

RULES AND REGULATIONS OF TILBURG LAW SCHOOL 2016-2017

Article 1 – Applicability

These Rules and Regulations are applicable to examinations and interim 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 Teaching and Examination Regulations for the programs;
- c. examinee: the person who takes an examination or interim 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. examination: the total of successfully completed interim 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. interim 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 interim 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 who is enrolled at the university to receive instruction and/or to take examinations and interim examinations in 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 and a secretary as members of the Examination Board based on their expertise in the field of the study programs offered at the School. A chairperson is chosen from among the members.

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.

Master's

7. 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.
8. 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.
9. 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.
10. In determining the average grade, the study load per component will be taken into account.
11. 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.

Article 5 – Registration for examinations and interim examinations

1. Participation in interim examinations is open only to students who have registered in a timely fashion in the prescribed manner. Indien de docent voor deelname aan het tentamen nadere eisen heeft gesteld, en de student daaraan niet voldoet, kan de student alleen deelnemen aan de herkansing. If the lecturer has set further requirements for participation in the interim examination and the student does not comply, the student can only participate in the re-sit.
2. Registration for a written test or interim examination must take place before the deadlines and in the manner published at the start of the academic year.
3. If the organization of the interim examination allows it, registration forms received after the deadline can be taken into consideration. In that case, the student will have to pay administration costs at the Student Desk.
4. Registration for the regular oral interim examinations is done in consultation with the instructor. A request for an alternative interim examination pursuant to Article 13a of the Regulations is made through the Examination Board.
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 interim examinations belong to the teaching tasks of the departments. The departments appoint an instructor who will be responsible for an interim 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 interim 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 Interim Examinations Office) not later than 24 hours before the beginning of the relevant test or interim 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 interim examination will be barred from the interim examination.
2. It is the duty of the examinee to identify himself at the request or on behalf of the Examination Board. In the event of a written interim examination or test, he 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 interim examination or test and any instructions given during or immediately after the interim examination or test. The invigilators are competent to give instructions and to conduct checks to promote the proper conduct of affairs during the interim examination or test.
4. Where there is a reasonable suspicion of fraud, the examinee is obliged, at the instruction of the invigilator, to hand over to him any material that he has within reach. (See also Article 8).
5. Fraud is defined as any act or omission by the examinee which partially or entirely results in an impediment to forming an objective judgment concerning the examinee's knowledge, insight and/or skills.
6. Acts constituting fraud include:
 - a. Having available during the interim examination any documents or electronic device or any other medium with similar characteristics or functions the consultation or use of which during the interim examination was not explicitly permitted;
 - b. Cribbing or allowing fellow examinees to crib or to exchange information with them in any way, inside or outside the examination room;
 - c. Impersonating another person or letting another person 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 interim examination or exchanging them with other persons;
 - e. Prior to the interim examination, possessing or providing one or more fellow examinees with questions or assignments or answers of the relevant interim examination;
 - f. Making changes to the answers of the interim 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 reference or without quotation marks.

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 an indication that the opinion or idea of another is concerned and without a correct reference or without quotation marks and/or,
 - the elaborated ideas or discoveries of another are presented as the student's own ideas or discoveries.
- h. In executing a (final) research project, manipulating or incorrectly presenting the research results with a view to misrepresentation.

The following instances, among other things, constitute plagiarism:

 - the data used in the study were distorted, made up or represented in an irresponsibly selective way,
 - points of view, interpretations and conclusions of others were intentionally twisted.
 - i. At any time providing opportunities or inducement for fellow students or examinees to commit fraud.

- j. Participating in an examination or an interim examination, etc. if the student knows or should reasonably know that this is prohibited.
 - k. Using one's own existing work already done for another course without the permission of the examiner.
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 a project is checked using Urkund or a similar program after the student has submitted the thesis using the Thesis File. In conformity with the Thesis Regulations for Master's programs, the Regulations for the Masters's thesis Dutch Law and the MTO/Bachelor's Thesis Regulations at Tilburg Law School, theses must be submitted by means of the electronic thesis file.

Article 8 – Procedures and sanctions

1. If an examiner or invigilator observes fraud during an interim 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 interim 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 interim 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 interim 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 interim examinations 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 interim examination

1. The questions and assignments of the interim examination do not go beyond the sources announced previously on which the examination material is based. A general list of these sources will be published before the start of the courses that prepare students for the interim examination. The definitive list with the precise content of the examination material will be published not later than one month before the interim examination.
2. The questions and assignments of the interim examination are spread as evenly as possible over the interim examination material. The interim examination represents the course objectives as regards form and content.

3. The questions and assignments of an interim examination must be clear and contain sufficient indications as regards the degree of detail that is required in the answers. Well in advance of an interim examination, the examiner enables the examinees, if possible, to inspect an example of a similar interim 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 interim examination is administered in tests, the grade of each test is expressed in non-rounded tenths. The final grade for the interim 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 interim examination is rounded to 6 if the non-rounded grade was at least 5.5.
2. a. Grades for interim examinations will be given in .5 increments. The grade 5.5 is not given. The result of an interim 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. See appendix 1.
5. If a student takes an interim examination again, the highest grade achieved will count. Students may retake a passed interim examination once.
6. The assessment of written interim examinations is conducted, as much as possible, on the basis of written assessment criteria, established before or alternatively after the correction of the interim 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, form and content will determine the final grade in a 1:1 ratio, in conformity with the Bachelor’s Thesis Regulations; however, a minimum grade of 5.5 must be obtained for both parts.

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

Artikel 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 programme in question.
2. When compiling and assessing interim examinations and administering the final examinations, the examiners are guided by the following standards:
 - a. preservation of the quality and selection requirements of every interim 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 interim 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 Teaching 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 – Special personal circumstances and *force majeure*

If a student is unable to participate in an interim examination due to illness or other special personal circumstances and signs off in a timely fashion, the Examination Board can decide that the interim examination may be taken at a later date on special conditions. These special conditions are incorporated in appendix 2 to the Regulations and are stated on the website.

Article 13 b – Combining study and top-level sport

If the university awards a student the status of athlete, Tilburg Law School will try, within the limits of reasonable practicability, to help the student, for example, by adapting the lecture and interim examination dates and deadlines for handing in assignments. Students with such an athlete status 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 an athlete status must meet the standard for the study advice in the first year of study, as set out in Article 31 of the Teaching and Examination Regulations of the Bachelor's Programs. In conformity with Article 31 paragraph 7, however, a student's status as an athlete 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 interim examination facilities for students with a functional disability

1. Students who have a functional disability can submit a request for special interim examination facilities through <https://www.tilburguniversity.edu/students/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 interim 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 interim examination facility are not described in the protocol laid down for this purpose, the Dean of Students will sent 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 – Effective date

These Rules and Regulations will become effective on September 1, 2016.

Adopted in the month of August 2016 by the Examination Board for the programs offered by Tilburg Law School.

Appendix 1 Rules and Guidelines

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 to the Examination Board Rules and Regulations

Alternative interim examinations

Pursuant to Articles 13 and 13a of the Rules and Regulations, the Examination Board has imposed the following conditions on requests for alternative interim examinations:

In principle, personal circumstances do not entitle a student to an alternative interim examination opportunity. It is in part for this reason that all interim examinations are offered twice during each academic year.

If a student appeals to the hardship clause, the applicability is assessed according to the following policy rule:

A student may be granted an alternative interim examination if he was unable to take one of the two interim examinations due to personal circumstances and if he made a serious attempt at the second interim examination.

- The personal circumstances must be reported to the Education Office of Tilburg Law School by using the knowledge database Ask Law School, search option “alternative resit” within one week after the interim examination in which the student was unable to participate.
- The student must also submit proof of the personal circumstances that prevented him from participating in the interim examination.
- The student must demonstrate that he made a serious attempt in respect of the interim examination in which he participated; a grade of 4.5 or higher qualifies as a serious attempt.

A student may be granted an alternative interim examination if he was unable to take either of the two interim examinations due to personal circumstances. In that case:

- the student must report the personal circumstances to the Education Office of Tilburg Law School by using the knowledge database Ask Law School, search option “alternative resit ” within one week after each of the two interim examinations in which the student was unable to participate
- accompanied by a proof of the personal circumstances that prevented him from taking the interim examinations.

Personal circumstances are defined as illness or family circumstances of a serious nature. Personal circumstances do not include transportation problems, with the exception in certain cases of large-scale and long-term transportation problems.

A request for an alternative interim examination must be submitted to the Examination Board as soon as possible and must be made using the designated request form. This form can be found at the knowledge database Ask Law School, search option “alternative resit ”

If special circumstances prevent a student from taking the regular written interim examinations, the Examination Board will assume that that student will not be able to take all of the interim examinations. In that case, the student should contact the student counselor in order to draw up a modified study schedule.