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Full text Ministerial Order on Tests and Examinations in Professionally Oriented Higher Education Programmes

Pursuant to

1) section 34(2) and (4) of the Pharmacy Act (*Lov om apotekervirksomhed*), cf. Consolidation Act No. 855 of 4 August 2008, as amended by Act No. 140 of 9 February 2010;

2) section 22(1), items 3 and 4, and section 30 of the Act on Academy Profession and Professional Bachelor Programmes (*Lov om erhvervsakademiuddannelser og professionsbacheloruddannelser*), cf. Consolidation Act no. 882 of 8 August 2011;

3) section 6(1) and (3) and section 28 of the Act on University Colleges and Other Independent Institutions for Higher Education etc. (*Lov om Centre for Videregående Uddannelse og andre selvejende institutioner for videregående uddannelser m.v.*), cf. Consolidation Act No. 228 of 17 March 2006, as amended by Act No. 140 of 9 February 2010;

4) section 15 of the Act on Authorisation of Healthcare Professionals and of Professional Healthcare Activity (*Lov om autorisation af sundhedspersoner og om sundhedsfaglig virksomhed*), cf. Consolidation Act No. 877 of 4 August 2011;

5) section 8(1), item 4, section 12 and section 13(2) of Act No. 579 of 9 June 2006 on the Bachelor of Education Programme (*Lov om uddannelsen til professionsbachelor som lærer i folkeskolen*), as amended by Act No. 140 of 9 February 2010;

6) section 11, items 4-6, and section 14(1) of Act No. 315 of 19 April 2006 on the Bachelor in Social Education Programme (*Lov om uddannelsen til professionsbachelor som pædagoger*), as amended by Act No. 140 of 9 February 2010;

7) section 21(2), section 30(2) and section 32, item 1, of the Act on Basic Vocational Education and Training and Professionally Oriented Higher Education (the Further Education System) for Adults (*Lov om erhvervsrettet grunduddannelse og videregående uddannelse (videreuddannelsessystemet) for voksne*), cf. Consolidation Act No. 881 of 8 August 2011;

8) section 2(9)-(12) and section 18(2) of the Act on Open Education (Adult Vocational Education and Training) etc. (*Lov om åben uddannelse (erhvervsrettet voksenuddannelse) m.v.*), cf. Consolidation Act No. 952 of 2 October 2009, as amended by Act No. 140 of 9 February 2010; and

9) section 1 of Act No. 247 of 6 April 2001 on Conducting Danish Tests and Examinations Abroad (*Lov om afholdelse af danske prøver og eksaminer i udlandet*), the following is provided:

## Purpose and scope

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

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

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

## Part 2

### Organisation and planning

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

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

(3) When the assignments for a test are set by the Danish Agency for Higher Education and Educational Support, the Agency sets the date and time for the test.

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

(2) Within the scope of this ministerial order and in accordance with the ministerial order for the individual programme, the educational institution lays down rules on the following aspects in the curriculum:

1) The tests, including part-tests, which are included in the programme, and the weighting of the grades awarded in the individual tests, cf. section 2(2).

2) Timing of tests during the programme.

3) Deadline for withdrawal of registration for tests, for example in case of illness, and holding make-up tests and re-tests, cf. sections 5-8.

4) Fulfilment of attendance requirements and submission of assignments and projects etc. required for being allowed to take a test, cf. section 5(3).

5) Test types, including formal requirements for papers, cf. section 9.

6) The organisation of tests as individual tests or group tests, including the maximum number of students allowed to participate in the test, the possibility for students to choose an individual test rather than a group test and the requirements for individualisation of written group papers, cf. sections 10 and 11.

7) Use of materials and aids, cf. section 14.

8) The language of the test, cf. section 16.

9) Special test conditions, cf. section 17.

10) Use of own works and the works of others, cf. section 18.

11) Disciplinary measures in cases of cheating and disruptive behaviour during examinations, cf. section 18.

12) Which tests are assessed by an external examiner, cf. section 32(3).

13) How students' spelling and writing skills are included in the overall assessment of the examination performance, cf. section 33(2).

14) Appeals, cf. part 10.

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

(4) The educational institution is obliged to inform the students and other people involved in tests about the test rules applying to the individual programme. Such rules must be made available on the educational institution's website.

### Part 3

#### Access to tests

5.-(1) When students register for a programme element, semester etc., they also register for the related tests. The educational institution stipulates a deadline for withdrawal of registration for each test. If a deadline for withdrawal has not been stipulated, students may withdraw from a test up to the time when the test starts, cf. section 15.

(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 a test.

(3) If students fail to withdraw registration within the deadline stipulated, the test will be included in the number of test attempts, cf. section 6. However, this does not apply if students are prevented from taking part due to illness, cf. section 7.

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

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

(2) If a test has not been passed, the student is still registered for the test, cf., however, subsection (3) and section 8.

(3) Students have three attempts to pass a test. If unusual circumstances apply, the educational institution may allow additional attempts. The question of academic aptitude may not be included in the evaluation of whether or not circumstances are unusual.

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

(5) Receipt by students of offers to resit tests under section 37(2), section 43(1), item 2, or section 48(2), item 2, are not considered test attempts.

7.-(1) If students have been unable to complete a test due to documented illness or for other unforeseeable reasons, they must be given the opportunity to sit the test as soon as possible. If the test

in question is a test in the final examination period, students must be given the opportunity to sit the test in the same examination period or immediately thereafter.

(2) If a test includes more parts, and a grade is given for each part, students may only sit a test 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 test.

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

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

(2) The result of the first attempt to pass a test must be announced to students in such good time that a possible re-test can be sat in the same examination period.

(3) Other requirements stipulating that students must pass tests to continue on the programme must be laid down in the ministerial order for the programme.

(4) In the event of maternity leave or if unusual circumstances apply, the educational institution may grant exemptions to individual students from the time limits stipulated for passing the test(s) in subsection (1).

Part 4

Test forms and organisation of tests

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

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

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

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

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

11.-(1) In an oral group test, examination of the individual student must be carried out in such a way that it is ensured that an individual assessment can be made of the student's performance.

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

(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 test.

## Part 5

### Conducting tests

12.-(1) Examinations in the form of oral and practical tests are public, cf., however, subsections (2)-(4), unless they are covered by an agreement pursuant to section 51(3).

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

(3) Under special circumstances, including circumstances relevant to the individual examinee, the educational institution may grant exemptions from the rule in subsection (1). The educational institution may also limit access to the test 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 test.

(4) In individual oral tests where the students are tested based on a product created by a group of students, the other group members may not be present in the test room before their own examination.

(5) Audio and/or video recordings of a test are not allowed, unless such recordings are considered an integral part of the test process. Such recordings will then be made by the educational institution.

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

13.-(1) The educational institution must ensure that tests 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 tests.

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

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

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

15.-(1) A test 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) If students are late for a written test, they will only be allowed to sit the test 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 test may only be extended in exceptional circumstances.

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

16.-(1) On the programmes offered in Danish, tests are conducted in Danish, cf., however, subsections (2) and (3), unless part of the purpose of the test is to document proficiency in a foreign language. Tests may be conducted in Swedish or Norwegian instead of Danish, unless part of the purpose of the test is to document the students' proficiency in Danish.

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

(3) If circumstances make it possible, the educational institution may allow students to take a test in a foreign language, unless the purpose of the test is to document the students' proficiency in Danish.

17. The educational institution arranges special test conditions for students with physical or mental impairment, for students with similar difficulties and for students whose native language is not Danish, if the institution deems it necessary to provide the students concerned with equal opportunities in the test situation. Such arrangements must not, however, change the standard of the test.

18.-(1) If students during a test obtain or provide to other students unlawful help for an assignment or use materials and aids not permitted for the test, such students must be expelled from the test by the educational institution.

(2) If it is suspected during or after a test 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 expel students from the test.

(3) If students exhibit disruptive behaviour, the educational institution may expel them from the test. 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 expel 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) Expulsion pursuant to subsections (1)-(3) will cause any grade for the test in question to be withdrawn, and the test will be included in the number of test attempts, cf. section 6(3).

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

#### Tests abroad

19.-(1) The educational institution may conduct tests 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 tests in Denmark for practical or financial reasons and if the student and the test location reach an appropriate agreement. Danish tests 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 test.

20.-(1) The educational institution defrays the special costs associated with conducting tests 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 tests 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 test 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 is entitled to make it a condition for conducting the test that such amount is paid in advance.

## Assessors (external and internal examiners)

21.-(1) The Danish Agency for Higher Education and Educational Support sets up a nationwide body of external examiners for each of the higher education programmes. A body of external examiners may cover more programmes, provided that such programmes are related and that this is justified by the number of external examiners.

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

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

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

22.-(1) The Danish Agency for Higher Education and Educational Support appoints external examiners for external tests, cf. section 32(3), on recommendation from the educational institutions or the chairmanship in accordance with the requirements set out in section 23(1). The Agency may appoint external examiners other than those recommended by the educational institutions.

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

(3) The Agency may terminate the appointment of an external examiner before the end of the term.

23.-(1) An external examiner must have

1) comprehensive and up-to-date knowledge of the preconditions, objectives and methods of the programme element;

2) specific competences within one or more academic sub-areas covered by the programme; and

3) up-to-date knowledge of the application of the programme, including knowledge of the employers' situation and needs.

(2) Before a test, the educational institution must inform the external examiner of the rules applicable to the programme, including the ministerial order, and provide the external examiner with other material of importance to the external examiners' activities.

24. An external examiner must

1) work as an external examiner at the external tests of the programme, subject or field, cf. sections 29 and 30;

2) assist in the assignments mentioned in section 26;

3) submit a report on the examination process to the educational institution and the chairmanship at the end of the examination period, cf. section 26(2), items 2 and 3; and

4) assist in the processing of appeals relating to tests, cf. section 41(2), and section 46(2).

25.-(1) The external examiners in each body of external examiners appoint a chairperson and one or more vice-chairpersons for a term of four years. However, for the education and social education

programmes, a vice-chairperson must be appointed for each subject or field. The current chairmanship holds the elections.

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

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

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

26.-(1) As part of the quality assurance of the programmes, the chairmanship of the external examiners must:

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

2) provide advice to the educational institutions and the Danish Agency for Higher Education and Educational Support based on external examiners' reports on the quality and appropriateness of the programmes relative to the labour market and subsequent education and training;

3) submit an annual report to the educational institutions and the Danish Agency for Higher Education and Educational Support. This report must be based on the external examiners' reports, cf. section 24, item 3, and is part of the basis of evaluation of the programme or subject;

4) respond to consultations on the ministerial orders and curricula for the programmes and on important amendments thereto; and

5) generally be available for assignments related to external grading activities allocated to the chairmanship pursuant to other provisions.

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

27.-(1) In consultation with the educational institution(s), the chairmanship allocates the assignments for external grading among the external examiners in the body in accordance with the rules set out in subsection (2). External examiners may not be employed at the educational institution where they are to work as external examiners.

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

1) external examiners from more educational institutions and external examiners from the relevant sections of the labour market (employer examiners) are involved in planning the work of the external examiners on a given programme;

2) new external examiners are regularly introduced when distributing the assignments;

3) no external examiner is asked to act as external examiner for the same teacher within a period of two years except within the same examination period, the same semester or the same six-month period.

28. In case of the sudden absence of an external examiner and the like where it has not been possible to summon a new external examiner, the educational institution appoints a person as external examiner, provided that such person fulfils the requirements set out in sections 23 and 27(2). The educational institution must notify the chairmanship of such appointment as soon as possible.

29.-(1) External examiners must

1) ensure that tests comply with the objectives and other requirements stipulated in ministerial orders or under ministerial orders;

2) contribute to ensuring and assure that tests are conducted in compliance with the current rules; and

3) contribute to ensuring and assure that students receive uniform and fair treatment and their achievements are assessed in a reliable manner that complies with the rules on grading and other rules governing the programme.

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

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

30. If an external examiner finds that the duties mentioned in section 29(1) have not been performed, or if an external examiner suspects that there are important 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, cf. section 25. The educational institution forwards such report to the Danish Agency for Higher Education and Educational Support with its comments.

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

## Part 7

### Assessment

32.-(1) The tests are assessed by either internal or external examiners.

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

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

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

33.-(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 of University Education (grading scale order) (*Bekendtgørelse om karakterskala og anden bedømmelse ved universitetsuddannelser*).

(2) When assessing the professional bachelor project, the final examination project or the final project, as well as their academic content, emphasis must 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, cf. section 4(2), item 13, but the academic content must always be weighted most heavily. Spelling and writing skills may be included in the assessment of other tests.

(3) All tests must be passed.

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

## Certificates and diplomas

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

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

- 1) The graduate's name and civil registration number or other unique identification.
- 2) The issuing authority.
- 3) Name and legal basis of the programme.
- 4) The individual programme elements stated in ECTS.
- 5) The programme elements in which tests have been taken, including the assessment obtained.
- 6) The programme elements documented in other ways.
- 7) Programme elements and tests for which credits have been transferred, perhaps stating the assessment obtained as Passed, Approved or a grade in accordance with the grading scale order.
- 8) The examination language, if the test has been taken in a foreign language, other than Norwegian and Swedish.

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

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

(4) As an appendix to the 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 test conditions, cf. section 17.

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

(7) 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.

36.-(1) Grades and perhaps the average examination result for the individual students are reported to the Danish Agency for Higher Education and Educational Support as directed by the Agency.

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

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

## Errors and irregularities during tests

37.-(1) If, in connection with a test, the educational institution becomes aware of errors or irregularities that may be remedied, the institution must decide how to remedy such errors or irregularities, perhaps 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-test, cf., however, subsection (4). Such offer applies to all the examinees whose tests suffer from the same errors or irregularities.

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

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

38.-(1) Re-assessment and re-test pursuant to section 37(2), cannot result in a lower grade. A re-test which is due to the original test being cancelled, cf. section 37(3), may result in a lower grade.

(2) The educational institution may withhold the certificate or diploma, cf. section 35, until the case has been settled.

## Part 10

### Test appeals

39.-(1) Appeals concerning test conditions must be submitted individually by the students to the educational institution. 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 in the usual manner. In exceptional circumstances, the educational institution may make an exemption from this deadline.

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

40. 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.

41.-(1) Appeals may concern

1) the basis for examination, including examination questions, assignments and the like, and its relation to the objectives and requirements of the programme;

2) the test process; or

3) the assessment.

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

(3) If the test assignments were set by the Danish Agency for Higher Education and Educational Support, the educational institution must immediately forward appeals concerning the basis for examination to the Agency, including the institution's opinion.

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

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

43.-(1) The decision, which must be in writing and reasoned, can be

1) an offer of a new assessment (re-assessment); however, not in oral tests;

2) an offer of a new test (re-test); or

3) not to find in favour of the student.

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

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

44.-(1) The student must accept an offer of a re-assessment or re-test within two weeks of having been notified of the decision. Such re-assessment or re-test must be held as soon as possible. If the certificate or diploma has been issued, cf. section 35, the educational institution must revoke the certificate or diploma until the assessment has been made, and perhaps issue a new certificate or diploma.

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

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

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

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

45.-(1) The student may appeal against the educational institution's decision on academic issues, cf. section 42(1), to a board of appeals set up by the institution, cf. section 46, and this board of appeals will make a decision.

(2) The student submits the appeal to the educational institution. 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 educational institution's decision being announced to the student. In exceptional circumstances, the educational institution may make an exemption from this deadline.

46.-(1) The educational institution sets up a board of appeals as soon as possible after an appeal has been submitted. A permanent board of appeals may be established. The educational institution bears the costs of the board 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, cf. section 25(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 educational institution appoints the teacher entitled to conduct the examination and the student.

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

47.-(1) For the board of appeals to be quorate, 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, cf., however, subsection (2).

(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) If, in connection with the consideration of an appeal, the board of appeals becomes aware of errors or irregularities during a test, the educational institution is informed of this, and the rules set out in section 37 apply.

48.-(1) The board of appeals makes its decision based on the material on which the institution's decision, cf. section 42(1), and the student's reasoned appeal rested.

(2) In its decision, which must be set out in writing and reasoned, the board of appeals may decide

1) to make an offer of a re-assessment; however, not in oral tests;

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

3) not to find in favour of the complainant.

49.-(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 deadline, the educational institution must inform the complainant as soon as possible, providing details of 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-test, the student must be notified that such re-assessment or re-test may result in a lower grade.

(4) The board of appeals' decision cannot be referred to any other administrative authority, cf., however, section 50.

(5) Re-tests and re-assessments are made in accordance with section 44.

## Part 11

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

50.-(1) Appeals concerning legal issues in decisions made by the assessors pursuant to section 44(3) and the board of appeals pursuant to section 48(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 and Educational Support. 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 deadline of normally one week. The educational institution submits the appeal, the opinion and any comments from the complainant to the Agency. The deadline for submitting an appeal to the educational institution is two weeks from the day the decision is announced to the complainant.

## Part 12

### Other rules

51.-(1) Students have the copyright to products that stem from a test in accordance with the copyright rules, cf., however, subsection (3).

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

(3) If the test involves parties from outside of the educational institution, a prior agreement must be made between the institution, the student and the third party, in accordance with the applicable copyright rules, on the extent to which they are entitled to use the results stemming from the test, including whether any information regarding the third party contained in the papers may be published.

52.-(1) The Danish Agency for Higher Education and Educational Support may grant an exception from the ministerial order if unusual circumstances apply, except in the situations mentioned in section 5(4), section 8(4), section 33(2), section 39(2) and section 45(3).

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

Part 13

Commencement and interim provisions

53. The ministerial order will enter into force on 1 September 2012 and will apply to tests started on 1 September 2012 or later.

Ministry of Science, Innovation and Higher Education, 27 June 2012

Morten Østergaard