

This is an English translation of *Bekendtgørelse om prøver i erhvervsrettede videregående uddannelser* (Ministerial Order on Examinations on Professionally Oriented Higher Education Programmes). 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. 1519

## Ministerial Order on Examinations on Professionally Oriented Higher Education Programmes

Pursuant to section 34(2) and (4) of the Danish Pharmacy Act (*Lov om apoteksvirksomhed*), see Consolidated Act no. 855 of 4 August 2008, as amended by Act no. 140 of 9 February 2010; section 22(1), items 3 and 4, and section 30 of the Danish Act on Academy Profession Programmes and Professional Bachelor Programmes (*Lov om erhvervsakademiuddannelser og professionsbacheloruddannelser*), see Consolidated Act no. 467 of 8 May 2013, as amended by Act no. 898 of 4 July 2013; section 15 of the Danish Act on Authorisation of Healthcare Professionals and of Professional Healthcare Activity (*Lov om autorisation af sundhedspersoner og om sundhedsfaglig virksomhed*), see Consolidated Act no. 877 of 4 August 2011; section 21(2), section 30(2) and section 32, item 1, of the Danish Act on Basic and Higher Vocational Education and Training (the Upper Secondary Education System) for Adults (*Lov om erhvervsrettet grunduddannelse og videregående uddannelse (videreuddannelsessystemet) for voksne*), see Consolidated Act no. 881 of 8 August 2011; section 2(9)-(12) and section 18(2) of the Danish Act on Open Education (Adult Vocational Education and Training) etc. (*Lov om åben uddannelse (erhvervsrettet voksenuddannelse) m.v.*), see Consolidated Act no. 952 of 2 October 2009, as amended by Act no. 140 of 9 February 2010; and section 1 of Danish Act no. 247 of 6 April 2001 on Conducting Danish Tests and Examinations Abroad (*Lov om afholdelse af danske prøver og eksaminer i udlandet*), and following negotiation with the Minister for Health, the following is stipulated:

### Part 1

#### *Objective and scope*

**1.** The ministerial order applies to examinations on professionally oriented higher education programmes which, according to the ministerial order or the curriculum for the individual programme, are documented by a certificate or a diploma, unless otherwise stipulated in the ministerial order for the programme.

**2.-(1)** The objective of the examinations is to document the extent to which the students have achieved the academic objectives stipulated for the programme and its elements.

(2) The ministerial order or the curriculum for the individual programme stipulates which tests and examinations are included in the programme, how examination results are to be weighted, and what is required for the issue of a certificate or a diploma.

### Part 2

#### *Organisation and planning*

**3.-(1)** Examinations must be organised so as to document the degree of fulfilment of the material objectives and requirements.

(2) The assignments for an examination are set by the educational institution, unless otherwise stipulated in the ministerial order for the programme. Institutions offering the same programme may set joint assignments for the institutions.

(3) When the assignments for an examination are set by the Danish Agency for Higher Education, the agency sets the date and time for the examination.

**4.-(1)** The educational institution is obliged to inform students of the material objectives and requirements for the examinations.

(2) Within the framework established by the provisions of this ministerial order and in accordance with the ministerial order for the programme, the institution lays down rules on the following aspects in the curriculum:

- 1) The examinations, including part-examinations, which are included in the programme, and the weighting of the grades awarded in the individual examinations, see section 2(2).
- 2) Timing of examinations during the programme.

- 3) Any rules governing whether the first-year exam must be passed before the end of the first year of study, see section 8(2).
  - 4) Any rules governing commencement of studies exams, see section 9(4).
  - 5) Holding make-up exams and re-exams, see sections 6-9.
  - 6) Fulfilment of attendance requirements and submission of assignments and projects etc. required for being allowed to take an examination, see section 5(2).
  - 7) Examination forms, including formal requirements for papers, see section 10.
  - 8) The organisation of examinations as individual exams or group exams, including the maximum number of students allowed to participate in the examination, the possibility for students to choose an individual exam rather than a group exam and the requirements for individualisation of written group papers, see sections 11 and 12.
  - 9) Use of materials and aids, see section 15.
  - 10) The language of the examination, see section 17.
  - 11) Special examination conditions, see section 18.
  - 12) Use of own works and the works of others, see section 19.
  - 13) Disciplinary measures in cases of exam cheating and disruptive behaviour during examinations, see section 19.
  - 14) Which examinations are assessed by an external examiner, see section 33(3).
  - 15) How students' spelling and writing skills are included in the overall assessment of the examination performance, see section 34(2).
  - 16) Appeals, see part 10.
- (3) If special circumstances apply, the institution may derogate from its own provisions in the curriculum.
- (4) The institution is obliged to inform the students and other people involved in examinations about the examination rules applying to the individual programme. Such rules must be made available on the institution's website.

### Part 3

#### *Access to examinations*

**5.-(1)** When students enrol on a programme element, start a semester etc., they are also registered for the related examinations. The registration counts as an examination attempt, see section 6(3). However, this does not apply if students are prevented from taking part in the examination due to documented illness or maternity/paternity leave.

(2) In the curriculum, the educational institution may stipulate that fulfilment of attendance requirements and submission of assignments and projects etc. are required for being allowed to take an examination.

(3) If special circumstances apply, the institution may derogate from subsections (1)-(2), including documented disability.

**6.-(1)** An examination which has been passed cannot be retaken. If an examination includes more part-examinations, part-examinations in which a passing grade has not been achieved may not be retaken if the examination as a whole was passed, unless otherwise stipulated in the ministerial order or the curriculum for the programme.

(2) If an examination has not been passed, the student is still registered for the examination, see, however, subsection (3) and section 8.

(3) Students may be registered for the same examination three times. If special circumstances apply, the educational institution may allow additional attempts. The question of academic aptitude must not be included in the evaluation of whether or not circumstances are special.

(4) A new examination must be held as quickly as possible and, as far as possible, no later than at the time when the examination in question is held at the institution again, perhaps as a make-up exam, see section 7(1).

(5) Receipt by students of offers to retake examinations under section 38(2), section 44(1), item 2, or section 49(2), item 2, are not considered examination attempts.

**7.-(1)** Students who have been unable to complete an examination due to documented illness or for other documented reasons must be given the opportunity to take the examination as soon as possible. If the examination in question is an examination in the final examination period, students must be given the opportunity to take the examination in the same examination period or immediately thereafter.

(2) If an examination includes more parts, and a grade is given for each part, students may only take an examination comprising the part(s) that has/have not been completed, unless otherwise stipulated in the rules governing the programme. This also applies where the individual grades are added up to one grade for the entire examination.

(3) Other special circumstances preventing students from appearing for an examination for practical reasons may be treated in accordance with subsections (1) and (2), based on the educational institution's assessment in the specific case.

**8.-(1)** On academy profession programmes (*erhvervsakademiuddannelser*) and professional bachelor programmes (*professionsbacheloruddannelser*), the examination(s) which students must take by the end of the first year of study (the first-year exam) pursuant to the ministerial order or the curriculum must be passed by the end of the students' second year of study in order for students to be allowed to continue on the programme, see, however, subsection (2).

(2) The educational institution may lay down in the curriculum for the individual programme 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 result of the first attempt to pass an examination must be announced to students in such good time that a possible re-exam can be taken in the same examination period.

(4) Other requirements stipulating that students must pass examinations to continue on the programme must be laid down in the ministerial order for the programme, see, however, section 9.

(5) In the event of illness, maternity/paternity leave or if special circumstances apply, the institution may grant exemptions to individual students from the time limits stipulated for passing the examination(s) in subsections (1) and (2).

**9.-(1)** On academy profession and professional bachelor programmes, the educational institution may stipulate in respect of individual programmes that students on the individual programme must participate in and pass a commencement of studies exam in order to be allowed to continue on the programme. The purpose of the commencement of studies exam is to ascertain whether students have actually commenced their studies.

(2) The commencement of studies exam must be held no later than two months after the start of 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 held no later than three months after the start of the programme. Students are entitled to two attempts to pass the commencement of studies exam.

(3) The commencement of studies exam is assessed by internal examiners, see section 33(2), and is assessed as 'Pass' or 'Fail' or as 'Approved' or 'Not approved', respectively, see the Ministerial Order on the Grading Scale and Other Forms of Assessment (*Bekendtgørelse om karakterskala og anden bedømmelse*).

(4) The commencement of studies exam is not covered by the rules set out in part 10 'Examination appeals'.

(5) The institution stipulates rules on the commencement of studies exam in the curriculum, including on the form, content and timing of the examination.

(6) In the event of illness, maternity/paternity leave or if special circumstances apply, the institution may grant exemptions to individual students from the time limits stipulated for passing the commencement of studies exam.

#### Part 4

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

**10.-(1)** The programme must include a variety of examination forms, which must reflect the content and working methods of the course. The examination form must reflect the objectives of the individual subject/subject element and may, for example, be oral, written, practical and project-based examinations as well as combinations of different examination forms.

(2) Unless otherwise stipulated in the ministerial order for the programme, the curriculum stipulates the examination form to be used in connection with the individual exam. Any formal requirements for papers must appear from the curriculum.

(3) The educational institution may reject a paper if it fails to comply with the formal requirements defined. Where a paper is rejected, no assessment is to be made, and the rejection is included in the number of examination attempts, see section 6(3).

**11.-(1)** Based on academic considerations, it is stipulated in the curriculum whether an examination is to be organised as an individual exam or a group exam. If an examination is organised as a group exam, the maximum number of students allowed to participate in the individual group exam and whether students may choose an individual exam instead are also stipulated.

(2) An individual assessment must be made of the students' performance in connection with both individual exams and group exams.

**12.-(1)** In an oral group exam, examination of the individual student must be carried out in such a way so as to ensure that an individual assessment can be made of the student's performance.

(2) When organising an oral group exam, it must be ensured that the time allotted for the examination is adapted to the number of students participating in the examination.

(3) Separate assessment can only be made for a paper written by a group of students if the contributions of the individual students are clearly marked. Requirements for individualisation are laid down in the curriculum.

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

#### Part 5

##### *Conducting examinations*

**13.-(1)** Examinations in the form of oral and practical examinations are public, see, however, subsections (2)-(4), unless they are covered by an agreement pursuant to section 52(3).

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

(3) Under special circumstances, including circumstances relevant to the individual examinee, the educational institution may grant exemptions from the rule in subsection (1). The institution 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) In individual oral exams where the students are examined based on a product created by a group of students, the other group members must not be present in the exam room before their own examination.

(5) Audio or 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 institution.

(6) Only internal and external examiners are allowed to be present during the grading process at practical and oral exams, including oral defences of projects. The institution may, however, decide to allow trainee internal examiners to observe the grading process.

**14.-(1)** The educational institution must ensure that examinations are arranged in such a way that students cannot engage in unauthorised communication with others.

(2) The institution must ensure that students have suitable working conditions during the examinations.

(3) The institution may conduct oral exams as videoconferences or using other appropriate technology. The institution must ensure that the safety and security measures for such examinations correspond to those normally put in place for an examination. The institution appoints or approves an invigilator who must remain with the student throughout the examination. Internal and external examiners must conduct the examination and grading in accordance with current regulations.

**15.-(1)** During the examinations, use of materials and aids, including electronic aids, is permitted, unless restrictions on the use of such materials and aids are stipulated in the ministerial order or the curriculum for the individual programme, see, however, subsection (2).

(2) The educational institution may restrict the access to using electronic aids for capacity reasons.

**16.-(1)** An examination starts when the distribution of the assignments starts, when the preparation material or title of the assignment has been given to the student or when the student has been informed of the question or the like.

(2) Students who are late for a written exam will only be allowed to take the examination if the educational institution considers it impossible for the students to have received any information on the assignment and considers the delay to be reasonable. The time scheduled for the examination may only be extended in exceptional circumstances.

(3) Students who are late for an oral exam may be offered examination at a later time, if the institution considers the delay to be reasonable.

**17.-(1)** On the 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 proficiency in a foreign language. Students are allowed to express themselves in Swedish or Norwegian instead of Danish during examinations, unless the purpose of the examination is to document the students' proficiency in Danish.

(2) On programmes or in individual subjects offered in English or another foreign language, examinations are conducted in this language, unless part of the purpose of the examination is to document the students' proficiency in another language.

(3) If circumstances permit, the educational institution may allow a foreign examination language, unless the purpose of the examination is to document the students' proficiency in Danish.

**18.-(1)** The educational institution offers special examination conditions for students with physical or mental impairment, for students with similar difficulties and for students whose native language is not Danish, if deemed necessary by the institution to provide the students concerned with equal opportunities in the exam situation. Such an offer must not, however, change the standard of the examination.

**19.-(1)** Students who during an examination obtain or provide to other students unlawful help for an assignment or use materials and aids not permitted for the examination must be ordered to leave the examination by the educational institution.

(2) If it is suspected during or after an examination that students have obtained or provided unlawful help, have passed the work of others off as their own or used their own previously assessed work without stating a reference, this will be reported to the institution. If such suspicion is confirmed, and the act has or could have impacted on the assessment, the institution will order the students to leave the examination.

(3) The institution may order students who exhibit disruptive behaviour to leave the examination. In less serious cases, the institution will first warn the students.

(4) In the cases mentioned in subsections (1)-(3), the institution may in case of aggravating circumstances decide to suspend students from the institution for a long or short period of time. In such event, students must be issued with a written warning stating that if the act is repeated, they may be expelled permanently.

(5) If a student is ordered to leave pursuant to subsections (1)-(3), any grade for the examination in question will be withdrawn, and the examination will be included in the number of examination attempts, see section 6(3).

(6) When handing in written papers, students must attest, through their signature, which may be digital, to having written such papers without unlawful help, see, however, subsections (1) and (2).

#### *Examinations abroad*

**20.-(1)** The educational institution 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 institution's examinations in Denmark for practical or financial reasons and if the student and the exam location reach an appropriate agreement. Danish examinations conducted abroad must comply with all the other rules laid down in the ministerial order.

(2) The institution may authorise a person abroad to organise the practical aspects of conducting the examination.

**21.-(1)** The educational institution 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 institution may ask the student to pay part or all of the costs incurred by the institution to conduct the examination abroad. It is, however, a condition that the student confirms in writing in advance, on the basis of an estimate of the expected amount calculated by the institution, his or her willingness to pay the expenses in question. The institution may make it a condition for conducting the examination that the amount is paid in advance.

## Part 6

### *Assessors (external and internal examiners)*

**22.-(1)** The Danish Agency for Higher Education sets up a nationwide body of external examiners for each of the higher education programmes. A body of external examiners may also cover more than one programme, provided that the programmes are related and that this is justified by the number of external examiners.

(2) The body of external examiners must be composed so as to cover all the subjects or subject areas included in the programme and the areas of employment targeted by the programme.

(3) At least one third of the external examiners in the body of external examiners must be people having their chief occupation outside of the educational institutions offering higher education programmes in one of the areas of employment targeted by the programme (employer examiners). In special circumstances, a smaller share of employer examiners may be accepted.

(4) It must be endeavoured to ensure that there is an equal distribution of female and male external examiners in the body of external examiners and that external examiners affiliated with foreign educational institutions are included in the body of external examiners for the programmes and subjects where this is relevant.

**23.-(1)** The Danish Agency for Higher Education appoints external examiners for external examinations, see section 33(3), on recommendation from the educational institutions or the chairmanship in accordance with the requirements set out in section 24(1). The agency may appoint external examiners other than those recommended by the institutions.

(2) The appointment of bodies of external examiners for new programmes takes place on the recommendation of the institution(s) offering the programmes.

(3) External examiners are appointed for four years at a time. In each new term of appointment, one-fourth of the external examiners in the body of external examiners are replaced, as a minimum. However, during the term, supplementary external examiners may be appointed.

(4) The agency may terminate the appointment of an external examiner before the end of the term.

**24.-(1)** An external examiner must have

- 1) comprehensive and up-to-date knowledge of the preconditions, objectives and methods of the programme element;
- 2) specific competencies within one or more academic sub-areas covered by the programme; and
- 3) up-to-date knowledge of the application of the programme, including knowledge of the employers' situation and needs.

(2) Before an examination, the educational institution informs the external examiner of the rules applicable to the programme, including this ministerial order, and provides the external examiner with other material of importance to the external examiners' activities.

**25.** An external examiner must

- 1) work as an external examiner at the external examinations of the programme, subject or subject area, see sections 30 and 31;
- 2) assist in the assignments mentioned in section 27;
- 3) submit a report on the examination process to the educational institution and the chairmanship at the end of the examination period, see section 27(1), items 2 and 3; and
- 4) assist in the consideration of appeals relating to examinations, see section 42(2) and section 47(2).

**26.-(1)** The external examiners in each body of external examiners appoint a chairperson and one or more vice-chairpersons for a term of four years. However, for the education and social education programmes, a vice-chairperson is appointed for each subject or subject area by the external examiners for the subject or subject area. The current chairmanship holds the elections. In the case of new bodies of external examiners, the educational institution(s) offering the programmes hold(s) the election for chairperson. The result of the election is announced to the Danish Agency for Higher Education.

(2) The chairperson and vice-chairperson(s) of the body of external examiners form the chairmanship. At least one of the external examiners in the chairmanship must be an employer examiner.

(3) The chairmanship represents the body of external examiners in all dealings with the ministry and the educational institution(s).

(4) A list of chairpersons of the bodies of external examiners is available on the Danish Agency for Higher Education's website.

**27.-(1)** As part of the quality assurance of the programmes, the chairmanship must:

- 1) provide advice to the Danish Agency for Higher Education in connection with the appointment of external examiners;

- 2) provide advice to the educational institutions and the Danish Agency for Higher Education based on external examiners' reports on the quality and appropriateness of the programmes relative to the labour market and subsequent education and training;
- 3) submit an annual report to the educational institutions and the Danish Agency for Higher Education based on the external examiners' reports, see section 25, item 3, which forms part of the basis of evaluation of the programme or subject;
- 4) respond to consultations on the ministerial orders and curricula for the programmes and on important amendments thereto; and
- 5) generally be available for assignments related to external grading activities allocated to the chairmanship pursuant to other provisions.

(2) The chairmanship must contribute to an ongoing dialogue on the development of the programme, subject or subject area by holding meetings between external examiners in the body of external examiners and contact meetings between the educational institutions and the external examiners at least once every two years.

**28.-(1)** In consultation with the educational institution(s), the chairmanship allocates the assignments for external grading among the external examiners in the body in accordance with the rules set out in subsection (2). External examiners must not be employed with, or within the past two years have been employed with, the institution at which they are to work as external examiners.

(2) Unless special circumstances apply, when allocating external examiners, it must be ensured that:

- 1) external examiners from more institutions and external examiners from the relevant sections of the labour market (employer examiners) are involved in planning the work of the external examiners on a given programme;
- 2) new external examiners are regularly introduced when distributing the assignments;
- 3) no external examiner is asked to act as external examiner for the same internal examiner within a period of two years except within the same examination period, the same semester or the same six-month period.

**29.** In case of the sudden absence of an external examiner and the like where it has not been possible to summon a new external examiner, the educational institution appoints a person as external examiner who fulfils the requirements set out in section 24 and section 28(2). The institution must notify the chairmanship of such appointment as soon as possible.

**30.-(1)** External examiners must

- 1) ensure that examinations comply with the objectives and other requirements stipulated in ministerial orders or under ministerial orders;
- 2) contribute to ensuring and assure that examinations are conducted in compliance with the current rules; and
- 3) contribute to ensuring and assure that students receive uniform and fair treatment, and their achievements are assessed in a reliable manner that complies with the rules on grading and other rules governing the programme.

(2) The external and internal examiners must make notes about the performance and their deliberations for personal use for drafting an opinion in a possible appeal. The notes must be kept for one year.

(3) The external examiners' activities are covered by the provisions set out in the Danish Public Administration Act (*Forvaltningsloven*) on disqualification and secrecy.

**31.** If an external examiner finds that the duties mentioned in section 30(1) have not been performed, or if an external examiner suspects that there are material problems or defects in the educational institution's administration of a programme, the external examiner issues a report to the educational institution with a copy to the chairmanship, see section 26. The institution forwards such report to the Danish Agency for Higher Education with its comments.

**32.** The educational institutions bear the costs incidental to the activities of the chairmanship and the external examiners. Subject to prior agreement with the chairmanship, the institutions provide administrative and practical assistance.

## Part 7

### *Assessment*

**33.-(1)** The examinations are assessed by either internal or external examiners.

(2) Examinations with internal assessment are assessed by one or more teachers appointed by the educational institution (internal examiners).

(3) Examinations with external assessment are assessed by an internal examiner and by one or more external examiners appointed by the Danish Agency for Higher Education.

(4) Examinations with external assessment must cover the important parts of the programmes. At least one-third of a programme's total ECTS points must, for the individual student, be obtained at external examinations, unless otherwise stipulated in the ministerial order for the programme.

**34.-(1)** The individual student's performance forms the basis of the assessment. The assessment is generally made in accordance with the provisions of the Ministerial Order on the Grading Scale and Other Forms of Assessment.

(2) When assessing the professional bachelor project, final examination project or final project, emphasis must, in addition to the academic content, also be placed on the students' spelling and writing skills. The educational institution may grant exemptions from this for students who are able to document a relevant and specific impairment. The curriculum stipulates the

extent to which spelling and writing skills are weighted in the overall assessment of the examination performance, see section 4(2), item 13, but the academic content must always be given the highest weight. Spelling and writing skills may be included in the assessment of other examinations.

(3) All examinations must be passed.

**35.** For examinations where the assessment is not announced to the students immediately afterwards, the educational institution sets a date for the publication of examination results. Such date must be announced to the students at the same time as the examination date, either by advertisement on noticeboards or by alternative means.

## Part 8

### *Certificates and diplomas*

**36.-(1)** The educational institution issues a certificate or diploma for completion of the programme, unless otherwise stipulated in the ministerial order for the programme, and for individual subjects completed in accordance with the provisions on open education.

(2) The certificate or diploma must, as a minimum, contain the following information:

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

2) The issuing authority.

3) Name and legal basis of the programme.

4) The individual programme elements stated in ECTS.

5) The programme elements in which examinations have been taken, including the assessment obtained.

6) The programme elements documented in other ways.

7) Programme elements and examinations for which credits have been transferred, possibly stating the assessments obtained as 'Pass', 'Approved' or a grade in accordance with the Ministerial Order on the Grading Scale and Other Forms of Assessment.

8) The examination language if the examination language is a foreign language other than Norwegian and Swedish.

9) The title graduates are entitled to use in Danish and English.

(3) Graduates may have their certificates or diplomas printed in English.

(4) As an appendix to the certificate or diploma for higher education programmes, the educational institution issues a Diploma Supplement in English, which describes the programme and provides information about the institution and about the position of the institution and the programme in the Danish education system in accordance with the standard model developed by the European Commission, the Council of Europe and UNESCO.

(5) The certificate or diploma must not contain information about special examination conditions, see section 18.

(6) The certificate or diploma must not contain information about the commencement of studies exam, see section 9.

(7) The certificate or diploma for a programme taken at multiple educational institutions is issued by the last institution at which the student was enrolled.

(8) Students who leave a programme without completing it may request that the institution issue documentation for the parts of the programme which have been successfully completed, stated in ECTS.

**37.-(1)** Grades and possibly the examination grade point average for the individual students are reported to the Danish Agency for Higher Education as directed by the agency.

(2) The educational institution keeps the information needed to issue certificates or diplomas on file for 30 years after the completion of the examination or test.

(3) If an institution is closed or is unable to keep the documents on file as stipulated in subsection (2) for any other reason, the institution must arrange for other safekeeping in accordance with the applicable rules.

## Part 9

### *Errors and irregularities during examinations*

**38.-(1)** If, in connection with an examination, the educational institution becomes aware of errors or irregularities that may be remedied, the institution decides how to remedy such errors or irregularities, possibly in consultation with the assessors or assigners.

(2) In the event of material errors or irregularities, the institution offers a re-assessment or re-exam, see, however, subsection (4). Such offer applies to all the examinees whose examinations suffer from the same errors or irregularities.

(3) In the event of particularly serious errors or irregularities, the institution may decide to cancel an examination that has already been held and arrange for a re-exam, see, however, subsection (4).

(4) If the assignments were set by the Danish Agency for Higher Education, the educational institution must consult the agency, and the agency will make a decision in accordance with subsections (1)-(3) in consultation with the institution.

**39.-(1)** Re-assessment and re-exam pursuant to section 38(2) cannot result in a lower grade. A re-exam which is due to the original examination being cancelled, see section 38(3), may result in a lower grade.

(2) The educational institution may withhold the certificate or diploma, see section 36, until the case has been settled.

## Part 10

### *Examination appeals*

**40.-(1)** Appeals concerning examination conditions must be submitted individually by the students to the educational institution. 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 in the usual manner. If special circumstances apply, the institution may make an exemption from this time limit.

(3) For use in the appeal case, the student must, on request, be given a copy of the assignment and, for examinations with a written paper, also a copy of the student's own paper.

**41.** The student may continue on the programme during the consideration of the appeal, unless otherwise stipulated in a ministerial order or pursuant to a ministerial order.

**42.-(1)** Appeals may concern

- 1) the basis for examination, including examination questions, assignments and the like, and its relation to the objectives and requirements of the programme;
- 2) the examination process; or
- 3) the assessment.

(2) The educational institution must immediately present the appeal to the assessors, see, however, subsection (3), after which time the assessors must submit an opinion within a time limit of normally two weeks. The assessors' opinion must concern the academic aspects of the appeal. The student must be given the opportunity to comment on the opinions within a time limit of normally one week.

(3) If the examination assignments were set by the Danish Agency for Higher Education, the institution immediately forwards appeals concerning the basis for examination to the agency, including the institution's opinion.

**43.-(1)** The educational institution makes a decision on the appeal based on the assessors' academic opinions and the student's comments on these opinions, see, however, subsection (2).

(2) If the examination assignments were set by the Danish Agency for Higher Education, the agency makes a decision on appeals concerning the basis for examination and, generally, on whether the student should be offered a re-exam.

**44.-(1)** The decision, which must be in writing and reasoned, may be

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

(2) The educational institution may only decide not to find in favour of the student if the assessors are unanimous in their opinion.

(3) The institution must notify the student and the assessors of the decision immediately. If the decision is to offer a re-assessment or re-exam, the student must be notified that such re-assessment or re-exam may result in a lower grade.

**45.-(1)** The student must accept an offer of a re-assessment or re-exam within two weeks of having been notified of the decision. Such re-assessment or re-exam must be held as soon as possible. If the certificate or diploma has been issued, see section 36, the educational institution must revoke the certificate or diploma until the assessment has been made, and possibly issue a new certificate or diploma.

(2) New assessors must be appointed for re-assessments and re-exams.

(3) In connection with re-assessments, the assessors must be provided with the case files: the assignment, the paper, the appeal, the original assessors' opinion with the student's comments and the institution's or the Danish Agency for Higher Education's decision. The assessors notify the institution of the result of the re-assessment and enclose a written justification for the assessment. The institution notifies the student of the assessment and the justification of the assessment.

(4) A re-exam and a re-assessment may result in a lower grade.

### *Appeals against decisions made by the educational institution*

**46.-(1)** The student may appeal against the educational institution's decision on academic issues, see section 43(1), to a board of appeals set up by the institution, see section 47, and this board of appeals will make a decision.

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

(3) The appeal must be submitted within two weeks of the institution's decision being announced to the student. If special circumstances apply, the institution may make an exemption from this time limit.

**47.-(1)** The educational institution sets up a board of appeals as soon as possible after an appeal has been submitted. Permanent boards of appeals may be established. The institution bears the costs of the boards of appeals.

(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 26(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 institution appoints the teacher entitled to conduct examinations and the student.

(5) The board of appeals' activities are covered by the Public Administration Act.

**48.-(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 conducted in writing, including electronically, if the board members agree to a written procedure, see, however, subsection (2).

(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) If, in connection with the consideration of an appeal, the board of appeals becomes aware of errors or irregularities during an examination, the educational institution is informed of this, and the rules set out in section 38 apply.

**49.-(1)** The board of appeals makes its decision based on the material on which the educational institution's decision, see section 43(1), and the student's reasoned appeal rested.

(2) 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 re-assessment by new assessors; however, not in connection with oral exams;

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

3) not to find in favour of the complainant.

**50.-(1)** The board of appeals' decision is announced to the educational institution as soon as possible and at the latest within two months of the appeal being submitted to the institution for the winter semester and three months for the summer semester.

(2) If the appeal cannot be processed within this time limit, the institution 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.

(3) The institution must notify the student of the decision and provide the assessors with a copy of the decision as soon as possible. If the decision is to offer a re-assessment or re-exam, the student must be notified that such re-assessment or re-exam may result in a lower grade.

(4) The board of appeals' decision cannot be referred to any other administrative authority, see, however, section 51.

(5) Re-exams and re-assessments are made in accordance with section 45.

## Part 11

### *Appeals against decisions made by an educational institution or a board of appeals*

**51.-(1)** Appeals concerning legal issues in decisions made by the assessors pursuant to section 45(3) and the board of appeals pursuant to section 49(1) must be submitted to the educational institution within two weeks of the complainant having been informed of the decision. The institution subsequently makes a decision.

(2) Appeals concerning legal issues in decisions made by the institution pursuant to the rules in the ministerial order may be submitted to the Danish Agency for Higher Education. The appeal must be submitted to the institution, which then issues an opinion. The student must be given the opportunity to comment on this opinion within a time limit of normally one week. The institution submits the appeal, the opinion and any comments from the complainant to the agency. The time limit for submitting an appeal to the institution is two weeks from the day the decision is announced to the complainant.

## Part 12

### *Other rules*

**52.-(1)** Students have the copyright to products that are produced in connection with an examination in accordance with the rules set out in the Danish Copyright Act (*Lov om ophavsret*), see, however, subsection (3).

(2) Students also have title to such products against payment of any costs of materials used in the examination, see, however, subsection (3). If students fail to assert their title within two months after announcement of the result of the assessment, title will pass to the educational institution.

(3) If the examination process involves parties from outside of the institution, agreement must be reached in advance between the institution, the student and the third party, subject to the current rules governing copyright, on the extent to which they are entitled to use the results deriving from the examination process, including whether any information regarding the third party contained in the papers may be published.

**53.-(1)** The Danish Agency for Higher Education may grant an exemption from the ministerial order if special circumstances apply, except in the situations mentioned in section 5(4), section 8(4), section 34(2), section 40(2) and section 46(3).

(2) The Danish Agency for Higher Education may allow deviations from the ministerial order as part of trials and development efforts.

Part 13

*Commencement and interim provisions*

**54.-(1)** The ministerial order enters into force on 1 July 2014 and applies to examinations started on 1 September 2014 or later.

(2) Ministerial Order no. 714 of 27 June 2012 on Tests and Examinations in Professionally Oriented Higher Education Programmes (*Bekendtgørelse nr. 714 af 27. juni 2012 om prøver og eksamen i erhvervsrettede videregående uddannelser*) is hereby repealed.

*Ministry of Science, Innovation and Higher Education, 16 December 2013*

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/ Kirsten Lippert