019

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## Chapter 1 General provisions

### Article 1 Scope of the regulation

These regulations apply within the context of the Education and Examination regulations (hereafter also referred to as: OER) of the programmes of the Erasmus School of Law to the education and the examinations of the programmes of the Erasmus School of Law: the bachelor programmes Criminologie, Fiscaal recht and Rechtsgeleerdheid, the master programmes (and their premasters) Aansprakelijkheid en verzekering, Arbeidsrecht, Criminologie, Financieel recht, Fiscaal recht, Ondernemingsrecht, Rechtsgeleerdheid, Recht van de gezondheidszorg and Togamaster, the parttime master Commercieel Privaatrecht and the LL.M. Programme Commercial Law, hereafter referred to as: the programme. The programme is provided under the purview of the Erasmus School of Law of Erasmus University Rotterdam (EUR), hereafter referred to as: ESL.

### Article 2 Definitions

In this regulation, the following terms are understood to mean:

- a. *the law/WHW*: Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*); 8 October 1992; Bulletin of Acts and Decrees 1992/593; later amended;
- b. *academic year*: the period of time that commences on 1 September and ends on 31 August of the next year;
- c. *Bachelor's programme*: the Bachelor's degree course as referred to in the WHW;
- d. *block*: a Bachelor block comprises 4, 5, 6, 7, 7,5 or 10 EC; a study year consists of eight or nine blocks. A Master block comprises 10 or 15 EC; each study year consists of five blocks;
- e. *CBE*: the Examinations Appeals Board of EUR, as referred to Section 7:60 of the WHW;
- f. *certificate education*: participation in units of study of the regular curriculum by individuals other than students, with the aim of taking an interim examination in them and receiving proof of successful completion (i.e. a certificate) therefor;
- g. *credit or European Credit Transfer System (EC) credit*: unit used to indicate the amount of time a student dedicates to study as referred to in Section 7.4 of the WHW; one EC credit is equal to 28 hours of study and determined as follows:
  1. one hour of lecture or seminar participation corresponds to one hour;
  2. in the first year of the Bachelor's programme, the time required to study five original pages of literature of average difficulty corresponds to an average of one hour. In the second and third years of the Bachelor's programme and in the entire Master's programme, studying six original pages of literature corresponds to an average of one hour;
- h. *cumulative assessment*: the entire body of interim examinations as referred to in Section 7.10, second subsection of the WHW;
- i. *dean*: administrator of the School of Law;
- j. *emergency*: an unintended and unexpected event, possibly disrupting operations on the EUR campus;
- k. *exam candidate*: individual who is to sit an interim examination or the cumulative assessment;
- l. *Examination Board*: the board as referred to in Article 7.12 of the WHW;
- m. *examination content*: the content of all forms of education and literature. The content of all forms of education is also understood to include any subject matter covered using audiovisual equipment and the faculty course channels. Literature is understood to mean: (parts of) books, articles in journals, handouts and case law.
- n. *examinee*: individual who has sat an interim examination or the cumulative assessment;
- o. *examiner*: individual who, pursuant to Section 7.12, third subsection of the WHW, is authorised to administer the interim examination of a unit of study;
- p. *GNIO*: the EUR Disputes body for non-initial courses;

- q. *graduate*: individual who has successfully completed the final/cumulative assessment of a programme;
- r. *interim examination*: the assessment of the examinee's knowledge, insight and skills and the results of the assessment as referred to in Section 7.10, first subsection of the WHW;
- s. *mark*: the result as recorded in Osiris;
- t. *Master's programme*: the Master's degree course as referred to in the WHW;
- u. *MyEUR*: collection of webpages and information channels of EUR;
- v. *OER*: the Education and Examination Regulation as referred to in Article 7.13 of the WHW;
- w. *Regulations from the Examination Board*: the regulations as referred to in Section 7.12b of the WHW;
- x. *student*: individual who is enrolled at the EUR and, consequently, who enjoys all the associated rights, as referred to in Section 7.34 of the WHW;
- y. *thesis*: a unit of study as referred to in Section 7.3 of the WHW;
- z. *unit*: a unit of study of the programme as referred to in Section 7.3 of the WHW.

## **Chapter 2      Interim examination: subject matter and content**

### **Article 3          Announcement and description of interim examination content**

1.      The examiner sees to it that the content of the interim examination of the unit in question is published at the start of each block. If possible, this information will be published online on the School of Law's website. In the publication, the examiner will outline how the study load, referred to in Article 2 sub g, of the unit in question, will be divided over the various sections of the interim examination content. The examiner may exceed the prescribed study load for the unit in question by no more than 10%, provided that he or she gives well-founded reasons for doing so.
2.      With the exception of the content of lectures, tutorials, practicals and teaching groups, the examiner may only include subject matter of the relevant unit of assessment that was available from the start of the unit.
3.      Regarding succeeding units, students are deemed to be familiar with the knowledge of preceding units.
4.      The examiner will immediately publish changes to the interim examination content already established and announced via the School of Law's website or in Erasmus Magazine. The changes will cease to apply if, in response to a request from a directly interested party, the Examination Board determines that the changes proposed by the examiner are insufficiently substantiated. In rendering its decision, the Examination Board may also make recommendations regarding the content that may be included in the interim examination. The interested party should submit his/her written request to the Examination Board within three weeks after the changes have been published. The Examination Board will render a decision on the request as quickly as possible.
5.      If the study load is exceeded or parts of the prescribed interim examination content are not available, any directly interested party may lodge an objection in writing to the Examination Board as quickly as possible. The Examination Board will render a decision with regard to the objection as quickly as possible. If the objection is deemed substantiated, the Examination Board may make recommendations regarding the scope and degree to which the interim examination content may be included in the interim examination.
6.      The costs for the examination materials must not be unreasonable and should be in proportion to the objective the study material is to serve. The examiner will select the least expensive alternative for the students.

## **Chapter 3     Sitting interim examinations**

### **Article 4     Special examination facilities**

1. Exam candidates with a handicap, chronic disease or disability are given the opportunity to complete the interim examinations in a manner that is in keeping with their individual disability wherever possible, but limited by what is, within reason, possible for the organization. Examinations preferably take place at the same time or during the same period as regular examinations. Any modifications made may not affect the quality or the degree of difficulty of an interim examination.
2. Before submitting a request to the Examination Board, the exam candidate who wishes to avail themselves of special facilities makes an appointment with one of the ESL study advisors to discuss their functional limitation and the desired special examination facilities. The motivated request has to be accompanied with a statement of a medical specialist regarding the effects of the functional disability on the study situation, including suggestions of specific facilities that could improve the examination results. Dyslexia statements are subject to the EUR Protocol for the check of dyslexia statements. The request must be submitted to the Examination Board at least three weeks before the week in which the interim examination for which the facilities are requested, is planned.
3. If necessary, the Examination Board will seek expert advice before coming to a decision.
4. The following website provides more information on the additional facilities and rights for students with a functional limitation:  
<https://www.eur.nl/en/education/practical-matters/advice-counselling/studying-functional-impairment>

### **Article 5     Publication of time and place of interim examinations**

1. The Department for Examination Administration will announce the date, time and location of each written examination, with the exception of those scheduled in accordance with the provisions of Article 8 (Rescheduled interim examinations), no later than the start of the academic year.
2. The announcement referred to in the previous paragraph will be made on the School of Law's website. The interim examination rounds and dates are listed on the School of Law's website. Any additions and/or changes to the interim examination schedule are announced on the School of Law's website. On the day the interim examination is administered, the locations of the examination rooms in the building are posted on signs or displayed on monitors.
3. The dates and times referred to in the first paragraph are scheduled in such a way as to prevent double scheduling.
4. The dates and times of written mid-term examinations and the periods in which oral interim examinations are administered, are announced well in time, in any case at the beginning of the block, on the School of Law's website.
5. The dates and times referred to in the fourth paragraph are scheduled in such a way as to prevent double scheduling.
6. The examiner determines the date and time of oral interim examinations. Barring any exceptions, exam candidates must register for oral interim examinations at the Front Office USC (ESSC) no later than two weeks before the interim examination is administered.

## **Article 6      Conditions for sitting interim examinations**

1. For valid participation, the exam candidates must be authorized to sit the interim examination. Subject to the provisions of Article Order of Examinations in the OER pertaining to the exam candidate's programme and the Chapter Binding recommendation on continuation of studies in the OER pertaining to the exam candidate's programme, an exam candidate is entitled to sit interim examinations if he or she:
  - is registered as a student for the unit of study of which he/she is taking a preliminary examination in, is part of the curriculum as referred to in the Article programme cumulative assessment from the OER of the unit in question, or;
  - is registered as a non-degree seeking student, an exchange student or an Erasmus College student for the unit of study in which the preliminary examination is being taken;
  - if necessary, has registered for the interim examination in a timely and proper manner.
2. Exam candidates who have earned an unsatisfactory mark four times for the same unit should first meet with the study adviser to discuss the progress of their study before registering to resit the interim examination for the unit in question.

## **Article 7      Registering for interim examinations and cumulative assessments**

1. Only students who register for written interim examinations on time are entitled to have the results of said examinations registered. An exception will be made for students who have received written permission from the Examination Board to be added to the list of participants later.
2. Registration for written interim examinations is possible during the registration period via Osiris Student; registration for modular or mid-term examinations is possible via MyEUR. Information about the registration period will be provided by the faculty via the study guide, among others. In principle, the registration period is open from 35 days until seven days prior to the examination. Students who cannot register via Osiris Student should contact the Front Office USC (ESSC).
3. After the expiry of the regular registration period, it will still be possible to register with the Front Office USC up to two days prior to the interim examination. The fee for late registration is € 20.00 per interim examination. Preferably, students should show proof of payment when they report to take their interim examinations, so that they can show this to the invigilator, if their names do not appear on the list of participants due to late registration.
4. If a student nevertheless takes part while being in violation of any of the foregoing clauses of this article, the result will be invalid, unless the Examination Board decides otherwise.
5. Examinees who start a full-time ESL Bachelor's degree programme on or after 1 September 2012 and who are assigned to a teaching group at the start of a term, are automatically registered for the regular examinations and cannot de-register. However, for resit examinations, these students should register via the procedure outlined in the preceding paragraphs of this article. Bachelorstudents who follow the "Friday afternoon classes" and masterstudents should register for their (resit) examinations via the procedure outlined above, unless stated otherwise in the study guidelines of the unit in question.

## Article 8 Rescheduled interim examinations

1. In the event of exceptional circumstances, the Examination Board may acknowledge an exam candidate's request to sit a written examination in manner other than those stipulated in Article (Type of interim examinations) in the OER pertaining to the exam candidate's programme or at a time or location other than stipulated in Article 5 (Publication of time and place of interim examinations).
2. As a rule, no interim first-year Bachelor's examinations are permitted.
3. Rescheduled interim examinations are not possible regarding the following units of the Bachelor Rechtsgeleerdheid (Laws) programme: JAV III: Bachelorwerkstuk (Erasmus Law College).
4. Rescheduled interim examinations are not possible regarding the following units of the Bachelor Criminologie (Criminology) programme: Onderzoeksvaardigheden I (Erasmus Law College) and Onderzoeksvaardigheden II (Erasmus Law College).
5. Rescheduled interim examinations are not possible regarding the following units of the Bachelor Fiscaal recht (Tax Law) programme: JAV III: Bachelorwerkstuk (Erasmus Law College).
6. Permission to complete the Research & Writing Skills courses from the ESL Master programmes in the interim is not granted.
7. As a rule, no interim examinations are permitted if an exam candidate is unable to take part in examinations during regular examination rounds during the first to fourth block. If an exam candidate is unable to take part in these regular examinations, the missed examination must be taken during the general resit round.
8. Permission to take an interim exam may be granted once-only on the grounds of very special circumstances and demonstrable study delay if there are no regular exams or resits within 17 weeks, counting from the date of submitting the request as stated in paragraph 10.  
The following qualify as very special circumstances:
  - a. Professional sport obligations;
  - b. Birth of own child or pregnancy/maternity issues;
  - c. Death of partner, (step-)children, (step-)parents, (step-)brothers or (step-)sisters.
9. If the request for a rescheduled interim examination referred to in paragraph 1 involves the last interim examination required to be eligible for the Bachelor's cumulative assessment, this is acknowledged once-only, without prejudice to the provisions in paragraphs 1 to 6 of this article, provided the exam candidate sat the interim examination in the previous examination round and earned at least a four (4) and there are no regular exams or resits to be held within 17 weeks from the date on which the request is submitted.  
If the request for a rescheduled interim examination referred to in paragraph 1 involves the last interim examination required to be eligible for the Master's cumulative assessment, this is acknowledged once-only, without prejudice to the provisions in paragraphs 1 to 6 of this article, provided the exam candidate sat the interim examination in the two previous examination rounds and earned at least a four (4) for one of these previous examinations and there are no regular exams or resits to be held within 17 weeks from the date on which the request is submitted.
10. Motivated requests on these grounds should be submitted with the Examination Board and accompanied by relevant written evidence. If the request for a rescheduled interim examination referred to in paragraph 1 involves the last interim examination required to be eligible for the Bachelor's or Master's cumulative assessment, the request may not be submitted before all other units of study have been successfully completed.
11. If the Examination Board has acknowledged the request referred to paragraph 1, the exam candidate has 14 days (unless stated otherwise) after the date of the written consent to report

to the examiner of the unit in question to schedule the interim examination to be sat. The examiner involved will – possibly in consultation with the Examination Board – schedule the interim examination and determine the form of interim examination.

#### **Article 9 Interim examination administration**

1. Each interim examination will be administered and assessed by an examiner appointed by the Examination Board.
2. Oral interim examinations can be administered by two or more examiners. In case an oral interim examination is administered by a single examiner who does not make an audio-recording of the proceedings of the examination, another member of the academic staff will be present during the interim examination. At choice of the examiner, either an audio-recording or a written report will be made of the proceedings of the oral interim examination, to be archived by the examiner for a period of two years. Interim examinations that are administered outside of the university, are, if possible, attended by another member of the academic staff and their proceedings shall always be recorded on audio file, to be archived by the examiner for a period of two years.
3. An oral interim examination will be administered to no more than one exam candidate at a time, with the exception of the provisions of paragraph 4.
4. If part of the assessment of a (written) group assignment of any kind, an oral interim (sub-)examination can be administered to several exam candidates at the same time in accordance with the provisions in this article, provided they were all involved in the (written) group assignment. The examination may take place in the form of a tutorial/group discussion. The (sub-)results shall be archived by the secretary of the section involved.
5. Oral interim examinations are public, unless the Examination Board or the examiner decides otherwise or the exam candidate objects to this.

#### **Article 10 General provisions governing the orderly administration of written interim examinations**

1. The Examination Boards of EUR have appointed invigilators who will be responsible for maintaining order during the written interim examinations. A chief invigilator will be present in the Van der Goot Building, Sports Building and other large halls during written interim examinations. The chief invigilator coordinates the course of events during written interim examinations.
2. At the start of interim examinations, at least one examiner (lecturer) will be present in one of the halls where written interim examinations are administered, or can be immediately reached by the chief invigilator.
3. Students who take interim examinations are required to follow the instructions of the invigilators. In the event that the instructions of the invigilators are not followed, the invigilator in question will compile a written report of this. The Examination Board will then decide upon possible sanctions.
4. In cases where there is a good storage system for the personal belongings of examinees outside the room where the interim examinations are administered, coats and bags may not be taken into the interim examination hall. In other cases, coats should be hung over the chairs. Bags should be closed and out of reach. Duffel bags, suitcases and other large objects should be handed over to the chief invigilator.
5. The interim examination hall should be quiet prior to, during and also after the interim examinations. All types of communication are prohibited during interim examinations, except with the invigilators and examiners.
6. The examination room is equipped with camera surveillance.
7. Prior and during visits to the toilets, the toilet invigilator can inspect whether students are in the possession of mobile telephones and smartwatches, by means of mobile detection

equipment.

### **Article 11 Entering and leaving the examination room where a written interim examination is being administered**

1. Written interim examinations will be administered in various halls and rooms in the Woudestein complex of EUR. The normal interim examination venue is the M Hall on the ground floor of the Van der Goot Building. On the day that interim examinations are administered, monitors at the entrance to the Van der Goot Building and elsewhere will show the exact location and any changes.
2. Students with a campus prohibition from or on behalf of the administration of EUR, are not entitled to participate in any examinations/tests at EUR during that period.
3. Students with dyslexia and certain other types of functional disabilities will take their interim examinations in another hall. For this purpose, they should receive permission from the Examination Board before the end of the registration period. In the halls reserved for written interim examinations, exams will commence 30 minutes earlier than in the other halls and therefore will start at 09.00, 13.00 and 18.00. The examinations end at the same time as the examinations in the main hall. In the PC-halls reserved for students with special examination facilities, exams will finish 30 minutes later.
4. In order to ensure a peaceful, orderly process, participants should report to the interim examination room on time and take their seats. The M Hall is divided into blocks. Each block seats a maximum of 53 students. The blocks are arranged in advance according to student numbers. Signs will be posted showing the first and last number of each block.
5. Students may start taking the interim examinations up to 15 minutes after the official commencement time. They may not do so after this period expires, unless a chief invigilator gives permission to take part in the interim examinations after the 15-minute extension, because of demonstrable traffic delays. No appeals will be allowed against decisions not to allow the interim examinations to be taken because of late arrival.
6. In case a written interim examination is administered digitally, a student who has not registered for this examination might need extra time (> 15 minutes) to log in in the testing software. In those cases the invigilator will appoint a seat to the student, who may only take the examination in the remaining time.
7. Examinees may not leave an interim examination hall earlier than one hour after commencement. Students who turn in their interim examinations early to the invigilator must make sure that they do not disturb other students still taking the exams.
8. The completion time of the interim examinations is the final deadline for turning in the interim examination answers. All forms to be turned in should include the student number written in ink, the name and (possibly) signature when it is handed to the invigilator. The invigilator checks if this has been properly done, prior to accepting the examination forms. All digital examinations should be turned in digitally by logging out of the testing software. Students must remain seated for the last 15 minutes of an interim examination. The invigilator collects the interim examination papers once the interim examination is over or ascertains that the examinee has logged out of the testing software.
9. Note paper, interim examination answers and any other interim examination documents, provided by examiners or invigilators previous or during the interim examination, must not be removed from the interim examination hall during or after the interim examination. Interim examination exercises must not be removed after the interim examination unless stated otherwise on the covering page.

### **Article 12 Specific provisions about order during interim examinations**

1. Examinees may only have the following items on their desks: the materials which are provided by EUR in connection with the examination, a valid proof of identity (see paragraph 2 of this

article), stationery, food and drink for personal consumption and, if available, proof of registration. One cold snack and one bottle or tin/can of beverage are permitted but consumption may not cause inconvenience in any way, within the discretion of the chief invigilator. Alcohol and drugs are prohibited. For several interim examinations a simple or graphic calculator or use of specific sources will be permitted. The examiner will announce this in the manner referred to in Article 3 (Announcement and description of interim examination content) and it should be mentioned on the covering page of the interim examination. Students should not make notes on source materials permitted for interim examinations. Annotated codes of law or other works of reference are not permitted: underscoring or other marking may be applied (provided this cannot be regarded as code) as well as tabs, tags and labels provided these are blank (not written upon) or already printed by the publisher (and supplied together with the reference work). Pre-printed tabs should be attached to the page containing the same legal regulation to which the tab is referring to. Examinees may borrow devices or other permitted sources from other examinees, provided the transfers take place prior to the start of the interim examination. If they contain any information that would enable a student to cheat, both the lender and the borrower will be held responsible.

2. All examinees are required to provide proof of identity by showing at least one of the following identity papers: the student card of the university, a driving license or an ID card, passport. Taking part in interim examinations will not be allowed if none of these identity cards can be shown to the invigilator.
3. During interim examinations, examinees may only use paper issued by the university. The use of personal paper is not permitted. Only a laptop provided by the university may be used during interim examinations. The use of a personal laptop is not permitted. For written (on paper) examinations or for the use of scribbling-paper during a digital examination, students are requested to bring working pens and for multiple choice-examinations, pencils and eraser.
4. In cases where there is a sound storage system for the personal belongings of examinees, they are not allowed to take watches, mobile telephones or other electronic communication devices into the interim examination room. In other cases, mobile telephones and/or other electronic communication devices must be turned off inside the examination room. Moreover, telephones and/or other electronic communication devices must remain out of reach during the entire interim examination. Use of watches, mobile phones or other electronic communication devices at or during written interim examinations is prohibited. Violations will be regarded as cheating.
5. During the first hour and the last 30 minutes of an interim examination, examinees will not be allowed to go to the toilet, except in very exceptional (medical) circumstances. In such cases, they should report this in advance to the examiner or invigilator. Students are allowed one sanitary visit per person, per block, during an interim examination; permission will only be granted to one person at a time per block. Sanitary visits should be reported to the invigilator, whose instructions they are required to follow.
6. Before, during and after an interim examination, the invigilators are responsible for maintaining order in their blocks. In cases of cheating, the invigilator will fill in a cheating form and will stamp the interim examination answers with the words 'own risk'. The exam candidate may continue taking the interim examination.
7. Students should be silent in the examination halls and should avoid wearing noisy shoes.
8. All complaints regarding examinations can be filed via [legal.protection@eur.nl](mailto:legal.protection@eur.nl). Extensive information about the procedure can be found on the EUR website: <https://www.eur.nl/en/education/practical-matters/advice-counselling/legal-position/complaints>

#### **Article 12a Cancellation of examinations in the event of an emergency**

1. If an emergency (as referred to in Article 2 sub j) is to be expected before the commencement of an examination, the Examination Board may cancel the examination in consultation with the Regulations from the Examination Board ESL 2019-2020

Student Administration. Any such cancellation will be announced immediately on the EUR website home page, the Front Office USC and Student Administration news- and/or Facebook-pages and via MyEUR.

2. If an emergency takes place or is expected during an examination, those present must leave the examination hall immediately following the cancellation of the examination on the instruction of the person bearing responsibility (i.e. the head invigilator or a regular invigilator or an employee of the Student Administration) and leave behind their answer sheets.
3. As soon as possible after the cancellation, the examiner decides, based on the examination papers already made and/or submitted, whether any marks can be awarded for the examination. In case the examiner concludes that marks cannot be awarded, he will inform the Examination Board as such.
4. Following such a cancellation of an examination, the Examination Board will set a new date for the cancelled test as soon as possible, in consultation with the responsible examiner(s), which new date should preferably be within two weeks of the original test date. The new examination date shall immediately be published via MyEUR and on the Student Administration website.
5. A weather alarm by the KNMI (code Red or Orange) does not qualify as an emergency as referred to in this article. In the situation of such a weather alarm, announced for the Rijnmond-region, the dean (or deputy) decides, after consultation of the Examination Organization, whether examinations will be cancelled.

## Chapter 4 Interim examination results

### Article 13 Determination of interim examination results

1. An examination, including the bachelor assignment, *Research & Writing Skills* courses and the master thesis, will be deemed to have been successfully completed if the candidate obtains a rounded off mark of 6 or higher, or has been awarded an equivalent mark such as 'Exemption' or 'Satisfied'.
2. The bachelor assignment, *Research & Writing Skills* courses and the master thesis can also be marked on the basis of half marks. A mark of 5.5 will not rank as a pass-mark for these elements of the examination.
3. With due observance of the conditions mentioned in the OER, the Examination Board can grant a student an exemption from a unit of study upon request, filed in accordance with article 22.

### Article 14 Assessment of the thesis

1. The thesis as referred to in Article Thesis in the OER pertaining to the exam candidate's Master's programme is assessed by at least two examiners who determine the mark independently of each other. In the event of a combined thesis as part of the 'mr.drs' programme, one of the two examiners must be from ESL of EUR and the other from the Erasmus School of Economics of EUR.
2. The assessment protocol included in the 'Minimum Requirements for Theses' ('scriptiebrochure') as referred to in Article Thesis in the OER that pertains to the exam candidate's Master's programme will be used to determine the mark. The examiners may establish additional department-specific policy rules.
3. The Examination Board should have copies of the final thesis; one digital copy received as an upload via the Canvas *Thesis uploads* channel and one printed copy. Like the digital copy, the printed copy will be retained by the Examination Board for the legal conservation period of seven years. The digital copy can be saved in the public thesis repository of the University Library. The digital and printed copies must be identical.
4. Once the thesis has been uploaded, the printed copy thereof must be received within two days. If it takes longer than two days to submit the printed copies, the uploaded copy may be declared invalid, in which case the printed copy cannot be submitted.
5. This article does not apply to the thesis for the LL.M. programme Fiscaal recht (Tax Law) as referred to in Article 9 (Composition of the Master's Examination in Tax Law) of the OER master Fiscaal recht.

## Chapter 5 Cheating regulations

### Article 15 Cheating and misconduct

Cheating is understood to mean the actions or inactions of a student whereby it is (or has become) impossible for the examiner/Examination Board to form a proper judgement about the student's acquired knowledge, insights and skills, or about the knowledge, insights and skills of fellow students.

The following shall always be considered as fraud:

- a. possessing the questions or assignments of the interim examination to be sat in advance of the interim examination's scheduled date and time;
- b. posing as someone else during the interim examination or having someone sit the interim examination in their place;
- c. having and/or consulting books, syllabi, notes or other (electronic) information sources not explicitly permitted pursuant to Article 12 paragraph 1 during the interim examination, including programmable and non-programmable calculators, cellphones, smartphones, tablets, iPods and similar storage media, with or without internet-, 3G-, 4G- or Wifi-connecting possibilities. These sources must be switched off and remain. It is prohibited to take them to the toilet. In cases of fraud with sources, the evidence must be handed in to the invigilator, who will complete a fraud form;
- d. copying from other exam candidates or exchanging information with them or third parties in any way whatsoever during the interim examination, both inside and outside the examination room. Aiding or abetting another person to commit fraud passively or otherwise, is also considered fraud;
- e. changing or exchanging exam papers and/or response forms provided to them with others;
- f. bringing about changes in examination papers already submitted and corrected;
- g. plagiarizing in any form; this is understood to mean the inclusion in a written assignment, thesis or other curriculum text of any passage (i.e. more than several words verbatim or in translation) without indicating this by means of quotation marks or other typographic means, even if a reliable bibliographic entry is included. Aiding and abetting another person to commit plagiarism amounts to fraud;

Exam candidates are also prohibited from:

- h. sitting interim examinations for which they are not eligible;
- i. acting in a deceptive or other manner preventing – whether fully or partially – an accurate assessment of their knowledge, insight and skills;
- j. a written product can only be assessed once. As such, it is not permitted to re-use a dissertation, paper or any other piece of text already written as part of a unit at ESL or elsewhere, without further consultation with and approval from the examiner (of the module for which the text is being resubmitted) for the same or another subject or to use a part of a previously written assignment, in a revised form or not, without consultation with and approval from this examiner, for a dissertation/paper, etc. in order to be assessed again. In addition to the general obligation to cite references clearly, students have particular obligation to always be completely transparent about re-using their own work, and have an explicit duty of responsibility in this matter.

## **Article 16 Sanctions for cheating and misconduct**

1. Exam candidates who violate the provisions of the Rules of Order for Written Examinations of EUR (incorporated in articles 10, 11, 12 of these regulations) and/or article 15 of these regulations, or provoke or facilitate violations of these Rules of Order and/or this article, are guilty of cheating.
2. If, during the interim examination, an instance of cheating is observed or highly suspected, the examiner or invigilator will immediately inform the exam candidate involved of this, note this on the work to be submitted by the exam candidate and may also collect evidence of this. The exam candidate is enabled to finish the interim examination and turn in the answers.
3. The invigilator or examiner reports the established or suspected fraud immediately after the examination by means of a standard reporting form at Student Administration – Team Examination Organization. Any supporting documents are included as well. If the student has refused to hand over any evidence, this is noted on the form. Team Examination Organization sends the report form completed by the invigilator or examiner with any supporting documents within two weeks, if possible, to the Examination Board.
4. If, after an (group) assignment, paper or thesis has been handed in, plagiarism is established or seriously suspected (for instance through the use of a plagiarism scanner), the examiner immediately informs the student about this in writing. The student has a maximum of one week to contact the examiner to respond to the charge.
5. At the latest one week after the plagiarism has been established or seriously suspected, the examiner reports this to the Examination Board. Evidence as well as any response from the student are included.
6. Depending on the severity of the instance of cheating, including repeated instances of cheating, the Examination Board chairperson may impose the following sanctions:
  - a. reprimand;
  - b. decision not to assign a mark to the interim examination, paper or (group) assignment, in full or in part;
  - c. exclusion from the interim examination - in full or in part - in question, for a maximum of one year;
  - d. exclusion from one or more interim examinations designated by the Examination Board;
  - e. exclusion from submitting the thesis for a period of one year, or production of a new thesis;
  - f. in case of serious fraud, the institution's administration may, at the Examination Board's proposal, definitively terminate the offender's registration for the unit;
  - g. a combination of the above sanctions.The Public Prosecution Service will be informed in the event of an infringement of Article 15 of this regulation.
7. If fraud or plagiarism is established in group work, it will, in principle, be attributed to each of the group members equally. The burden of proving the contrary rests on every group member.
8. Before the Examination Board takes a decision, it will investigate the facts.
9. The Examination Board chairperson or his mandatory informs the exam candidate of the sanction(s) imposed.
10. Sanctions in response to cheating imposed by the Examination Board of another programme or faculty may also apply to the Bachelor's or Master's programme governed by these Regulations. The sanctions apply for the same period (to a maximum of one year), for the same interim examination round/rounds and for the same or comparable units, including the thesis.

## Chapter 6 Cumulative assessment results

### Article 17 Determining the results of the cumulative assessment

1. The Examination Board determines in an objective and expert manner whether an exam candidate meets the conditions regarding knowledge, insight and skills that this regulation stipulates to qualify for a degree.
2. After all elements of the examination have been completed, the head of Student Administration, on behalf of the Examination Board, will determine the results of the cumulative examination, with due observance of the OER pertaining to the programme and the Regulations from the Examination Board and the provisions in annex 1 of this regulation.
3. Exam candidates who complete all elements with a satisfactory result or one that can be compensated and is comparable on the grounds of the provisions in annex 1-7 of the Dutch version of these regulations, or who have been granted an exemption, pass the examination as referred to in the Article Final Assessment Elements in the OER.
4. Elements of the examination that the exam candidate has passed in the period during which the exam candidate is registered as participant can be included in the exam candidate's examination programme, subject to the Article Exemptions in the OER pertaining to the exam candidate's programme.
5. The date of graduation will be the date that follows from the 'Procedural regulations for awarding degrees following final assessments' in annex 1.
6. The cumulative assessment has an unlimited term of validity.

### Article 17a Determination of the final results of the Master's examination in Tax Law

1. The Examination Board determines in an objective and expert manner whether an exam candidate meets the conditions regarding knowledge, insight and skills that this regulation stipulates to qualify for a degree.
2. Exam candidates who complete all elements with a satisfactory result or who have been granted an exemption pass the Master's examination in Fiscaal recht (Tax Law) as referred to in the Article 9 of the OER.
3. If the exam candidate has successfully completed all elements as referred to in Article 9 OER masteropleiding Fiscaal recht, or has been granted an exemption, with the exception of the thesis, and the thesis supervisor has signed the standard form "thesis approval", thus giving approval that the thesis may be defended, an application to defend the thesis may be submitted. Exam candidates who gain a mark of at least six for the thesis are deemed to have passed the Master's examination. The mark for the thesis is not awarded until the thesis has been defended before the Graduation Board as referred to in the OER masteropleiding Fiscaal recht. The date of graduation will be the date on which the thesis is defended.
4. The final assessment has an unlimited term of validity.

### Article 18 Qualifications

1. Exam candidates with a weighted average of all interim examination results of at least six (6.00) will successfully pass the cumulative assessment.
2. Exam candidates entering the examination programme before 1 September 2011 with a weighted average of all interim examination results of at least eight point twenty six (8.26) will successfully pass the cumulative assessment 'Cum Laude' or 'with honours'.
3. Exam candidates entering the examination programme on or after 1 September 2011 with a weighted average of all interim examination results of at least eight and a half (8.50) and with no marks lower than seven (7.00) for any interim examinations will successfully pass the cumulative assessment 'Cum Laude' or 'with honours'.

4. Exam candidates entering the examination programme on or after 1 September 2013 with a weighted average of all first completed interim examination results of at least eight and a half (8.50) and with no marks lower than seven (7.00) for any first completed interim examination results will successfully pass the cumulative assessment 'Cum Laude' or 'with honours'.
5. Exam candidates entering the examination programme on or after 1 September 2019 with a weighted average of all first completed interim examination results of at least eight and twenty five hundredth (8.25), a mark of at least eight (8.00) for the Master's thesis and with no marks lower than seven (7.00) for any first completed interim examination results, will successfully pass the cumulative assessment 'Cum Laude' or 'with honours'.
6. Exam candidates entering the examination programme on or after 1 September 2016 with a weighted average of all first completed interim examination results of at least nine (9.00), a mark of at least nine (9.00) for the Master's thesis and with no marks lower than seven (7.00) for any first completed interim examination results, will successfully pass the cumulative assessment 'Summa Cum Laude' or 'with the highest honours'.
7. Exemptions, both those granted with retention of mark and those granted without retention of mark, will not be considered in the determination of the distinction.
8. The distinction will be awarded by the Examination Board. The determined distinction 'Cum Laude' or 'Summa Cum Laude' will be recorded on the certificate as referred to in Article 19 (The diploma) of these Regulations. The Examination Board can decide not to award a distinction in case very serious objections exist.

#### **Article 19      The diploma**

1. The Examination Board will issue a diploma as proof that the cumulative assessment has been passed, after the institution's administration has declared that the pertinent procedural requirements have been met. The diploma will be signed by the Examination Board chairperson, vice-chairperson or secretary. For every completed programme, one diploma will be issued.
2. The diploma will be accompanied by a separate list of marks (one for every completed programme specialization) indicating the units included in the cumulative assessment. In addition, the list of marks will also include units that were not included in the cumulative assessment, but for which an assessment was administered on the student's request, provided they were successfully completed and, if applicable, the associated competences. The list of marks will be signed by the Examination Board chairperson, vice-chairperson or secretary.
3. The Examination Board adds a diploma to the certificate in accordance with the agreed European standard format.
4. On behalf of the Examination Board, the Department for Exam Administration awards the certificate, the list of marks and the diploma to the exam candidate in person, unless the latter opts to receive the diploma at a special session of the Examination Board. Only exam candidates of the Dutch LL.M. programme specialisations of the LL.M. programme Rechtsgeleerdheid have access to the general graduation ceremony of the LL.M. programme Rechtsgeleerdheid.

## **Chapter 7 Examination Board**

### **Article 20 Composition of the Examination Board Erasmus School of Law**

1. The dean appoints the members of the Examination Board from among the programme's teaching staff. The dean appoints one member as chairperson. The term of office of each member is three years. Retiring members are eligible for immediate reappointment.
2. Prior to appointing the members, the dean will consult the members of the Examination Board. The Examination Board consists of at least six members, including the chairperson and at least one external member.
3. The dean safeguards the Examination Board's independent and expert performance.
4. The dean sees to it that the Rechtsgeleerdheid (Laws), Fiscaal recht (Tax Law) and Criminologie (Criminology) programs of ESL are sufficiently represented in the Examination Board.
5. The Examination Board secretary (non-member) is designated by the dean. The secretary has an advisory vote during Examination Board meetings.
6. The Examination Board may invite non-members to attend meetings. These individuals have an advisory vote during Examination Board meetings. The dean may also attend Examination Board meetings and has an advisory vote, as well.

### **Article 21 Tasks and Authority**

1. The Examination Board establishes the guidelines and instructions for assessing and determining the results of interim examinations and exams.
2. The Examination Board is responsible for safeguarding the quality of the interim examinations and exams, without prejudice to the examiners' tasks and authority. On request, the examiners will present the Examination Board with information about the interim examinations and exams.
3. The Examination Board commissions examiners to hold interim examinations and determine the results thereof. The Board ascertains that the examiners meet the exacted competence standards. Non-resident examiners receive a letter from the Board, stating their commission as examiner, the names of the applicable unit(s) of the cumulative assessment and the term of their commission.
4. An examiner is independent and competent regarding the composition of units of study and interim examinations and the results thereof.
5. The Examination Board can undo a commission for reasons of importance.
6. The "Full ESL examination policy" document states how the Examination Board safeguards the quality of its examinations and how it commissions examiners. In consultation with the respective programme management, the Examination Board draws up a Testing Plan for each individual Programme. The Testing Plan contains a systematic description of every interim examination of every unit of study of the programme.
7. The Examination Board draws up annual reports of its activities and provides them to the dean and the faculty council.
8. The Examination Board is responsible for all other statutory tasks and authorities resulting from the law and the Faculty regulations.

### **Article 22 Requests and decisions**

1. Without prejudice to the provisions of this regulation with respect to the terms for submitting requests and the required accompanying documents, each request related to this regulation has to be submitted in writing as quickly as possible and be substantiated as fully as possible.

2. By preference, requests to the Examination Board are submitted digitally, via the digital form on the webpage of the Examination Board.
3. All hardcopy correspondence, including certified copies of lists of grades, should be directed to:

Examination Board Erasmus School of Law  
Attn. Secretary, Room L2-023  
PO Box 1738, 3000 DR Rotterdam  
The Netherlands

4. If an exam candidate submits a request or complaint involving an examiner who is also a member of the Examination Board, this examiner will not take part in handling the request or complaint.
5. Without prejudice to the provisions of this regulation regarding the terms within which the Examination Board has to make a decision on certain requests, the Examination Board will decide within eight weeks of the date of receipt of the request. Every decision by the Examination Board will be made in writing and substantiated.
6. The Examination Board decides by a simple majority of votes.
7. The Examination Board may authorize one or more members or the secretary of the board to carry out one or more of its duties, unless this is contrary to the rule on which this authority relies. This member or these members or the secretary will provide regular updates on this during meetings of the Examination Board.

#### **Article 23      Appeals protocol**

1. All written decisions of the Examination Board and of the examiners will include a standard statement indicating the possibility of lodging an appeal to the CBE and the term within which this should be done. The exam candidate whose rights with regard to the provisions of this regulation are directly affected by a decision of or refusal to take a decision by the Examination Board or an examiner may lodge an appeal with the CBE within six weeks of the announcement of the decision or refusal to take a decision.
2. Appeals can be filed online via: <https://www.eur.nl/en/education/practical-matters/advice-counselling/legal-position>
3. The appeal may be lodged because a decision contradicts written or unwritten law.
4. For that purpose, the Examination Board chairperson – requested by the CBE – has to initiate consultations with the parties involved within five days after receiving the request to determine whether the disagreement can be settled amicably. If the Examination Board chairperson himself/herself is involved in the dispute, his/her responsibilities in trying to reach an amicable settlement are assumed by another member of the Examination Board.
5. The Examination Board chairperson ensures that consultations for an amicable settlement proceed smoothly. Within three weeks after receiving the invitation referred to in paragraph 4 of this article, the Examination Board chairperson will inform the CBE of the outcome of the consultations. If the consultations do not lead to an amicable settlement, the chairperson will ensure that the Examination Board and/or the examiner submits a statement of defense to the CBE within the term indicated in the second sentence of this paragraph.

## **Chapter 8 Final and implementation provisions**

### **Article 24 Hardship clause**

The Examination Board is authorized to compensate for any serious instances of unfairness arising from the application of these Regulations.

### **Article 25 Publication**

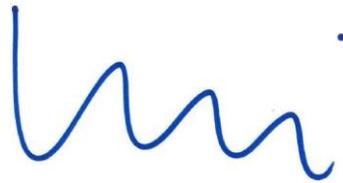
The Examination Board sees to the publication of these rules and any later amendments. These rules will in any event be published on the faculty's internet pages accessible to students and a copy is available at the Study Information Point. Amendments to the rules will be published as quickly as possible via the faculty's internet pages accessible to students. Amendments will not be carried through during an academic year, unless these are, within reason, not damaging to the interests of students.

### **Article 26 Entry into force**

These regulations take effect on September 1<sup>st</sup>, 2019.

### **Article 27 Official title**

These regulations can be quoted as the 'Regulations of the Examination Board ESL 2019-2020'.

A handwritten signature in blue ink, consisting of a series of connected loops and a final dot, positioned centrally on the page.

*Adopted on August 12<sup>th</sup>, 2019 by the  
Chairman of the Examination Board ESL  
of Erasmus University Rotterdam.*

## **Annex 1 to the Regulations of the Examination Board of ESL 2018-2019**

### **Procedural regulations for awarding degrees following final assessments**

#### **Article 1 Scope**

These regulations apply to the final assessment of the Bachelor's or Master's programme, listed in the CROHO Central Register of Higher Education Programmes that does not comprise a test to be conducted by the Examination Board or specially designated examiners.

#### **Article 2 Conditions for awarding degrees**

The conditions for awarding the exam candidate a degree are that the exam candidate:

- a. has achieved the programme's required study results; and
- b. is duly registered during the programme and on the date of the final assessment.

#### **Article 3 Application for the final assessment by the exam candidate**

1. The exam candidate applies for the final assessment to the programme's Department for Exam Administration, submitting proof that they meet the conditions of Article 2.
2. The date on which the Department for Exam Administration receives the exam candidate's application will be the date of the final assessment.

#### **Article 4 Determination of final assessment by Department for Exam Administration**

1. Under a mandate from the Examination Board, the Department for Exam Administration may determine that the final assessment has been administered, after ascertaining that the exam candidate meets the conditions of Article 2.
2. If the Department for Exam Administration concludes that the exam candidate meets condition a. but does not meet condition b., it has the following options:
  - (a) if the study result has not been registered under the programme's examination syllabus, the Department for Exam Administration may still do so with the Examination Board's consent;
  - (b) if the exam candidate is not duly registered, the Department for Exam Administration may request the exam candidate to still do so.
3. The date on which the Department for Exam Administration concludes that the exam candidate meets the conditions of Article 2 will be the date of the final assessment.

#### **Article 5 Awarding degrees and certificate**

1. If the Department for Exam Administration has applied for the final assessment, the Department for Exam Administration will inform the exam candidate in writing of the degree and certificate to be awarded. The exam candidate can respond to any factual inaccuracies within ten working days and request that the certificate be awarded at a later date yet to be scheduled. Once the response time has lapsed, the Board of Governors will award the degree.
2. If the exam candidate has applied for the final assessment, the Board of Governors will award the degree after it has been ascertained that the exam candidate meets the conditions of Article 2. The certificate may be awarded at a later date at the exam candidate's request.
3. The Department for Exam Administration registers the final assessment and informs the *Dienst Uitvoering Onderwijs* government agency.
4. The exam candidate can collect the certificate and diploma in person from their programme's Department for Exam Administration desk or, if applicable, receive them at a special session of the Examination Board. Only exam candidates of the Dutch LL.M. programme specialisations of the

LL.M. programme Rechtsgeleerdheid have access to the general graduation ceremony of the LL.M. programme Rechtsgeleerdheid.

**Article 6 Mandate**

1. The Board of Governors will mandate the head of Student Administration to take decisions pursuant to these procedural regulations.
2. Where exam candidates of the Erasmus MC are concerned, the Board of Governors will mandate the head of Student Administration of the Erasmus MC to take decisions pursuant to these regulations.
3. The Board of Governors may give general and individual instructions in relation to fulfilling the mandate.

**Article 7 Effective date**

1. These regulations will take effect as of 1 September 2012, with the exception of Article 4.
2. The head of Student Administration will determine for each programme when Article 4 will take effect.