

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

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No. 666

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

Pursuant to section 8(1) and (2) and section 34(1) of the Danish University Act (*Universitetsloven*), cf. Consolidated Act No. 652 of 24 June 2012, the following is stipulated:

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

(2) The rules on the first-year exam on the bachelor programme, cf. sections 15-17, and on re-exam and make-up exam, cf. section 18, do not apply to students admitted to a bachelor or master's programme (candidatus) under the rules governing part-time programmes, cf. the Ministerial Order on Part-Time Programmes at Universities (the Part-Time Order) (*Deltidsbekendtgørelsen*).

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

### **Title I** **Examination** Part 1 *Objective*

**2.-(1)** The objective of the examination is to assess the extent to which the student's qualifications comply with the academic objectives stipulated for the subjects/subject elements of the programme in the curriculum. The final exam provides the basis for issuing certificates, cf. section 29(1).

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

## Part 2

*Examination forms and organisation of examinations*

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

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

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

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

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

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

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

## Part 3

*Conducting examinations etc.*

**5.-(1)** Oral exams are public, cf., however, subsections (2)-(4), unless they are covered by an agreement pursuant to section 43(2).

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

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

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

(5) Audio and/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 university.

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

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

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

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

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

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

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

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

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

#### *Examinations abroad*

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

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

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

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

(3) The university may ask the student to pay part or all of the costs incurred by the university to conduct the examination abroad. However, it is a condition that the student confirms in writing in advance his or her willingness to pay the costs in question. The university may make it a condition for conducting the examination that the amount is paid in advance.

*Number of examination attempts*

- 13.-(1)** An examination which has been passed cannot be retaken, cf. the Grading Scale Order.
- (2) Students are entitled to three attempts to pass an examination etc., cf., however, section 15. Under special circumstances, the university may allow further attempts. The question of academic aptitude may not be included when assessing whether special circumstances apply.
- (3) Students whose course participation is to be assessed for the second time, cf. section 3(2), may demand to take an examination instead. An examination cannot replace course participation involving practical exercises, however.
- (4) Receipt by students of offers to retake examinations under section 19(3), section 34(1), item 2, or section 39(1), item 2, are not considered examination attempts as per subsection (2).

*Registration for examinations*

- 14.-(1)** When students register for one subject element etc. with which one or more examinations are associated, they are automatically registered for the other examination or examinations as well. The university also stipulates a deadline for withdrawal of registration, cf., however, subsection (3).
- (2) If students fail to withdraw registration, the examination is deemed to have started and is thus included in the number of examination attempts, cf. section 13(2).
- (3) When the university has stipulated a deadline for submission of the master's (candidatus) thesis, cf. the Ministerial Order on Bachelor and Master's (Candidatus) Programmes at Universities (the University Programme Order) (*Uddannelsesbekendtgørelsen*), students may not withdraw registration, and the registration is included in the number of examination attempts, cf. section 13(2), if students fail to submit the thesis within the deadline.
- (4) Under special circumstances, the university may grant exemptions from subsections (1)-(3), including the deadlines stipulated.

*First-year exam on the bachelor programme*

**15.** The university stipulates in the curriculum for the bachelor programme the examinations which students must take before the end of the first year of study (the first-year exam). Students must pass the examinations included in the first-year exam by the end of the students' second year in order to continue with the programme. This applies regardless of whether the students have spent three examination attempts at the time, cf. section 13(2).

- 16.-(1)** For bachelor programmes starting 1 September, the result of the first attempt to pass an examination, cf. section 15, must be announced to students before 1 August the following year. Students who fail the ordinary examination may register for a re-exam in August at the latest, and the result of this must be announced to students before the end of September.
- (2) For bachelor programmes starting 1 February, the result of the first attempt to pass an examination, cf. section 15, must be announced to students before 1 February the following year.

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

*Re-exams and make-up exams*

**18.-(1)** On programmes where the examination period is at the end of the autumn semester, students who have participated in an ordinary examination without having passed such examination must be given the opportunity of a re-exam in the same examination period or immediately thereafter; however, no later than in February. On programmes where the examination period is at the end of

the spring semester, students who have participated in an ordinary examination without having passed such examination must be given the opportunity of a re-exam in the same examination period or immediately thereafter; however, no later than in August. The same applies if students have been unable to participate in the ordinary examination because of illness.

(2) On programmes with more examination periods than in subsection (1), students who have participated in an ordinary examination without having passed such examination must be given the opportunity of a re-exam as soon as possible; however, no later than six months after the ordinary examination. The same applies if students have been unable to participate in the ordinary examination because of illness.

(3) If students have not passed re-exams or make-up exams held in accordance with the provisions in subsections (1) and (2), students must be given the opportunity to participate in the next ordinary examination.

(4) The curriculum may stipulate that re-exams or make-up exams have another examination or assessment form than the ordinary examination, cf. section 3(1) and section 20. However, this does not apply to the bachelor project, the master's (candidatus) thesis or the master's project.

*Errors or irregularities during an examination etc.*

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

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

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

Part 4

*Assessment etc.*

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

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

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

(4) External examinations must cover the important parts of the programmes, including the bachelor project, master's (candidatus) thesis and master's project. At least one-third of a programme's total ECTS points must be obtained at external examinations. This does not, however, apply to examinations for which credits have been transferred, cf. section 30.

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

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

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

(2) Where an examination is interrupted due to expulsion, an assessment is not made, and the interrupted examination counts as an examination attempt, cf. section 13(2).

(3) If a written paper submitted fails to comply with requirements for individualisation, cf. section 4(3), or any formal requirements laid down in the curriculum, the university may reject the paper. If the paper is rejected, an assessment is not made, and the rejected paper counts as an examination attempt, cf. section 13(2).

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

(2) The assessment Pass/Fail or Approved/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, cf. section 30.

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

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

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

**25.-(1)** The university may stipulate rules for formulating the subject of prize papers and converting them.

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

#### *Announcement of the assessment*

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

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

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

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

### Part 5

#### *Curriculum requirements*

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

- 1) Rules governing examination forms, including whether the student may choose between several examination forms, and possible requirements for course participation and for submission of written papers, cf. section 3(1)-(3).
  - 2) Rules governing individual exams and group exams, including the maximum number of students permitted to participate in a group exam, whether the student may choose an individual exam, cf. section 4(1), and individualisation of written papers, cf. section 4(3).
  - 3) Rules governing the examination language, cf. section 6.
  - 4) Any rules governing special examination conditions for students, cf. section 7.
  - 5) Any rules governing the use of computers in examinations, cf. section 10.
  - 6) Rules governing the timing of examinations during the programme, including which examinations students must sit before the end of the first year of study on the bachelor programme, cf. section 15.
  - 7) Rules governing re-exams and make-up exams, cf. section 18.
  - 8) Rules governing which examinations are external examinations, cf. section 20(4).
  - 9) Rules governing which examinations are given grades and which ones are assessed as Pass/Fail or Approved/Not approved, cf. section 23.
  - 10) Rules governing how students' spelling and communication skills are included in the overall assessment of the examination performance, cf. section 24(1).
  - 11) Rules governing how the summary will be included in the overall assessment of the examination performance and the language in which the summary may or must be written, cf. section 24(2).
  - 12) Rules governing part-examinations, pass requirements, examination result etc., cf. part 3 of the Grading Scale Order.
- (2) The curriculum must clearly state that, under special circumstances, the university is entitled to grant exemptions from rules in the curriculum that are solely laid down by the university.

*Information to students about examination rules*

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

Part 6

*Certificates etc.*

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

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

- 1) The graduate's name and civil registration number (CPR) or other similar unique identification.
- 2) The name of the university.
- 3) The title graduates are entitled to use in Danish/Latin and English.
- 4) The prescribed period of the programme defined in ECTS points, including any introductory teaching.
- 5) Which bachelor or other programme forms the basis of the master's programme (candidatus).
- 6) The subject elements in which examinations have been taken or which have been documented in some other way, including the number of ECTS points.
- 7) Examinations for which credits have been transferred, cf. section 30.
- 8) The examination language if the examination has been taken in a foreign language, cf. section 6.
- 9) The assessment obtained, cf. section 23(1), and, if appropriate, the average overall examination

result, cf. the Grading Scale Order.

10) A competency profile that describes the programme.

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

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

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

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

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

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

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

## Part 7

### *Examination appeals etc.*

**32.-(1)** Appeals about tests or other forms of assessment forming part of the examination must be submitted to the university by the student. Appeals must be submitted in writing and include an explanation of the reasons for the appeal.

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

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

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

1) Legal issues.

2) The basis for examination (questions, assignments etc.).

3) The examination process.

4) The assessment.

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

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



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

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

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

(2) The university must notify the complainant and the assessors, cf. section 33(2), of the decision as soon as possible. Where the university decides to make an offer for re-assessment or re-exam, the complainant must be informed that such re-assessment or re-exam may result in a lower grade.

**35.-(1)** The complainant must accept the offer for a re-assessment or re-exam within two weeks of having been notified of the university's decision. Such re-assessment or re-exam must be held as soon as possible. If the certificate has been issued, cf. section 29(1), the university must revoke the certificate until the assessment has been made and must issue a new certificate, if required.

(2) For re-assessments and re-exams, new examiners are appointed by the university, and external examiners, if any, cf. section 59(1), item 4, are appointed by the chairperson of the external examiners.

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

(4) The assessors notify the university of an assessment at a re-assessment and re-exam which may result in a lower grade. In connection with re-assessment of written exams, the assessors enclose a written justification for the assessment. The assessment after re-assessments and re-exams cannot be referred to any other administrative authority, cf., however, section 42(1).

#### *Board of appeals*

**36.-(1)** If the university has not found in favour of a complainant, cf. section 34(1), item 3, the complainant may refer the university's decision regarding academic issues, cf. section 33(1), items 2-4, to a board of appeals set up by the university, cf. section 37, which board makes a decision.

(2) The complainant submits the appeal to the university. Appeals must be submitted in writing and include an explanation of the reasons for the appeal.

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

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

**37.-(1)** The university sets up a board of appeals as soon as possible after an appeal has been submitted. A permanent board of appeals may be established.

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

(3) The chairperson of the external examiners, cf. section 49(1), appoints the two external examiners. The chairperson of the external examiners appoints one of the external examiners as chairperson of the board. The chairperson of the external examiners may appoint him or herself as an external examiner or as chairperson.

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

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

**38.-(1)** For the board of appeals to form a quorum, all the members must participate in its discussions and all relevant papers must be sent to all of the members. The deliberations may be in writing, including electronic, if the board members agree to a written procedure, cf., however,

subsection (2). In the deliberations, it must be ensured that the complainant's personal data are protected (confidential communication).

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

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

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

**39.-(1)** In its decision, which must be in writing and reasoned, the board of appeals can decide

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

(2) Re-assessments and re-exams are held in accordance with section 35, and the assessment cannot be referred to any other administrative authority, cf., however, section 42(1).

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

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

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

(2) The board of appeals' decision cannot be referred to any other administrative authority, cf., however, section 42(1).

**42.-(1)** Appeals about decisions made pursuant to section 33(3), section 35(4) or section 38(3) may be submitted to the university, if the appeal is based on legal issues.

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

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

(4) The university's decision pursuant to subsection (1) may be referred to the Danish Agency for Universities and Internationalisation, cf. section 46.

## Part 8

### *Other rules*

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

(2) If the examination process involves parties from outside the university, including companies, institutions etc., agreement is reached between the university, the student and the third party about the extent to which the university, the student or the third party, as per current rules governing intellectual property rights, is entitled to use the results, products etc. deriving from the examination process, including whether information about the third parties that emerges in the assignment may be published.

**44.** The student may continue the programme while the appeal is processed by the university under part 7.

**45.** The Danish Agency for Universities and Internationalisation may grant exemptions from the rules on examinations set out in title 1 of this ministerial order if special circumstances apply.

*Appeals against decisions made by the university*

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

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

**Title II**

**Grading**

Part 9

*Body of external examiners*

**47.-(1)** The Danish Agency for Universities and Internationalisation appoints a nationwide body of external examiners (body of appointed external examiners).

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

(3) Before the Accreditation Council approves a programme/central subject, cf. the Danish Act on the Accreditation Agency for Higher Education (*Lov om akkrediteringsinstitutionen for videregående uddannelser*), the Danish Agency for Universities and Internationalisation decides which body of external examiners is to cover the programme/central subject.

(4) A list of bodies of external examiners is available on the Danish Agency for Universities and Internationalisation's website.

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

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

**49.-(1)** For each body of external examiners, a chairmanship consisting of a chairperson and one or more vice-chairpersons are elected by and from among the external examiners, cf. part 10. The current chairmanship holds the elections.

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

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

(4) When appointing a new body of external examiners, cf. section 47(1), the duties described in subsection (1) and section 56(1) are performed by the university or by the universities jointly the first time.

**50.-(1)** In consultation with the university or the universities, the chairmanship allocates the assignments for external grading among the external examiners in the body of external examiners, cf., however, section 56(4). The chairmanship allocates the assignments so as to ensure that the external examiners are given assignments regularly and at least every other year. Where the body of external examiners covers more universities, the external examiners must, as far as possible, be given assignments at more than one university during their term as external examiners, cf. section 56(3). In the allocation of assignments, account is taken of any special competencies or expertise possessed by the external examiners in connection with the individual exams.

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

- 1) nominate external examiners for appointment, cf. section 56(1);
- 2) provide advice to the universities on the form and content of the examinations, cf. section 59(1), item 2;
- 3) submit an annual report to the universities based on the external examiners' reports, cf. section 59(1), item 3;
- 4) respond to consultations on curricula and material changes made to the curricula for the programmes affecting the test and examination systems; and
- 5) otherwise be available to the university, including employer panels, in connection with the development of new examination forms.

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

**51.-(1)** External examiners may not be employed at the university, or at the faculty if the university is divided into faculties, where they are to work as external examiners, unless the assignment concerns a programme/central subject, cf. section 47(2), other than that on which the external examiner is a researcher and teacher. However, the university's board members, rector, deans, heads of department and others in similar positions may not work as external examiners at the university. It must be avoided as far as possible that examiners take grading assignments for each other (mutual grading).

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

**52.-(1)** In the absence of an external examiner where it has not been possible to summon a new external examiner, the university may appoint a person as external examiner, provided that such person fulfils the requirements set out in section 55.

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

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

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

**54.** The universities cover the costs incidental to the activities of the chairmanship and the external examiners, cf. the State Employer's Authority's Circular on Hourly-paid Teaching (*Cirkulære om*

*timelønnet undervisning*) and the Circular on Remuneration of External Examiners (*Cirkulære om censorvederlag*). Subject to prior agreement with the chairmanship, the universities provide administrative and practical assistance.

## Part 10

### *External examiners*

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

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

**56.-(1)** The Danish Agency for Universities and Internationalisation appoints the external examiners on recommendation from the chairmanship.

(2) The chairmanship consults the universities prior to making recommendations in pursuance of the provisions in sections 48 and 55.

(3) External examiners are appointed for four years at a time, cf., however, subsection (4). In each new term, one-fourth of the external examiners in the body of external examiners are replaced, as a minimum. During the term, supplementary external examiners may be appointed, including in the event that new approved programmes are to be allocated to the body of external examiners, cf. section 47(3).

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

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

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

**58.** External examiners must ensure

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

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

- 1) work as an external examiner in the external examinations on the programme/central subject, cf. section 20(3);
- 2) provide advice on the examination system, including its form and content, and whether it fulfils its purpose and is in accordance with the objectives of the programme/central subject and the teaching;
- 3) submit a report on the examination process to the university and the chairmanship at the end of the examination period; and

- 4) assist in the processing of complaints and appeals relating to examinations, cf. section 33(2), section 35(2) and section 37(2).
- (2) If an external examiner finds that the duties mentioned in section 58 have not been performed, or if an external examiner suspects that there are important problems or defects in the university's administration of a programme, the external examiner issues a report to the university with a copy to the chairmanship.

### **Title III**

#### **Commencement and interim provisions**

##### Part 11

##### *Commencement and interim provisions*

**60.-(1)** The ministerial order enters into force on 1 September 2012.

(2) At the same time, Ministerial Order No. 857 of 1 July 2010 on University Examinations and Grading (the Examination Order) (*Bekendtgørelse nr. 857 af 1. juli 2010 om eksamen og censur ved universitetsuddannelser (eksamensbekendtgørelsen)*) is repealed, cf., however, subsection (3).

(3) Ministerial Order No. 857 of 1 July 2010 on University Examinations and Grading (the Examination Order) still applies to appeals and examinations where the examination is held before 1 September 2012.

*Ministry of Science, Innovation and Higher Education, 24 June 2012*

MORTEN ØSTERGAARD

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