

RULES AND REGULATIONS OF TILBURG LAW SCHOOL 2019-2020

Article 1 – Applicability

These Rules and Regulations are applicable to examinations in all Tilburg Law School's study programs, hereinafter referred to as "the programs".

Article 2 – Definitions

In these Rules and Regulations, the following definitions apply.

- a. Examination Board: the Examination Board as defined in the Higher Education and Research Act (*Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*) for all the programs offered by Tilburg Law School;
- b. Examination Regulations: the Education and Examination Regulations for the programs;
- c. examinee: the person who takes an examination or final examination;
- d. examiner: the lecturer responsible for teaching the relevant curriculum unit or an expert from outside the institution appointed by the Examination Board;
- e. final examination: the total of successfully completed examinations in the courses constituting a program, possibly supplemented by an appraisal by examiners appointed by the Examination Board of the knowledge, insight and skills of the examinee;
- f. examination: an appraisal of the knowledge, insight and skills of the student in a part of a particular course and the assessment of the results of that appraisal. An examination may consist of several different tests;
- g. test: a partial appraisal of the knowledge, insight and skills of the student in a part of a particular course and the assessment of the results of that appraisal;
- h. student: a person enrolled at the university to receive education and/or to take examinations and the final examination for a program.

Article 2 a – Task, procedures and appointment of members and chair of the Examination Board

1. One of the Examination Board's tasks is to guarantee the quality of examinations. The Board writes a report on its activities every year and presents it to the Dean.
2. If a student submits a request to the Examination Board involving an examiner who is a member of the Examination Board, the examiner concerned does not take part in dealing with this request.
3. After consultation with the members of the Examination Board, the Dean appoints at least seven and at most 15 members of academic personnel as members of the Examination Board based on their expertise in the field of the study programs offered at the School. A chairperson and a vice chairperson are chosen from among the members. The Dean may appoint one external member. The Examination Board is supported by a secretary.
4. The chairperson is responsible for the day-to-day running of the Examination Board. The vice chairperson may replace the chairperson.

Article 3 – Examination results

The Examination Board determines the results of the examination.

Article 4 – Cum laude/ with distinction

1. If a student has completed his or her degree program with distinction or with honors, a degree with academic distinction will be awarded.

Bachelor's

2. If a Bachelor's student has passed all components of the examination with an average non-rounded grade of at least 9.0 and had a grade of at least 9.0 for the MTO/Bachelor's thesis

component or the final Bachelor's assignment (in the case of Tax Law: the Fiscal Moot Court), the designation *summa cum laude* will be awarded.

3. If a Bachelor's student has passed all components of the examination with an average non-rounded grade of at least 8.0 and had a grade of at least 8.0 for the MTO/Bachelor's thesis component or the final Bachelor's assignment (in the case of Tax Law: the Fiscal Moot Court) or the MTO/Bachelor's thesis course, the designation *cum laude* will be awarded.
4. If a Bachelor student has passed all components of the examination with an average non-rounded grade of at least 7.5 and had a grade of at least 7.5 for the MTO/Bachelor's thesis component or the final Bachelor's assignment (in the case of Tax Law: the Fiscal Moot Court), the designation "with distinction" will be awarded.
5. In determining the average grade, the study load per component will be taken into account.
6. No designation will be awarded if the student was granted exemptions over 60 ECTS.
7. Students who started the program in the academic year 2018-2019 or later will not be awarded a designation if more than 10% of the study load of the examination program has been retaken.

Master's

8. If a Master's student has passed all components of the examination with an average non-rounded grade of at least 9.0 and no grades lower than 8.0 and had a grade of at least 9.0 for the Master's thesis, the designation *summa cum laude* will be awarded.
9. If a Master student has passed all components of the examination with an average non-rounded grade of at least 8.0 and no grades lower than 7.0 and had a grade of at least 8.0 for the Master's thesis, the designation *cum laude* will be awarded.
10. If a Master student has passed all components of the examination with an average non-rounded grade of at least 7.5 and had a grade of at least 7.5 for the Master's thesis, the designation "with distinction" will be awarded.
11. In determining the average grade, the study load per component will be taken into account.
12. No designation will be awarded if the student was granted exemptions worth more than 20% of the total number of credits of the Master's program.
13. Students who started the program in the academic year 2018-2019 or later will not be awarded a designation if more than 10% of the study load of the examination program has been retaken.

Article 5 – Registration for examinations and final examination

1. Participation in examinations is open only to students who have registered in a timely fashion in the prescribed manner. If the lecturer has set further requirements for participation in the examination and the student does not comply, the student can only participate in the re-sit.
2. Registration for a written test or examination must take place before the deadlines and in the manner published at the start of the academic year.
3. Repealed
4. Registration for the regular oral examinations is done in consultation with the instructor.
5. To be admitted to a final examination, the examinee submits the relevant form and the other documents required to the Student Desk at least three weeks before the desired date of graduation.

Article 6 – Invigilation

1. The invigilation and the supervision of the invigilation of written tests and examinations belong to the teaching tasks of the departments. The departments appoint an instructor who will be responsible for an examination as a contact person for the invigilator. The name and phone number of the contact person must be reported to the Student Administration (Central Exam Organization).
2. The Examination Board determines the dates of the examinations.
3. The invigilation schedule is binding. Except in the event of *force majeure*, if a contact person

is unable to attend, he must arrange for a substitute and report this to the university's Student Administration (Central Examinations Office) not later than 24 hours before the beginning of the relevant test or examination.

4. The contact persons act on behalf of the Examination Board or the examiner.

Article 7 – Rules for the examinee; fraud

1. Examinees who are more than half an hour late for a written examination will be barred from the examination.
2. The examinee is obliged to identify himself or herself at the request or on behalf of the Examination Board or examiner. In the case of a written examination or test, he or she must also sign the attendance list.
3. The examinee must follow any instructions of the Examination Board or the examiner published before the start of the examination or test and any instructions given during or immediately after the examination or test. In any case the invigilators are authorized to give instructions and to conduct checks to promote the proper conduct of affairs during the examination or test.
4. In the event of reasonable suspicion of fraud, the examinee is obliged, at the instruction of the invigilator, to hand over any material that he or she has within reach during the examination. (See also Article 8).
5. Fraud is defined as any act or omission thereof by the examinee that partially or entirely results in an impediment to forming an objective judgment of the examinee's knowledge, insight and/or skills.
6. Acts constituting fraud include:
 - a. Having available any documents or electronic device during the examination or any other means with similar characteristics or functions of which the consultation or use during the examination is not explicitly permitted. The rules regarding the use of codes of law during examinations are included in appendix 3;
 - b. Copying from or allowing fellow examinees to copy or exchange information with them in any way, inside or outside the examination room;
 - c. Assuming the identity of another person or allowing another person to take the examination in the place of the examinee;
 - d. Substituting the question and/or answer forms that are provided for the purpose of the examination or exchanging them with other persons;
 - e. Prior to the examination, possessing or providing one or more fellow examinees with questions or assignments or answers of the relevant examination;
 - f. Making changes to the answers of the examination after it has been handed in;
 - g. In a Master's thesis or other assignment, copying data, texts, arguments or ideas of others without a correct source indication.

The following instances, among other things, constitute plagiarism:

 - passages from the work of another are copied almost verbatim without a correct reference or without quotation marks and/or,
 - passages from the work of another are paraphrased without specification that it concerns the opinion or idea of another and without a correct source indication and/or,
 - the elaborated ideas or discoveries of another are presented as the student's own ideas or discoveries.
 - h. In carrying out a research project, manipulating or incorrectly presenting the research results with the intention to mislead.

The following instances, among other things, constitute plagiarism:

 - the data used in the study are distorted or fabricated or an irresponsible selection is presented,
 - points of view, interpretations and conclusions of others were intentionally distorted.
 - i. Providing opportunities or encouraging fellow students or examinees to commit fraud.

- j. Participating in an examination or final examination, etc. if the student knows or should reasonably know that this is prohibited.
 - k. Using one's own existing work already done within the framework of another course without the examiner's permission.
7. With a view to checking for plagiarism and/or fraud, the examiner can oblige the examinee to also submit a written paper, Master's thesis, internship or work placement report or other kind of written assignment electronically.
 8. The final version of an assignment, including papers, is checked using Urkund or a similar program. The thesis is checked after the student has submitted the thesis using the Thesis File. In conformity with the Tilburg Law School Thesis Regulations for Master's programs, the Regulations for the Masters's thesis Dutch Law and the MTO/Bachelor's Thesis Regulations, theses must be submitted by means of the electronic Thesis File.
 - a. By submitting their assignments, students give permission, in the broadest sense of the word, to be checked for plagiarism by a plagiarism detection system chosen by the institution.
 - b. This includes a consent for the inclusion of the assignment in the databases of plagiarism detection systems with which Tilburg University and / or other educational institution in the Netherlands has or will concluded a contract. This for future plagiarism controls.

Article 8 – Procedures and sanctions

1. If an examiner or invigilator observes fraud during an examination, he will immediately inform the examinee and draw up an official report. The examiner or invigilator is authorized to seize any materials or devices used in the fraud as evidence for as long as and to the extent necessary for verification purposes. In the event of the confiscation of electronic information carriers, these will be checked by the invigilator and returned to the examinee as soon as possible after the examination. Other materials may be kept in the custody of the invigilator and handed over to the Student Administration, which sends them on to the Examination Board.
2. As soon as possible after the end of the relevant examination, the examiner sends the official report concerning the observed or suspected incidence of fraud to the Examination Board. A copy of this report is sent to the examinee.
3. The chairperson of the Examination Board provides the examinee with the opportunity to respond to the fraud report. The examinee may decide whether to do this orally or in writing.
4. Depending on the seriousness of the fraud committed, and with due observance of the principles of legal equality and proportionality, the Examination Board imposes one or more of the following sanctions:
 - a. in all cases: declaring the completed examination invalid;
 - b. if the case involved fraud in writing a Bachelor's or Master's thesis: writing a new thesis;
 - c. excluding the examinee from taking one or more examinations or final examination at the university for a minimum period of three months and a maximum of one year.
 - d. in the event of serious fraud, the University Board may, on the recommendation of the Examination Board, definitively terminate the relevant student's enrolment in the program.
5. In deciding on a sanction as referred to in paragraphs 4, the Examination Board may take into account earlier instances of fraud committed by the examinee.
6. The Examination Board will inform the examinee of its decision as soon as possible in writing, stating the possibility of appeal to the Examination Appeals Board (*College van Beroep voor de examens, CBE*).

Article 9 – Content of the examination

1. A general list of sources on which the examination material is based will be published before the start of the courses that prepare students for the examination. The definitive list with the precise content of the core examination material will be published not later than one month

before the examination.

2. The questions and assignments of the examination are spread as evenly as possible over the examination material. The examination represents the course objectives as regards form and content.
3. The questions and assignments of an examination must be clear and contain sufficient indications as regards the degree of detail that is required in the answers. No later than two weeks before an examination, the examiner enables the examinees, if possible, to inspect an example of a similar examination and the accompanying model answers as well as the standards on the basis of which assessment took place.

Article 10 – Assessment

1. If an examination is administered in tests, the grade of each test is expressed in non-rounded tenths. The final grade for the examination is then composed from the grades for the separate tests. When determining the final grade, decimals will be rounded off as follows:
 - Less than 0.25 is rounded down.
 - From 0.25 up to and including 0.74 is rounded to 0.5 (NOTE: see also the last sentence of this paragraph and paragraph 2).
 - More than 0.74 is rounded up.

The examiners concerned determine the weighing of the grades for the tests and announce these in advance. They also determine whether and, if so, how insufficient grades for separate tests can be compensated and announce this in advance. The final grade for the examination is rounded to 6 if the non-rounded grade was at least 5.5.

2. a. Grades for examinations will be given in .5 increments. The grade 5.5 is not given. The result of an examination is sufficient if a grade of 6 or higher has been obtained.
b. The Examination Board can decide that only “fail” or “pass” is stated. (see Article 10 a)
3. An examinee has passed an examination if he has obtained sufficient grades for all parts of the program and – where necessary – if the supplementary appraisal of the knowledge, insight and skills of the examinee by the examiners appointed by the Examination Board has been successfully completed.
4. Any bonus point arrangement designed by an examiner or examiners related to participation in course activities must be approved by the Examination Board.
5. If a student takes an examination again, the highest grade achieved will count. Students may retake a passed examination once.
6. The assessment of written examinations is conducted, as much as possible, on the basis of written assessment criteria, established before or alternatively after the correction of the examination.
7. In the case of students who began the Bachelor’s programs in Dutch Law, Global Law (International and European Law track), Tax Law or Business Law before September 2011, the elements constituting the Professional Skills Lab will be counted as a test that must be passed in order to pass this Lab successfully.
8. In assessing MTO/ Bachelor’s thesis, the literature review will determine 33% of the final grade and the research proposal will determine 67% of the grade, in conformity with the Bachelor’s Thesis Regulations; the weighted average grade for both parts must be 5.5 or higher to pass.

Article 10 a – assessment of subjects taken abroad

Subjects taken and passed abroad will be indicated on the transcript with the word ‘passed’ (voldaan).

Article 10b – recording lectures

The lecturer must give prior consent for any filming or recording of educational activities such as lectures. The lecturer must also provide written consent for the distribution or dissemination of

such films or recording, conditional to the provisions of copyright of Tilburg University.

Article 10c- period of retention for examinations

Examinations (including tests, papers etc.) are to be retained for a period of at least two years after the results are determined. This required period of retention applies to the following documents:

- the examination papers
- the key
- the students' work
- any analysis of the results

Article 10 d- period of retention for theses and graduation projects

Theses (or copies of theses) are to be retained for a period of at least seven years.

Article 11 – Examination Board and examiners

1. Degree certificates are to be signed by at least two lecturers who are employed by Tilburg University and who are associated with the degree program in question.
2. When compiling and assessing examinations and administering the final examinations, the examiners are guided by the following standards:
 - a. preservation of the quality and selection requirements of every examination;
 - b. efficiency requirements aimed, among other things, at restricting time loss for students who make good progress and at a timely discontinuation of the studies of students who are unlikely to pass an examination or final examination.

Article 12 – Changes to the Rules and Regulations

No changes will be made that apply to the current academic year unless the interests of examinees or those who have completed examinations are not harmed.

Article 13 – Hardship clause

1. In the event of clearly unfair situations, the Examination Board is authorized to make exceptions to the Education and Examination Regulations and to the Rules and Regulations in individual cases in favor of the student.
2. The Examination Board decides in those cases not provided for in the Rules and Regulations.

Article 13 a – repealed

Article 13 b – Combining study and recognized status of talent

If the Executive Board awards a student the recognized status of talent Tilburg Law School will try, within the limits of reasonable practicability, to help the student, for example, by adapting the lecture and examination dates and deadlines for handing in assignments. Students with such a recognized status of talent who wish to make use of these facilities must contact the student counselor before the start of the academic year to draft a personal study schedule. In principle, students with a recognized status of talent must meet the standard for the study advice in the first year of study, as set out in Article 31 of the Education and Examination Regulations of the Bachelor's programs. In conformity with Article 31 paragraph 7, however, a student's recognized status of talent will be taken into account as personal circumstances in judging the study advice.

Article 13 c – Termination of enrolment for reasons of unsuitability for the profession

In special cases, the University Board may, at the recommendation of the Examination Board, the Dean, or a university body with a position similar to that of the Dean, and after carefully balancing the interests concerned, terminate or refuse a student's enrolment in a program if that student's behavior or statements have demonstrated his unsuitability to practice one or more of the

professions for which that program trains, or may exclude the student from practical preparation for professional practice.

Article 13 d – Allocation of examination facilities for students with a functional disability

1. Students who have a functional disability can submit a request for special examination facilities through <https://www.tilburguniversity.edu/students/studying/study-progress/circumstances/disabled/request>. The student is obligated to submit proof of his functional disability.
2. The Dean of Students will assess the requests and documentation submitted as part of a request for examination facilities.
3. The Dean of Students is mandated to make a decision on behalf of the Examination Board in individual cases in which the student's functional disability and the requested examination facility are described in the protocol laid down for this purpose.
4. A decision as referred to in paragraph 3 is deemed a preliminary decision. A preliminary decision will automatically become a definitive decision 14 days after the date on which it was issued unless the student does not agree and submits a substantiated request in writing within the aforementioned period to the Dean of Students to reconsider the preliminary decision.
5. The Dean of Students will issue a definitive decision in consultation with the Examination Board within four weeks of receiving a request for reconsideration.
6. If the functional disability and/or the requested examination facility are not described in the protocol laid down for this purpose, the Dean of Students will send the request on to the Examination Board as soon as possible for a decision on the request.
7. Students can file an appeal against a definitive decision with the Examination Appeals Board within six weeks of the decision.

Article 14 – Decision period

1. A request to the Examination Board must be submitted in writing, stating the reasons for the request. The Examination Board will decide on a request within thirty working days after receipt of the request. This period may be extended once by a maximum of ten working days.
2. If a written request to the Examination Board is not sufficiently substantiated with information and documents necessary for the assessment of the request, the Examination Board may decide not to process the request any further, provided that the applicant has had the opportunity to complete the request within a period set by the Examination Board.

Article 15 – Effective date

These Rules and Regulations will become effective on September 1, 2019.

Adopted on August 19, 2019 by the Examination Board for the programs offered by Tilburg Law School.

Appendix 1 Rules and Regulations

Bonus and penalty points

Bonus points

The Examination Board has determined that in cases where bonus points may be awarded, all students registered for the relevant course must be eligible for earning such bonus points. It is up to the course lecturer to decide how the bonus points may be earned.

The Examination Board has determined that a bonus point:

- is to be limited to a maximum of 0.5 points added to the final grade;
- is to be the result of a substantive activity that is related to the learning objectives of the course.

This means that bonus points cannot be awarded simply for attending lectures.

Furthermore, the Examination Board has decided that:

- the student will retain any bonus points earned even if re-sitting an exam (second chance);
- bonus points cannot be earned by taking a resit;
- The highest grade for a course can never be greater than 10.

Penalty points

One of a course's learning objectives may be that the student must be capable of completing a specific assignment within a set timeframe. If the student fails to meet this requirement, then the lecturer may apply a penalty point of no more than 0.5 points, to be deducted from the final grade.

Appendix 2 Rules and Regulations- repealed

Appendix 3 Rules and Regulations

The use of codes of law

The Examination Board set out the following rules on the use of codes of law:

It is not permitted to add text or comment in the codes of law (such as mentioning or making references to legal articles and / or jurisprudence).

It is permitted

- to use tabs: codes of law may be provided with preprinted and / or self-written tabs, as long as this is merely a number or an indication of the law
- to underline or highlight texts, also with colored text markers