

This is an English translation of *Bekendtgørelse om eksamen og censur ved universitetsuddannelser (eksamensbekendtgørelsen)* (Ministerial Order on University Examinations and Grading (the Examination Order)). In the event of a discrepancy between the translation and the Danish version, the Danish text published in the Danish Official Gazette (*Lovtidende*) is valid.

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No. 670

## Ministerial Order on University Examinations and Grading (the Examination Order)

Pursuant to section 8(1), (2) and (4) and section 34(1) of the Danish Act on Universities (the University Act) (*Universitetsloven*), see Consolidated Act no. 367 of 25 March 2013, as amended by Act no. 898 of 4 July 2013, the following is stipulated:

**1.-(1)** This ministerial order applies to university examinations and grading on bachelor programmes (*bacheloruddannelser*) and master's (candidatus) programmes (*kandidatuddannelser*) as well as on master's programmes (*masteruddannelser*) and other part-time programmes for adults covered by the University Act, unless otherwise stipulated in the ministerial orders governing the specific programmes.

(2) The rules on the first-year exam on the bachelor programme, see sections 15-17, on re-exams, see section 18, on registration for examinations on the bachelor and master's (candidatus) programmes, see section 14(1)-(3), and on the commencement of studies exam on the bachelor programme, see section 27, do not apply to students admitted to a bachelor or master's (candidatus) programme under the rules governing part-time programmes, see the Ministerial Order on Part-Time Programmes at Universities (the Part-Time Order) (*Deltidsbekendtgørelsen*).

(3) This ministerial order does not apply to programmes covered by the Ministerial Order on the International Education Activities of Universities (*Bekendtgørelse om universiteternes internationale uddannelsesforløb*), unless otherwise stipulated in the Ministerial Order on the International Education Activities of Universities.

### Title I

#### Examination

##### Part 1

##### *Objective*

**2.-(1)** The objective of the examination is to assess the extent to which the student's qualifications comply with the academic objectives stipulated for the subjects or subject elements of the programme in the curriculum. The final exam provides the basis for issuing certificates, see section 31(1).

(2) In the curriculum for the individual programme, the university lays down precise descriptions of objectives and criteria for assessing the fulfilment of such objectives for the individual subjects or subject elements as are concluded with an examination, see the Ministerial Order on the Grading Scale and Other Forms of Assessment of University Education (the Grading Scale Order) (*Karakterbekendtgørelsen*).

##### Part 2

##### *Examination forms and organisation of examinations*

**3.-(1)** The programme must include a variety of examination forms to reflect the content and working methods of the course. The examination form must reflect the objectives of the individual subject or subject element, e.g. oral, written, practical and project-based exams as well as combinations of the various examination forms. In the curriculum, the university lays down the examination form for the subject or subject element.

(2) The university may lay down in the curriculum that a subject or subject element, if the content or working methods so warrant, may be documented fully or partly through a requirement for course participation. The university may also lay down that a requirement for course participation is a condition for the student taking an examination in the subject or subject element.

(3) The university may lay down in the curriculum that a requirement for submission of written papers etc. during the course is a condition for the student taking an examination in the subject or subject element.

(4) The university may lay down in the curriculum that students must perform an oral defence of a written paper prior to its assessment. In such cases, the assessment is based on an overall evaluation of the written paper and the oral performance, see section 4(4).

**4.-(1)** Based on academic considerations, the university lays down in the curriculum whether an examination must be organised as an individual exam or as a group exam. When an examination is organised as a group exam, the university also lays down the maximum number of students permitted to participate in the individual group exam and whether the student may choose an individual exam instead. In

connection with both an individual exam and a group exam, an individual assessment must be made of the students' performance, and separate grades must be awarded.

(2) In connection with an oral group exam, the individual student must be examined in such a way as to ensure that an individual assessment is made of the student's performance. When organising an oral group exam, the university must ensure that the time allocated for the examination is adapted to the number of students participating in the examination.

(3) In connection with a paper written by a group of students, separate grades can only be awarded or other assessment made if the contributions of the individual students are clearly marked. The university lays down requirements for individualisation in the curriculum.

(4) If a separate grade is not to be awarded or other assessment made in respect of a paper written by a group of students, the paper may be included in the assessment of a subsequent oral exam.

### Part 3

#### *Conducting examinations etc.*

**5.-(1)** Oral exams are public, see, however, subsections (2)-(4), unless they are covered by an agreement pursuant to section 45(2).

(2) Clinical exams involving patients are only public if the patient consents thereto.

(3) Under special circumstances, including circumstances relevant to the individual student, the university may grant exemptions from the rule in subsection (1). The university may also limit access to the exam rooms for space reasons, and individuals may be denied access or ordered to leave if it is considered necessary in order to guarantee the necessary peace and quiet during the examination.

(4) If the university holds an individual oral exam as a follow-up to a paper written by a group of students and as a follow-up to an oral group exam, if any, the students concerned must not be present in the exam room before they are to be examined individually.

(5) Audio and video recordings of an examination are not allowed, unless such recordings are considered an integral part of the examination process. Such recordings will then be made by the university.

(6) Only internal and external examiners are allowed to be present during the grading process at oral exams, see section 20. The university may, however, decide to allow trainee internal examiners to observe the grading process.

**6.-(1)** On programmes offered in Danish, examinations are conducted in Danish, see, however, subsections (2) and (3), unless part of the purpose of the examination is to document the students' abilities in a foreign language. However, students are allowed to express themselves in Swedish and Norwegian instead of Danish during examinations, unless part of the purpose of the examination is to document abilities in Danish.

(2) If circumstances permit, the university may allow a foreign examination language. However, this does not apply if part of the purpose of the examination is to document abilities in Danish or a specific other foreign language.

(3) If a subject has been taught in a foreign language, examinations must be conducted in that language, unless part of the purpose of the examination is to document the students' abilities in another language. The university may grant exemptions from this rule.

(4) On programmes offered in English or another foreign language, examinations must be conducted in the language offered, unless part of the purpose of the examination is to document the students' abilities in another language. The university may grant exemptions from this rule.

**7.** The university may offer special examination conditions for students with physical or mental impairment and for students whose native language is not Danish, if deemed necessary by the university to provide the students concerned with equal opportunities in the exam situation. Such an offer must not, however, change the standard of the examination.

**8.** The university may hold examinations as videoconferences or using other appropriate technology. The university must ensure that the safety and security measures for such examinations correspond to those normally put in place for an examination. The university appoints or approves invigilators who must remain with the students throughout the examination. The internal and external examiners may be in a different physical location to the students, but must still conduct the examination and assess the students in accordance with the appropriate rules.

**9.** The university stipulates rules governing disciplinary measures in cases of cheating and disruptive behaviour during examinations.

**10.** The university may stipulate rules in the curriculum on the use of computers in examinations.

#### *Examinations abroad*

**11.-(1)** The university may conduct examinations at a Danish representation or at other locations abroad, provided the reason for doing so is that the student is unable to participate in the university's examinations in Denmark for practical or financial reasons and if the student and the exam location reach an appropriate agreement. Danish examinations held abroad must comply with all the other rules laid down in the ministerial order.

(2) The university appoints or approves invigilators and other persons to organise the practical aspects of conducting the examination abroad.

**12.-(1)** The university defrays the special costs associated with conducting examinations abroad.

(2) The Ministerial Order on Payment for the Services of Civil Servants Serving Abroad (*Bekendtgørelse om betaling for tjenestehandlinger i udenrigstjenesten*) applies to conducting examinations at Danish representations abroad.

(3) The university may ask the student to pay part or all of the costs incurred by the university to conduct the examination abroad.

However, it is a condition that the student confirms in writing in advance his or her willingness to pay the costs in question. The university may make it a condition for conducting the examination that the amount is paid in advance.

#### *Number of examination attempts*

**13.-(1)** An examination which has been passed cannot be retaken, see the Grading Scale Order.

(2) Students are entitled to three attempts to pass an examination etc., see, however, section 15(3), section 27(2) and section 28(2). Under special circumstances, the university may allow further attempts. The question of academic aptitude must not be included when assessing whether special circumstances apply.

(3) Students whose course participation is to be assessed for the second time, see section 3(2), may demand to take an examination instead. However, the university may lay down in the curriculum that this does not apply to the commencement of studies exam, see section 27(3). An examination cannot replace course participation involving practical exercises.

(4) Receipt by students of offers to retake examinations under section 19(3), section 36(1), item 2, or section 41(1), item 2, are not considered examination attempts as per subsection (2).

#### *Registration for examinations*

**14.-(1)** Registration for subjects or subject elements of bachelor or master's (candidatus) programmes must be made in accordance with the provisions thereon set out in the Ministerial Order on Bachelor and Master's (Candidatus) Programmes at Universities (the University Programme Order) (*Uddannelsesbekendtgørelsen*). Students are automatically registered for an examination or examinations when they have registered for a subject or subject element with which one or more examinations are associated. Withdrawal of registration is not possible, and students who fail to participate in an examination have used an examination attempt, see section 13(2), unless the university has granted an exemption pursuant to subsection (3). Students who do not fulfil the requirements for participating in the examination as laid down by the university, see section 3(2) and (3) have used an examination attempt, see section 13(2), unless the university has granted an exemption pursuant to subsection (3).

(2) When the university has stipulated a deadline for submission of the master's (candidatus) thesis, see the University Programme Order, withdrawal of registration is not possible, and students who fail to submit their thesis within the deadline have used an examination attempt, see section 13(2), unless the university has granted an exemption pursuant to subsection (3).

(3) Under special circumstances, the university may grant exemptions from the rules set out in subsections (1) and (2). The university may also automatically register students for a new examination attempt.

(4) The university stipulates rules on registration and withdrawal of registration for examinations for students admitted to a bachelor and master's (candidatus) programme under the rules governing part-time programmes and for students admitted to a master's programme and other part-time programme.

#### *First-year exam on the bachelor programme*

**15.-(1)** The university stipulates in the curriculum for the bachelor programme the examinations which students must take before the end of the first year of study (the first-year exam). Students must pass the examinations included in the first-year exam by the end of the students' second year of study, see, however, subsection (2), in order to continue on the programme.

(2) The university may lay down in the curriculum that students must pass the first-year exam by the end of the students' first year of study in order to continue on the programme.

(3) The provisions set out in subsections (1) and (2) apply regardless of whether students have used their three examination attempts, see section 13(2).

**16.-(1)** For bachelor programmes starting 1 September, the result of the first attempt to pass an examination, see section 15, must be announced to students before 1 August the following year. Students who fail an ordinary examination are automatically registered for a re-exam in the same examination period, in August at the latest, however, and the result of this must be announced to students before the end of September.

(2) For bachelor programmes starting 1 February, the result of the first attempt to pass an examination, see section 15, must be announced to students before 1 February the following year.

**17.** Under special circumstances, the university may grant exemptions from the time limits stipulated in sections 15 and 16.

#### *Re-exams*

**18.-(1)** On programmes where the examination period is at the end of the autumn semester, students who have failed an ordinary examination must automatically be registered for a re-exam (second examination attempt) in the same examination period or immediately thereafter; however, no later than in February. On programmes where the examination period is at the end of the spring semester, students who have failed an ordinary examination must automatically be registered for a re-exam (second examination attempt) in the same examination period or immediately thereafter; however, no later than in August. Withdrawal of registration is not possible, and students who fail to participate in an examination have used an examination attempt, see section 13(2), unless the university has granted an exemption pursuant to subsection (8).

(2) On programmes with more examination periods than in subsection (1), students who have failed an ordinary examination must automatically be registered for a re-exam (second examination attempt) as soon as possible; however, no later than six months after the ordinary examination. Withdrawal of registration is not possible, and students who fail to participate in an examination have used an examination attempt, see section 13(2), unless the university has granted an exemption pursuant to subsection (8).

(3) The university grants exemptions from the rules on automatic registration for a re-exam (second examination attempt) if the university does not offer students the opportunity to fulfil the requirements laid down pursuant to section 3(2) and (3) before the second examination attempt is held. The university registers students for the second examination attempt as soon as possible.

(4) In cases where registration for a subject requires that a preceding subject has been completed and passed (academic progression), students who have failed their first and second examination attempts must automatically be registered for the next ordinary examination (third examination attempt) in the prerequisite subject. Withdrawal of registration for the third examination attempt is not possible, unless the university has granted an exemption pursuant to subsection (8). The university must ensure that the third attempt to pass the examination in the prerequisite subject takes place before the ordinary examination in the subsequent subject.

(5) Students who have not passed re-exams held in accordance with the provisions in subsections (1) and (2), or have failed to participate in a re-exam, see subsection (3), must be given the opportunity to participate in the next ordinary examination.

(6) The curriculum may stipulate that re-exams have a different examination or assessment form to the ordinary examination, see sections 3(1) and section 20. However, this does not apply to the bachelor project, the master's (candidatus) thesis or the master's project.

(7) The curriculum may stipulate when, at the latest, students must use their third attempt to pass the examination in a subject that is no longer offered.

(8) Under special circumstances, the university may grant exemptions from the rules on participation in and automatic registration for examinations and re-exams, see, however, subsections (1)-(4). The university may also automatically register students for a new examination attempt (first or second examination attempt).

#### *Errors or irregularities during an examination etc.*

**19.-(1)** If the university becomes aware of errors or irregularities during an examination, the university decides how the error or irregularity may be rectified, possibly after consulting with the person(s) responsible for the examination.

(2) In the event of serious errors or irregularities, or where it is regarded as the most correct way to remedy the error or irregularity, the university may annul the examination and arrange an extraordinary re-exam.

(3) In case of significant errors or irregularities other than those mentioned in subsection (2), the university may offer students the opportunity of an extraordinary re-exam. Such offer must be made to all students whose examinations were affected by the same error or irregularity. Students who have participated in the extraordinary re-exam may choose to accept the original assessment.

#### Part 4

##### *Assessment etc.*

**20.-(1)** Examinations are either internal or external.

(2) Internal examinations are assessed by one or more teachers (internal examiners) appointed by the university from among the teachers at the university.

(3) External examinations are assessed by one or more internal examiners and by one or more external examiners appointed by the Danish Agency for Higher Education, see title II on grading.

(4) External examinations must cover the important parts of the programmes, including the bachelor project, master's (candidatus) thesis and master's project. At least one-third of a programme's total ECTS points (European Credit Transfer System) must be obtained at external examinations. This does not, however, apply to examinations for which credits have been transferred, see section 32.

(5) The teacher of the subject in question assesses the student's course participation, see section 3(2).

**21.** During the evaluation process, the external and internal examiners must make notes about the performance and their deliberations for reference in the event of an appeal. The notes must be kept for at least one year and until any appeal procedure has been completed.

**22.-(1)** When an examination has started, an assessment must be made unless the examination is interrupted by illness that warrants a re-exam, see, however, subsections (2) and (3).

(2) Where an examination is interrupted due to the student having been ordered to leave, no assessment is made, and the interrupted examination counts as an examination attempt, see section 13(2).

(3) If a written paper submitted fails to comply with requirements for individualisation, see section 4(3), or any formal requirements laid down in the curriculum, the university may reject the paper. If the paper is rejected, no assessment is made, and the rejected paper counts as an examination attempt, see section 13(2).

**23.-(1)** The assessment consists of a grade based on the 7-point grading scale or the assessment 'Pass' or 'Fail' or the assessment 'Approved' or 'Not approved', see the Grading Scale Order. Bachelor projects, master's (candidatus) theses and master's projects are assessed according to the 7-point grading scale. Course participation etc., see section 3(2), is assessed as 'Pass' or 'Fail' or assessed as 'Approved' or 'Not approved'.

(2) The assessment 'Pass' or 'Fail' or the assessment 'Approved' or 'Not approved' may only be used for examinations accounting for a maximum of one-third of the programme's ECTS points. This does not, however, apply to examinations for which credits have been transferred, see section 32.

**24.-(1)** When assessing bachelor projects, master's (candidatus) theses, master's projects and other major written assignments, emphasis must, in addition to the academic content, also be placed on the students' spelling and writing skills, see section 6. The curriculum stipulates how spelling and writing skills are weighted in the overall assessment of the examination performance, but the academic content is always given the highest weight, unless the subject or subject element is language or foreign language.

(2) Bachelor projects, master's (candidatus) theses and master's projects must include a summary in a foreign language. If bachelor projects, master's (candidatus) theses or master's projects are written in a foreign language, other than Norwegian and Swedish, the summary may be written in Danish. The curriculum stipulates how the summary will be weighted in the overall assessment of the examination performance and the language in which the summary may or must be written.

(3) The university may grant exemptions from subsection (1) for students who are able to document a relevant and specific impairment, unless assessing spelling and writing skills are significant objectives of the examination.

**25.-(1)** The university may stipulate rules for calls for and the conversion of prize papers.

(2) On specific programmes, the university may stipulate that a prize paper may be converted to a thesis. A prize paper which has been awarded a gold medal is converted to the grade 12.

#### *Announcement of the assessment*

**26.-(1)** For examinations where the assessment is not announced to the student immediately afterwards, the university sets a date for when the assessment will be announced to the student.

(2) The date in subsection (1) must be within four weeks of the examination, see, however, section 16, and must be announced to the student at the same time as the examination date, either through posting on university notice boards or by alternative means. The month of July is not included when calculating the four-week time limit.

(3) Assessment of bachelor projects, master's (candidatus) theses and master's projects, must, however, be announced within two months of submission. The month of July is not included when calculating the two-month time limit.

(4) Under special circumstances, the university may grant exemptions from the time limits stipulated in subsections (1)-(3). If the assessment cannot be completed by the date fixed, the university must inform the student as soon as possible, providing details of the reason and information about when the assessment will be announced.

### Part 5

#### *Special examinations*

##### *Commencement of studies exam on the bachelor programme*

**27.-(1)** The university may decide that students enrolled on a bachelor programme must participate in and pass a commencement of studies exam in order to continue on the programme, see the Ministerial Order on Admission and Enrolment on Bachelor Programmes at Universities (*Bacheloradgangsbekendtgørelsen*). The purpose of the commencement of studies exam is to ascertain whether students have actually commenced their studies. The examination is an internal examination, see section 20(2), and is assessed as 'Approved' or 'Not approved', see the Grading Scale Order.

(2) The commencement of studies exam must be held no later than two months after the commencement of studies on the programme, and the result must be announced to the students within two weeks of the examination. Students who fail the examination have the opportunity to participate in a re-exam, which is conducted no later than three months after the commencement of studies on the programme. Students are entitled to two attempts to pass the commencement of studies exam.

(3) If a commencement of studies exam is conducted on a bachelor programme, the university stipulates rules on the commencement of studies exam in the curriculum, including on the form, content and timing of the examination.

(4) Under special circumstances, the university may grant exemptions from subsections (1) and (2).

(5) Part 8 does not apply to the commencement of studies exam. If the university receives a complaint about the commencement of studies exam, the university makes a decision, which may be appealed to the Danish Agency for Higher Education provided that the appeal concerns legal issues, see section 48.

##### *Supplementary exams after admission to a master's (candidatus) programme*

**28.-(1)** Students enrolled on a master's (candidatus) programme who are required to undertake supplementary studies, see the University Programme Order, must within the first six months of the start of the first year of study participate in and pass the examination(s) that form(s) part of the supplementary studies in order to continue on the programme, see the Ministerial Order on Admission and Enrolment on Master's (Candidatus) Programmes at Universities (*Kandidatadgangsbekendtgørelsen*). The examination(s) must document that the students have acquired the necessary academic qualifications for continued admission to the master's (candidatus) programme.

(2) Students are entitled to three attempts to pass the examination(s) that form part of the supplementary studies, unless the university has stipulated that the students are entitled to one or two examination attempts only, see subsection (3).

(3) In the curriculum, the university lays down rules on examinations forming part of the supplementary studies, including the number of examination attempts.

(4) Under special circumstances, the university may grant exemptions from subsections (1)-(3).

### Part 6

#### *Curriculum requirements*

**29.-(1)** The curriculum for the individual programme stipulates:

1) Rules governing examination forms, including whether the student may choose between several examination forms, and possible requirements for course participation and for submission of written papers, see section 3(1)-(3).

2) Rules governing individual exams and group exams, including the maximum number of students permitted to participate in a group exam, whether the student may choose an individual exam, see section 4(1), and individualisation of written papers, see section 4(3).

3) Rules governing the examination language, see section 6.

- 4) Any rules governing special examination conditions for students, see section 7.
  - 5) Any rules governing the use of computers in examinations, see section 10.
  - 6) Rules governing registration and withdrawal of registration for examinations, see section 14.
  - 7) Rules governing the timing of examinations during the programme, including which examinations students must sit before the end of the first year of study on the bachelor programme, see section 15.
  - 8) Any rules governing whether the first-year exam must be passed before the end of the first year of study, see section 15(2).
  - 9) Rules governing re-exams etc., see section 18.
  - 10) Any rules governing when, at the latest, students must participate in the third examination attempt, see section 18(7).
  - 11) Rules governing which examinations are external examinations, see section 20(4).
  - 12) Rules governing which examinations are given grades and which ones are assessed as 'Pass' or 'Fail' or 'Approved' or 'Not approved', see section 23.
  - 13) Rules governing how students' spelling and writing skills are included in the overall assessment of the examination performance, see section 24(1).
  - 14) Rules governing how the summary will be included in the overall assessment of the examination performance and the language in which the summary may or must be written, see section 24(2).
  - 15) Rules governing part-examinations, pass requirements, examination result etc., see part 3 of the Grading Scale Order.
  - 16) Any rules governing the commencement of studies exam on the bachelor programme, see section 27.
  - 17) Any rules governing examinations on the master's (candidatus) programme that form part of the supplementary studies, including the number of examination attempts, see section 28.
- (2) The curriculum must clearly state that, under special circumstances, the university is entitled to grant exemptions from the rules in the curriculum that are solely laid down by the university.

*Information to students about examination rules*

**30.** It is the responsibility of the university to provide information and guidance to the students on the examination rules applying to the individual programmes.

Part 7

*Certificates etc.*

**31.-(1)** The university issues certificates for successfully completed programmes, see subsection (2). Certificates must be sent to the graduate within two months of the announcement of the assessment of the final exam at the latest. The month of July is not included when calculating the two-month time limit.

(2) The certificate is in Danish, see, however, subsection (4), and must as a minimum state:

1) The graduate's name and civil registration number (CPR) or other similar unique identification.

2) The name of the university.

3) The title graduates are entitled to use in Danish/Latin and English.

4) The prescribed period of the programme defined in ECTS points, including any introductory courses.

5) Which bachelor or other programme forms the basis of the master's (candidatus) programme.

6) The subject elements which form part of the programme and in which examinations have been taken or which have been documented in some other way, including the number of ECTS points.

7) Examinations for which credits have been transferred, see section 32.

8) The examination language if the examination has been taken in a foreign language, see section 6.

9) The assessment obtained, see section 23(1), and, if appropriate, the average overall examination result, see the Grading Scale Order.

10) A competency profile that describes the programme.

(3) Graduates may request to have their certificates issued in English.

(4) In addition to the actual certificate, the university also issues a Diploma Supplement in English based on the standard model developed by the European Commission, the Council of Europe and UNESCO/CEPES, which describes the academic direction, content, level and objectives of the programme and provides information about the university and about the position of the university and the programme in the Danish education system.

(5) The certificate must not contain information about special examination conditions, see section 7 and section 24(3).

(6) The certificate does not contain information about any commencement of studies exam on the bachelor programme, see section 27, or about any supplementary exams on the master's (candidatus) programme, see section 28.

(7) The certificate for a programme taken at multiple universities and other educational institutions, if any, is issued by the last university to which the student was admitted and enrolled during the programme.

(8) Students who leave a programme without completing it may request that the university issue documentation for the parts of the programme which have been successfully completed stated in ECTS points. Students may request that the university issue documentation for passed supplementary examinations on the master's (candidatus) programme, see section 28.

**32.** If the university approves the credit transfer of a passed subject or subject element from a Danish or non-Danish institution of higher education, the assessment must be credited as 'Pass' or 'Approved'. If the subject element in question is assessed according to the 7-point grading scale at both institutions, the grade is transferred with the credit. If a subject or subject element etc. is taken at an educational institution abroad, an enclosure to the certificate must indicate the grade awarded according to the grading scale used at that institution and must provide a description of the grading scale used.

33. The university keeps the information needed to issue certificates for thirty years after the completion of the examination or test. After that, the information must be submitted to the Danish State Archives.

## Part 8

### *Examination appeals etc.*

34.-(1) Appeals about examinations or other forms of assessment forming part of the examination must be submitted to the university by the student. Appeals must be submitted in writing stating the reasons for the appeal.

(2) The appeal must be submitted within two weeks of the assessment being announced. However, the calculation of the two-week time limit starts at the earliest from the date fixed for the announcement, see section 26.

(3) Under special circumstances, the university may grant exemptions from the time limit for submission of appeals set out in subsection (2).

35.-(1) Appeals may be submitted about the following:

- 1) Legal issues.
- 2) The basis for examination (questions, assignments etc.).
- 3) The examination process.
- 4) The assessment.

(2) If the appeal concerns the assessment or other issues relating to the assessors, the university immediately submits the appeal to the assessors, who then have two weeks to submit an opinion on the assessment etc. in the appeal. Under special circumstances, the university may decide to extend the assessors' deadline. The month of July is not included when calculating the assessors' deadline. The complainant must be given the opportunity to comment on the assessors' opinion within a time limit of at least one week.

(3) The university makes a decision in accordance with subsection (1), see subsection (2), based on the assessors' opinion and the complainant's comments on the opinion.

(4) If the university becomes aware of errors or irregularities during an examination in connection with the processing of an appeal, the rules in section 19 apply.

36.-(1) In its decision, which must be in writing and reasoned, the university may decide

- 1) to make an offer of a new assessment (re-assessment); however, not in oral exams;
- 2) to make an offer of a new examination (re-exam); or
- 3) not to find in favour of the complainant.

(2) The university must notify the complainant and the assessors, see section 35(2), of the decision as soon as possible. Where the university decides to make an offer of re-assessment or re-exam, the complainant must be informed that such re-assessment or re-exam may result in a lower grade.

37.-(1) The complainant must accept the offer of a re-assessment or re-exam within two weeks of having been notified of the university's decision. Such re-assessment or re-exam must be held as soon as possible. If the certificate has been issued, see section 31(1), the university must revoke the certificate until the assessment has been made and must issue a new certificate, if required.

(2) For re-assessments and re-exams, new internal examiners are appointed by the university, and external examiners, if any, see section 61(1), item 4, are appointed by the chairperson of the external examiners.

(3) In connection with re-assessments, the assessors must be provided with the case files, including the assignment, the paper, the appeal, the original assessors' opinion, the complainant's comments and the university's decision.

(4) In connection with re-assessments and re-exams which may result in a lower grade, the assessors notify the university of the assessment. In connection with the re-assessment of written exams, the assessors enclose a written justification of the assessment. Assessments resulting from re-assessments and re-exams cannot be referred to any other administrative authority, see, however, section 44(1).

### *Board of appeals*

38.-(1) If the university has not found in favour of a complainant, see section 36(1), item 3, the complainant may refer the university's decision regarding academic issues, see section 35(1), items 2-4, to a board of appeals set up by the university, see section 39, which board makes a decision.

(2) The complainant submits the appeal to the university. Appeals must be submitted in writing stating the reasons for the appeal.

(3) The appeal must be submitted within two weeks of the university's decision being announced to the complainant.

(4) Under special circumstances, the university may grant exemptions from the time limit in subsection (3).

39.-(1) The university sets up a board of appeals as soon as possible after an appeal has been submitted. Permanent boards of appeals may be established.

(2) The board consists of two appointed external examiners, a teacher entitled to conduct examinations and a student from the subject area.

(3) The chairperson of the external examiners, see section 51(1), appoints the two external examiners. The chairperson of the external examiners appoints one of the external examiners as chairperson of the board. The chairperson of the external examiners may appoint him or herself as an external examiner or as chairperson.

(4) The university appoints the teacher and the student.

(5) The board of appeals' activities are covered by the Danish Public Administration Act (*Forvaltningsloven*), including the provisions on disqualification and secrecy.

**40.-(1)** For the board of appeals to form a quorum, all the members must participate in its discussions and all relevant papers must be sent to all of the members. The deliberations may be in writing, including electronic, if the board members agree to a written procedure, see, however, subsection (2). In the deliberations, it must be ensured that the complainant's personal data are protected (confidential communication).

(2) If agreement is not reached by the board of appeals, the deliberations culminate in a meeting at which attendance is compulsory for all members. If the meeting ends with a vote and in the event of an equality of votes, the chairperson has the casting vote.

(3) The board of appeals makes its decision in accordance with subsection (1), see subsection (2), based on the material on which the university's decision was made and on the reasoned appeal.

(4) If the board of appeals becomes aware of errors or irregularities during an examination in connection with the consideration of an appeal, the board informs the university of this, and the rules in section 19 apply.

**41.-(1)** In its decision, which must be set out in writing and reasoned, the board of appeals may decide

1) to make an offer of a new assessment (re-assessment) by new assessors; however, not in oral exams;

2) to make an offer of a new examination (re-exam) by new assessors; or

3) not to find in favour of the complainant.

(2) Re-assessments and re-exams are held in accordance with section 37, and the assessment cannot be referred to any other administrative authority, see, however, section 44(1).

**42.-(1)** The board of appeals' decision is announced to the university as soon as possible and at the latest within two months of the appeal being submitted. The month of July is not included when calculating the two-month time limit.

(2) If the appeal cannot be processed within the time limit laid down in subsection (1), the university must inform the complainant thereof as soon as possible, providing details on the reason and information about when the appeal is expected to be processed.

**43.-(1)** The university informs the complainant of the board of appeals' decision as soon as possible. Where the university decides to make an offer of re-assessment or re-exam, the complainant must be informed that such re-assessment or re-exam may result in a lower grade.

(2) The board of appeals' decision cannot be referred to any other administrative authority, see, however, section 44(1).

**44.-(1)** Appeals about decisions made pursuant to section 35(3), section 37(4) or section 40(3) may be submitted to the university, if the appeal is based on legal issues.

(2) The appeal must be submitted to the university within two weeks of the decision being announced to the student.

(3) Under special circumstances, the university may grant exemptions from subsection (2).

(4) The university's decision pursuant to subsection (1) may be appealed to the Danish Agency for Higher Education, see section 48.

## Part 9

### *Other rules*

**45.-(1)** The university must respect the students' intellectual property rights to results, products etc. deriving from an examination.

(2) If the examination process involves parties from outside the university, including companies, institutions etc., agreement must be reached between the university, the student and the third party on the extent to which the university, the student or the third party, subject to the current rules governing intellectual property rights, is entitled to use the results, products etc. deriving from the examination process, including whether any information regarding the third party contained in the paper may be published.

**46.** The student may continue on the programme while the appeal is processed by the university under part 8.

**47.** The Danish Agency for Higher Education may grant exemptions from the rules on examinations set out in title I of this ministerial order if special circumstances apply.

### *Appeals against decisions made by the university*

**48.-(1)** The university's final decisions made under title I on examinations in this ministerial order may be referred to the Danish Agency for Higher Education by the person concerned (the complainant), provided that the appeal concerns legal issues. The time limit for submission of an appeal is two weeks from the day the decision is announced to the complainant.

(2) The appeal is submitted to the university, which issues an opinion. The complainant must be given the opportunity to comment on the university's opinion within a time limit of at least one week. The university submits the appeal to the agency, enclosing the opinion and any comments made by the complainant.

## **Title II**

### **Grading**

#### Part 10

##### *Body of external examiners*

**49.-(1)** The Danish Agency for Higher Education appoints a nationwide body of external examiners (body of appointed external examiners).

(2) A body of external examiners covers the bachelor and master's (candidatus) programmes as well as the master's programmes and other part-time programmes under the University Act within the same academic or similar area which one or more universities are authorised to offer. However, for the bachelor and master's (candidatus) programmes in the humanities, natural sciences and social sciences comprising one central subject, see the University Programme Order, a body of external examiners may be set up for each subject.

(3) Before a programme or a central subject is approved by the minister, see the Danish Act on Accreditation of Institutions of Higher Education (*Lov om akkreditering af videregående uddannelsesinstitutioner*), the Danish Agency for Higher Education decides which body of external examiners is to cover the programme or the central subject.

(4) A list of bodies of external examiners is available on the Ministry of Science, Innovation and Higher Education's website.

**50.** The body of external examiners must be composed so as to ensure

- 1) that the body covers all the subjects or subject elements included in the programmes or the central subjects and the employment areas targeted by the programmes;
- 2) that the body includes people having their chief occupation outside of the universities in one of the employment areas targeted by the programmes;
- 3) that an equal distribution of female and male external examiners is aimed for; and
- 4) that external examiners affiliated with foreign universities are included for the programmes or central subjects where this is relevant.

**51.-(1)** For each body of external examiners, a chairmanship consisting of a chairperson and one or more vice-chairpersons is elected by and from among the external examiners, see part 11. The current chairmanship holds the elections.

(2) The chairmanship represents the external examiners in the body of external examiners in all dealings with the universities and the Danish Agency for Higher Education.

(3) The new chairmanship informs the universities' rectors and the Danish Agency for Higher Education of the election held according to subsection (1).

(4) When a new body of external examiners is appointed, see section 49(1), the duties described in subsection (1) and section 58(1) are performed by the university or by the universities jointly the first time.

**52.-(1)** In consultation with the university or the universities, the chairmanship allocates the assignments for external grading among the external examiners in the body of external examiners, see, however, section 58(4). The chairmanship allocates the assignments so as to ensure that the external examiners are given assignments regularly and at least every other year. Where the body of external examiners covers more universities, the external examiners must, as far as possible, be given assignments at more than one university during their term as external examiners, see section 58(3). In the allocation of assignments, account is taken of any special competencies or expertise possessed by the external examiners in connection with the individual exams.

(2) As part of the quality assurance of the test and examination systems of the programmes, the chairmanship must

- 1) nominate external examiners for appointment, see section 58(1);
- 2) provide advice to the universities on the form and content of the examinations, see section 61(1), item 2;
- 3) submit an annual report to the universities based on the external examiners' reports, see section 61(1), item 3;
- 4) respond to consultations on curricula and material changes made to the curricula for the programmes affecting the test and examination systems; and
- 5) generally be available to the university, including employer panels, in connection with the development of new examination forms.

(3) The chairmanship contributes to a continuous dialogue on the development of the quality of the test and examination system, including the quality of exam assignments, by holding meetings with the external examiners in the body of external examiners and contact meetings between the universities, including employer panels, and the external examiners at least every other year.

**53.-(1)** External examiners must not be employed at the university, or at the faculty if the university is divided into faculties, where they are to work as external examiners, unless the assignment concerns a programme or a central subject, see section 49(2), other than that on which the external examiner is a researcher and teacher. However, the university's board members, rector, deans, heads of department and others in similar positions must not work as external examiners at the university. It must be avoided as far as possible that internal examiners take grading assignments for each other (mutual grading).

(2) The external examiners' activities are covered by the Public Administration Act, including the provisions on disqualification and secrecy.

**54.-(1)** In the absence of an external examiner where it has not been possible to summon a new external examiner, the university may appoint a person as external examiner who fulfils the requirements set out in section 57.

(2) The university notifies the chairmanship of such appointment according to subsection (1) as soon as possible.

**55.-(1)** The university sets up websites on which the members of the body of external examiners have access to up-to-date information on the programmes or central subjects of relevance to them, including this ministerial order, the Grading Scale Order and the curriculum for the programme as well as other material of importance to the external examiners' activities.

(2) Before the individual grading assignments, the university provides the individual external examiners with the material required for them to perform their duties.

**56.** The universities cover the costs incidental to the activities of the chairmanship and the external examiners, see the Ministry of Finance's Circular on Hourly-paid Teaching (*Cirkulære om timelønnet undervisning*) and the Circular on Remuneration of External Examiners (*Cirkulære om censorvederlag*). Subject to prior agreement with the chairmanship, the universities provide administrative and practical assistance.

## Part 11

### *External examiners*

**57.** To be appointed as external examiner, a person must have

- 1) a relevant research-based education at master's (candidatus) level;
- 2) comprehensive and up-to-date knowledge of the scientific disciplines of the field, including theory and methodologies;
- 3) specific competencies within one or more academic subareas included in the programme or the central subject; and
- 4) up-to-date knowledge of the application of the programme or the central subject, including knowledge of the employers' situation and needs.

**58.-(1)** The Danish Agency for Higher Education appoints the external examiners on recommendation from the chairmanship.

(2) The chairmanship consults the universities prior to making recommendations in pursuance of the provisions in sections 50 and 57.

(3) External examiners are appointed for four years at a time, see, however, subsection (4). In each new term, one-fourth of the external examiners in the body of external examiners are replaced, as a minimum. During the term, supplementary external examiners may be appointed, for example in the event that new approved programmes are to be allocated to the body of external examiners, see section 49(3).

(4) In exceptional cases, the chairmanship may appoint external examiners for one-off grading assignments.

(5) Following a reasoned recommendation from the chairmanship or a university, the Danish Agency for Higher Education may terminate the appointment of an external examiner before the end of the term, if the chairmanship or the university finds that the external examiner's work is not satisfactory.

**59.** Prospective external examiners are found through proposals from the chairmanship, the body of external examiners, universities and through advertisements in trade journals, magazines etc.

**60.** External examiners must ensure

- 1) that the content of examinations held as part of a particular programme complies with the objectives and other requirements stipulated for the programme, for example in the University Programme Order and in the curriculum;
- 2) that examinations are conducted in compliance with current rules; and
- 3) that students receive uniform and fair treatment, and their achievements are assessed in a reliable manner complying with the rules on grading set out in the Grading Scale Order, including the rules on grading set out in the curriculum for the programme, and other rules governing the programme.

**61.-(1)** An external examiner must

- 1) work as an external examiner at the external examinations held as part of the programme or the central subject, see section 20(3);
- 2) provide advice on the examination system, including its form and content, and whether it fulfils its purpose and is in accordance with the objectives of the programme or the central subject and the teaching;
- 3) submit a report on the examination process to the university and the chairmanship at the end of the examination period; and
- 4) assist in the consideration of complaints and appeals relating to examinations, see section 35(2), section 37(2) and section 39(2).

(2) If an external examiner finds that the duties mentioned in section 60 have not been performed, or if an external examiner suspects that there are material problems or defects in the university's administration of a programme, the external examiner issues a report to the university with a copy to the chairmanship.

## Title III

### **Commencement and interim provisions**

## Part 12

### *Commencement and interim provisions*

**62.-(1)** The ministerial order enters into force on 1 July 2014.

(2) Ministerial Order no. 1518 of 16 December 2013 on University Examinations and Grading (the Examination Order) (*Bekendtgørelse nr. 1518 af 16. december 2013 om eksamen og censur ved universitetsuddannelser (eksamensbekendtgørelsen)*) is repealed.

(3) The ministerial order applies with effect from 1 July 2014 to students enrolling on a full-time bachelor programme from the 2014-15 academic year or later; with the exception of section 28, which applies from 1 September 2014.

(4) The ministerial order applies to all other full-time students as well as part-time students from 1 September 2015; with the exception of section 28, which applies from 1 September 2014. Section 14 applies with effect from 1 July 2015 to students registering for subjects or subject elements and related examinations for the 2015-16 academic year or later. The university may automatically register students for the

first and second examination attempts if a student has been registered for subjects or subject elements in previous academic years without participating in or passing the related examinations.

(5) For students comprised by subsection (4), Ministerial Order no. 666 of 24 June 2012 on University Examinations and Grading (the Examination Order) continues to apply up to and including 31 August 2015.

*Ministry of Higher Education and Science, 19 June 2014*

Sofie Carsten Nielsen

/ Helle Rosenvold Anderson