

This is an English translation of *Bekendtgørelse om eksamen og censur ved de videregående kunstneriske uddannelser under Ministeriet for Forskning, Innovation og Videregående Uddannelser* (Ministerial Order on Examinations and Grading on the Fine Arts Programmes under the Ministry of Science, Innovation and Higher Education). 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.

16 December 2013

No. 1526

Ministerial Order on Examinations and Grading on the Fine Arts Programmes under the Ministry of Science, Innovation and Higher Education

Pursuant to section 10(1), (3) and (5) and section 15(2) of the Danish Act on Higher Artistic Educational Institutions (*Lov om videregående kunstneriske uddannelsesinstitutioner*), see Consolidated Act no. 465 of 8 May 2013, as amended by Act no. 898 of 4 July 2013, the following is stipulated:

Part 1

Objective and scope

1. This ministerial order applies to examinations and grading on bachelor programmes (*bacheloruddannelser*), master's (candidatus) programmes (*kandidatuddannelser*) and the arts and crafts programme (*uddannelsen til kunsthåndværker*) as well as on master's programmes (*masteruddannelser*), diploma programmes (*diplomuddannelser*) and other part-time programmes, unless otherwise stipulated in the ministerial order governing the specific programme.

2.-(1) The objective of the examination is to assess the extent to which the students' qualifications comply with the academic objectives stipulated for the programme's programme elements in the curriculum. The final exam provides the basis for issuing certificates or diplomas.

(2) In the curriculum for the individual programme, the educational institution lays down precise descriptions of objectives and criteria for assessing the fulfilment of the objectives for the individual programme elements which are concluded with an examination, see section 4(2).

Part 2

Organisation and planning

3. Examinations must be organised so as to document the degree of fulfilment of the material objectives and requirements.

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 programmes, the educational institution lays down specific 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.
- 2) Timing of examinations during the programme.
- 3) Any rules governing commencement of studies exams, see section 9(4).
- 4) Holding make-up exams and re-exams, see sections 6-9.
- 5) Fulfilment of attendance requirements and submission of assignments and projects etc. required for being allowed to take an examination, see section 5(2).
- 6) Examination forms, including formal requirements for papers, see section 10.
- 7) 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.
- 8) Examinations which can be documented by course participation, see section 10(2).
- 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 35(3).
- 15) How students' spelling and writing skills are included in the overall assessment of the examination performance, see section 36(2).

16) Appeals, see part 10.

(3) If special circumstances apply, the educational institution may derogate from the institution's own provisions in the curriculum.

(4) The educational 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 educational institution's website.

Part 3

Access to examinations

5.-(1) When students register for a programme element, semester etc., they also register for the related examinations.

(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) Registration pursuant to subsection (1) counts as an examination attempt. However, this does not apply if students are prevented from taking part due to illness, see section 7.

(4) If special circumstances apply, the educational institution may derogate from subsections (1)-(3).

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 have three attempts to pass an examination. 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) Receipt by students of offers to retake examinations under section 41(2), section 46(1), item 2, or section 51(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 unforeseeable 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 which prevent 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) The educational institution stipulates in the curriculum for the bachelor programme the examinations which students must participate in 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 in order to continue on the programme, see, however, subsection (2).

(2) The educational institution 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 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 maternity/paternity leave or if special circumstances apply, the educational institution may grant exemptions to individual students from the time limits stipulated for passing the examination(s) in subsection (1).

9.-(1) The educational institution may decide that students on the individual programmes must participate in and pass a commencement of studies exam in order 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 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) The commencement of studies exam is assessed by internal examiners, see section 35(2), and is assessed as 'Pass' or 'Fail' or as 'Approved' or 'Not approved', respectively.

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

Part 4

Examination forms and organisation

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 or subject element, e.g. oral, written, practical and project-based exams as well as combinations of the various examination forms.

(2) The educational institution 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.

(3) 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.

(4) 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) 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.

12.-(1) In an oral group exam, examination of the individual student must be carried out in such a way 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 54(3).

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

(3) 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.

(4) 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 educational institution.

(5) 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 educational institution must ensure that students have suitable working conditions during the examinations.

(3) The educational institution may conduct oral exams as videoconferences or using other appropriate technology. The educational institution must ensure that the safety and security measures for such examinations correspond to those normally put in place for an examination. The educational 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) In the curriculum for the programme, the educational institution specifies rules on the use of materials and aids, including electronic aids, during the examinations, 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 educational 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. 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 educational institution. If such suspicion is confirmed, and the act has or could have impacted on the assessment, the educational institution will order the students to leave the examination.

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

(4) In the cases mentioned in subsections (1)-(3), the educational 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 educational 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 educational 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 educational institution, his or her willingness to pay the expenses in question. The educational institution may make it a condition for conducting the examination that the amount is paid in advance.

Part 6

Body of external examiners

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

(2) A body of external examiners covers bachelor and master's (candidatus) programmes, the arts and crafts programme as well as master's and diploma programmes and other part-time programmes.

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

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

1) that the body covers all the subjects or subject areas included in the programme and the areas of employment targeted by the programme.

2) that the body includes people having their chief occupation outside of the educational institutions in one of the areas of employment targeted by the programmes, both nationally and internationally;

3) that an equal distribution of female and male external examiners is aimed for; and

4) that external examiners affiliated with foreign educational institutions are included for the programmes where this is relevant.

24.-(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. The current chairmanship holds the elections.

(2) The chairmanship represents the body of external examiners in all dealings with the agency and the educational institutions.

(3) The new chairmanship informs the educational institutions' 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, the duties described in subsection (1) and section 31 are performed by the educational institution or by the educational institutions jointly the first time.

25.-(1) In consultation with the educational institution(s), the chairmanship allocates the assignments for external grading among the external examiners in the body, see, however, section 31(4). The chairmanship allocates the assignments so as to ensure that the external examiners are given assignments regularly and at least every three years. Where the body of external examiners covers more educational institutions, the external examiners must, as far as possible, be given assignments at more than one educational institution during their term

as external examiners. 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;
- 2) provide advice to the educational institutions on the form and content of the examinations;
- 3) submit an annual report to the educational institutions based on the external examiners' reports, see section 34, 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 educational institution in connection with the use of new examination forms.

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

26. External examiners must not be employed at the educational institution, or if the educational institution is divided into main academic areas, at the department where they are to work as external examiners, unless the assignment concerns a programme other than that on which the external examiner is a researcher and/or teacher. However, the educational institution's board members, rector, heads of departments and others in similar positions must not work as external examiners at the educational institution. It must be avoided as far as possible that internal examiners take grading assignments for each other (mutual grading).

27.-(1) In the absence of an external examiner where it has not been possible to summon a new external examiner, the educational institution may appoint a person as external examiner who fulfils the requirements set out in section 30.

(2) The educational institution notifies the chairmanship on such appointment according to subsection (1) as soon as possible.

28.-(1) On the educational institution's website, the members of the body of external examiners must have access to up-to-date information on the programmes of relevance to them, including this ministerial order, the Ministerial Order on the Grading Scale and Other Forms of Assessment at Certain Educational Institutions under the Ministry of Culture (the Ministerial Order on the Grading Scale and Other Forms of Assessment) (*Bekendtgørelse om karakterskala og anden bedømmelse ved visse uddannelsesinstitutioner under Kulturministeriet (karakterskalabekendtgørelsen)*) 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 educational institution must provide the individual external examiners with the material required for them to perform their duties.

29. The educational institutions cover the costs incidental to the activities of the chairmanship and the external examiners, see the Agency for the Modernisation of Public Administration'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 educational institutions provide administrative and practical assistance.

Part 7

External examiners

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

- 1) comprehensive and up-to-date knowledge of the scientific and artistic disciplines of the field, including theory and methodologies;
- 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.

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

(2) The chairmanship consults the educational institutions prior to making recommendations in pursuance of the provisions in sections 23 and 30.

(3) External examiners are appointed for four years at a time, see, however, subsection (4). In each new term of appointment, 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, including in cases where external examiners with special knowledge and competencies are required as well as in the event that new approved programmes are to be allocated to the body of external examiners.

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

(5) Following a reasoned recommendation from the chairmanship or an educational institution, 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 educational institution finds that the external examiner's work is not satisfactory.

32. Prospective external examiners are found through proposals from the chairmanship, the body of external examiners, educational institutions and through advertisements in trade journals, magazines etc.

33. 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, including in the relevant 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 Ministerial Order on the Grading Scale and Other Forms of Assessment, including the rules on grading set out in the curriculum for the programme, and other rules governing the programme.

34.-(1) An external examiner must

- 1) work as an external examiner at the external examinations of the programme;
- 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 and the teaching;
- 3) submit a report on the examination process to the educational institution and the chairmanship at the end of the examination period; and
- 4) assist in the consideration of complaints and appeals relating to examinations.

(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 Danish Public Administration Act (*Forvaltningsloven*).

(4) If an external examiner finds that the duties mentioned in section 33 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.

Part 8

Assessment

35.-(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 (the internal examiner).

(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 programme, including the bachelor project, master's (candidatus) thesis and master's and diploma project. 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.

(5) The teacher of the subject in question assesses the student's course participation, see section 10(2).

36.-(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 bachelor project, master's (candidatus) thesis or master's and diploma 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 15, 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.

37. 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.

38.-(1) The assessment consists of a grade based on the 7-point grading scale or the assessment 'Pass' or 'Fail' or 'Approved' or 'Not approved', respectively. Bachelor projects, master's (candidatus) theses and master's and diploma projects are assessed according to the 7-point grading scale. Course participation etc., see section 10(2), is assessed as 'Pass' or 'Fail' or 'Approved' or 'Not approved', respectively.

(2) The assessment 'Pass' or 'Fail' or '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.

Part 9

Certificates or diplomas

39.-(1) The educational institution issues a certificate or diploma for successfully completed programmes.

(2) The certificate or diploma is in Danish, see, however, subsections (3) and (4), and must as a minimum include information on the following:

- 1) The graduate's name and civil registration number (CPR) or other unique identification.
- 2) The issuing authority.
- 3) The title graduates are entitled to use in Danish/Latin and English.
- 4) The individual programme elements stated in ECTS.
- 5) The programme elements in which examinations have been taken, including the assessment obtained. and, if appropriate, the average overall examination result.
- 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 7-point grading scale.

- 8) The examination language, if the examination has been taken in a foreign language other than Norwegian and Swedish.
- (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 educational institution issue documentation for the parts of the programme which have been successfully completed, stated in ECTS for higher education programmes.

40.-(1) 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. After that, the information is submitted to the Danish State Archives.

(2) If an educational institution is closed or is unable to keep the documents on file as stipulated in subsection (1) for any other reason, the institution must arrange for other safekeeping in accordance with the applicable rules.

Part 10

Errors and irregularities during examinations

41.-(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 educational institution offers a re-assessment or re-exam. 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 educational institution may decide to cancel an examination that has already been held and arrange for a re-exam.

42.-(1) Re-assessment and re-exam pursuant to section 41(2) cannot result in a lower grade. A re-exam which is due to the original examination being cancelled, see section 41(3), may result in a lower grade.

(2) The educational institution may withhold the certificate or diploma, see section 39, until the case has been settled.

Part 11

Examination appeals

43.-(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 of the examination being announced. If special circumstances apply, the educational institution may make an exemption from this time limit.

44. 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.

45.-(1) Appeals may concern:

- 1) Legal issues.
- 2) The basis for examination, including examination questions, assignments and the like.
- 3) The examination process.
- 4) The assessment.

(2) If the appeal concerns the assessment or other issues relating to the assessors, the educational institution immediately submits the appeal to the assessors, who then normally have two weeks to submit an opinion. 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) The educational institution makes a decision on the appeal based on the assessors' academic opinions and the student's comments on these opinions.

46.-(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).
- 3) Not to find in favour of the student.

(2) The educational 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.

47.-(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 39, the educational institution must revoke the certificate or diploma until the assessment has been made and issue a new certificate or diploma, if required.

(2) For re-assessments and re-exams, new internal examiners are appointed by the educational institution, and external examiners, if any, 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 appeal, the original assessors' opinions, the complainant's comments and the educational institution's decision.

(4) The assessors notify the educational institution of the assessment at a re-assessment and re-exam. 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 53.

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

Appeals and decisions

48.-(1) If the institution has not found in favour of a complainant, see section 46(1), item 3, the complainant may refer the institution's decision regarding academic issues, see section 45(1), items 2-4, to a board of appeals set up by the institution, see section 49, which board makes a decision.

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

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

(4) If special circumstances apply, the educational institution may make an exemption from this time limit.

49.-(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 educational 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 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 educational institution appoints the teacher entitled to conduct examinations and the student.

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

50.-(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). In the deliberations, it must be ensured that the student's personal data are protected.

(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 41 apply.

51.-(1) The board of appeals makes its decision based on the material on which the institution's decision, see section 45(3), and the student's reasoned appeal rested.

(2) The board of appeals' decision, which must be set out in writing and reasoned, may be

1) An offer of a re-assessment by new assessors; however, not in connection with oral exams.

2) An offer of a re-exam by new assessors.

3) Not to find in favour of the complainant.

(3) Re-assessments and re-exams are held in accordance with section 47, and the assessment cannot be referred to any other administrative authority, see, however, section 53(1).

52.-(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 educational 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 educational 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 53.

(5) Re-exams and re-assessments are made in accordance with section 47.

Part 12

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

53.-(1) Appeals concerning legal issues in decisions made by the assessors pursuant to section 47(3) and the board of appeals pursuant to section 51(1) must be submitted to the educational institution within two weeks of the complainant having been informed of the decision.

(2) Appeals concerning legal issues in decisions made by the educational 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 educational 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 educational institution submits the appeal, the opinion and any comments from the complainant to the agency. The time limit for submitting an appeal to the educational institution is two weeks from the day the decision is announced to the complainant.

Part 13

Other rules

54.-(1) Subject to the student's copyright, the educational institution has ownership of the results or products produced in connection with assignments, see, however, subsection (2).

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

55.-(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(5), section 36(2), section 43(2) and section 48(3) and (4).

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

Part 14

Commencement and interim provisions

56.-(1) The ministerial order enters into force on 1 January 2014 and applies with effect from the 2014-15 academic year.

(2) It must be possible to appoint new bodies of external examiners, see section 22, such that they can take up position on 1 October 2014.

(3) The appointment term for the appointed external examiners who have worked as external examiners in 2013 is extended to 30 September 2014.

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

Morten Østergaard

/ Pernille Olesen Mønnike