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Interim provisions and entry into force

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The Ministerial Order on Examinations and External Examination in University Degree Programmes (the Examination Order)

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

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

(2)The rules on the first-year exam in Bachelor's degree programmes, cf. sections 15-17, and on re-examinations and make-up examinations, cf. section 18, do not apply to students admitted to Bachelor's or Master's degree 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 programmes covered by the Ministerial Order on International Courses Offered by Universities (*Bekendtgørelse om universiteternes internationale uddannelsesforløb*), unless otherwise stipulated in the Ministerial Order on International Courses Offered by Universities.

Title I

Examinations

Part 1

Purpose

2.-(1) The objective of the examination is to assess the extent to which the student has achieved the academic objectives stipulated for the subjects/subject elements of the programme in the curriculum. The final exam provides the basis for the award of diplomas, cf. section 29(1).

(2) In the academic regulations 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

Forms of examination and the organisation of examinations

3.-(1) A degree programme shall include a variety of forms of examination which must reflect both its academic content and the forms of instruction employed. The form of examination must be appropriate to the objectives set for the individual subject/subject element. Possible forms include oral, written, practical exams, and fieldwork/work placement, as well as combinations of different forms of examination. In the academic regulations, the university lays down the form of examination to be selected for the subject/subject element.

(2) The university may stipulate in the academic regulations that, if so warranted by the content and working methods of a subject/subject element, successful completion of a subject/subject element may be

partly or fully documented by requirements for course participation alone. The university may also stipulate that a requirement for course participation is a prerequisite for taking the examination in the subject/subject element.

(3)The university may stipulate in the academic regulations that a requirement for submission of written papers etc. during the course is a prerequisite for the student taking the examination in the subject/subject element.

4.-(1) Based on academic considerations, the university stipulates in the academic regulations 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 university also stipulates the maximum number of students allowed to participate in the individual group exam and whether the student may choose an individual exam instead. An individual assessment must be made of the students' performance and individual grades must be given in connection with both individual exams and group exams.

(2)In an oral group exam, examination of the individual student must be carried out so 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 allotted for the examination is adapted to the number of students participating in the examination.

(3)Separate marks can only be awarded or other separate assessment made for a paper written by a group of students if the contributions of the individual students are clearly indicated. The university lays down requirements for individualisation in the academic regulations.

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

Part 3

Conducting examinations etc.

5.-(1) Unless they are governed by an agreement under 43(2), oral examinations are open to the public; however, see subsections (2) and (4).

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

(5) Audio and/or video recordings during an examination are not allowed, unless such recordings are considered an integral part of the examination process. If this is the case, the recordings are made by the university.

(6) Only internal and external examiners are allowed to be present during the discussion of the examinee's performance at oral examinations, cf. section 20. The university may, however, decide to allow internal examiners in training to observe the discussion procedure.

6.-(1) Unless an examination is intended to document the student's proficiency in a foreign language, examinations for degree programmes which are offered in Danish are to take place in Danish; however, see subsections (2) and (3). However, examinations may be conducted in Swedish and Norwegian instead of Danish, unless part of the purpose of the examination is to document proficiency in Danish.

(2) Where circumstances permit, 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 proficiency in Danish or another specific foreign language.

(3) If instruction in a subject has taken place in a foreign language, the examination must take place in this language, unless the examination is intended to document the student's skills in another language. The university may grant exemptions from this rule.

(4) If instruction in a subject has taken place in English or another foreign language, the examination must take place in the language of instruction, unless the examination is intended to document the student's proficiency 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, affect the level of the examination.

8. The university may hold examinations as video conferences or using other appropriate technology. The university must ensure that the security measures taken in connection with such an examination are comparable to those normally taken for the examination in question. The university appoints or approves exam supervisors who must remain with the students throughout the examination. Even if the internal and external examiners are not in the same physical location as the students, they must still conduct the examination and assess the student in accordance with the applicable rules.

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

10. The university may lay down rules on the use of computers in examinations in the academic regulations.

Examinations abroad

11.-(1) If the student and other participants give their consent, the university may conduct examinations at a Danish representative office or other location abroad if the student is unable to participate in the university's examinations in Denmark, either for practical or financial reasons. Danish examinations which are held abroad must be conducted according to the rules laid down in this Ministerial Order.

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

12.-(1) The university defrays any special expenses connected with conducting the examination 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 representative offices abroad.

(3)The university may require the student to reimburse it in part or in full for the expenses connected with the examination which the university has defrayed. It is a condition that the student confirms in writing in advance his or her willingness to pay the expenses in question. The university may make payment in advance a condition for conducting the examination.

Number of examination attempts

13.-(1) An examination which has been passed cannot be taken again, cf. the Grading Scale Order.

(2)Students are entitled to three attempts to pass an exam etc.; however, cf. section 15. Under special circumstances, the university may grant students additional attempts. The question of academic aptitude may not be included in the evaluation of whether or not circumstances are special.

(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 exam cannot replace course participation involving practical exercises, however.

(4)Receipt by a student of an offers to retake an examination under section 19(3), section 34(1), sentence 2 or section 39(1), sentence 2 are not considered to be examination attempts under subsection (2).

Registration for examinations

14.-(1) When registered for a degree programme component with one or more associated examinations, the student is automatically registered for the examination or examinations. The university also stipulates a deadline for withdrawal of registration; however, cf. 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 deadline for the submission of the Master's thesis has been set, cf. Ministerial Order No. 338 of 6 May 2004 on Bachelor's and Master's Degree Programmes at the Universities (the Degree Programme Order), registration cannot be withdrawn. If the student fails to submit the thesis by the agreed deadline, the examination will be included in the number of examination attempts, cf. 13(2).

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

First-year examinations on Bachelor's programmes

15.-(1) In the academic regulations for each Bachelor's programme, the university stipulates which examinations the student must participate in before the end of the first academic year of his or her studies (the first-year examination). In order to continue his or her studies, the student must pass the examinations included in the first-year examination by the end of the second academic year of his or her studies. This applies whether or not the student has completed his or her third examination attempt at this point in time, cf. 13(2).

16.-(1) For Bachelor's degree programmes which start on 1 September, the result of the first examination attempt, cf. section 15, must be announced to the students before 1 August the following year. Students who fail the examination may register for a re-examination in August, the result of which must be announced to the student before the end of September.

(2) For Bachelor's degree programmes which start on 1 February, the result of the first examination attempt, 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 deadlines and time limits stipulated in sections 15 and 16.

Re-examinations and make-up examinations

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-examination in the same examination period or immediately thereafter, but 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-examination in the same examination period or immediately thereafter, but 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, but 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-examinations or make-up examinations 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 academic regulations may stipulate that the re-examination or make-up examination must take a different form or be assessed differently than the regular examination, cf. sections 3(1) and 20. However, this does not apply to the Bachelor's project or the Master's thesis (for both candidatus and part-time Master's programmes).

Errors or irregularities during an examination etc.

19.-(1) If the university discovers errors or irregularities in connection with an examination, the university decides how the error or irregularity may be rectified, if necessary after consultation with the person or persons responsible for the examination.

(2) In the case of particularly serious errors or irregularities, or in the event that this appears to be the most appropriate way to remedy the error or irregularity, the university may annul the examination and arrange an extraordinary re-examination.

(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-examination. Such offer must be made to all students whose examinations were affected by the same error or irregularity. A student who has participated in an extraordinary re-examination may elect to accept the original assessment.

Part 4

Assessment of examinations, etc.

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

(2) Internal examinations are assessed by one or more members of the university's teaching staff (internal examiners) appointed by the university from among the teaching staff at the university.

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

(4) External examinations must cover the important aspects of the degree programmes, including the Bachelor's project and the Master's thesis on both full-time (candidatus) and part-time Master's programmes. At least one-third of a programme's total ECTS points must be earned through 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.-(1) During the discussion of an examinee's performance, the external and internal examiners must make notes about the student's performance and their deliberations on grading 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-examination, cf., however, subsections (2) and (3).

(2)Where an examination is interrupted by the expulsion of an examinee, no assessment is to be made, and the expulsion is included in the number of examination attempts, 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 stipulated in the academic regulations, the university may reject the paper. Where the paper is rejected, no assessment is to be made, and the paper is included in the number of examination attempts, cf. section 13(2).

23.-(1) The assessment consists of a mark based on the 7-point grading scale or the assessment Pass/Fail or Approved/Not approved, cf. the Grading Scale Order. Bachelor's projects, Master's (candidatus) theses and Master's projects (part-time Master's programmes) 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's projects, Master's (candidatus) theses, Master's projects (part-time Master's degree programmes) 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 academic regulations stipulate how spelling and writing skills are to be weighted in the overall assessment of the examination performance, but the academic content must always be weighted most heavily, unless the subject/subject element is language or foreign language.

(2)Bachelor's projects, Master's (candidatus) theses and Master's projects written in Danish must include a summary in a foreign language. If Bachelor's projects, Master's (candidatus) theses or Master's projects are written in a language other than Danish (with the exception of Norwegian and Swedish) the summary may be written in Danish. The academic regulations stipulate how the summary is to be weighted in the overall assessment of the examination performance and the languages 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 the assessment of spelling and writing skills is a significant objective of the examination.

25.-(1) The university may stipulate rules for prize essay competitions and their conversion.

(2)The university may stipulate that a prize essay written for a specific degree programme may be converted to a thesis. A prize essay which has been awarded a gold medal is converted to the mark 12.

Announcement of assessment

26.-(1) For examinations where the assessment is not announced to the student immediately afterwards, the university sets a date for the announcement of the assessment 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 by advertisement on university notice boards or by alternative means. The month of July is not included when calculating the four-week deadline.

(3)Assessments of Bachelor's 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 announced deadline, 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

Requirements for academic regulations

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

1) Rules governing examination forms, including whether the student is allowed to choose between several examination forms, and any requirements for course participation and for submission of written papers, cf. section 3(1)-(3).

2) Rules governing individual exams and group exams, including rules on the maximum number of students allowed to participate in a group exam, on whether the student may choose an individual exam, cf. section 4(1), and on 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 academic regulations must clearly state that, under special circumstances, the university is entitled to grant exemptions from rules in the academic regulations 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

Diplomas etc.

29.-(1) The university awards diplomas on the successful completion of its degree programmes, cf. subsection (2). The diploma 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 diploma 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's programme 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 issued in English.

(4) In addition to the diploma itself, 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 diploma may not contain information about special examination conditions, cf. section 7 and section 24(3).

(6)The diploma for a degree programme completed at multiple universities and any other educational institutions 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 taken at an educational institution abroad, an enclosure to the certificate must indicate the grade awarded according to the grading scale used at that institution and must provide a description of the grading scale used.

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 is 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 are 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 indicated 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 of 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. If the decision is to offer re-assessment or re-exam, the complainant must be notified that 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 diploma has been granted, cf. section 29(1), the university must revoke the diploma until the assessment has been made and must issue a new diploma, if required.

(2)For re-assessments or re-exams, new examiners are appointed by the university, and external examiners, cf. section 59(1), sentence 4, 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' 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 the re-assessment of written exams, the assessors enclose a written justification for their 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), sentence 3, the complainant may refer the university's decision regarding academic issues, cf. section 33(1), sentences 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 member of teaching staff 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 deliberations 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). 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 of 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. If the decision is to offer re-assessment or re-exam, the complainant must be notified that 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 under 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 under 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 any results, products etc. that are produced in connection with an examination.

(2)If the examination process involves parties from outside the university, including companies, institutions etc., agreement must be reached between the university, the student and the third party 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 this ministerial order in title I on examinations if unusual 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

The external examination system

Part 9

The national corps of external examiners

47.-(1) The Danish Agency for Universities and Internationalisation appoints a national corps of external examiners (corps of authorised external examiners).

(2)A body of external examiners is assigned to Bachelor's and Master's (candidatus) degree programmes as well as part-time Master's degree programmes (*Masteruddannelser*) and other part-time programmes under the University Act within the same or related academic area which one or more universities are

authorised to offer. However, for the Bachelor's and Master's degree programmes (candidatus) in the humanities, the natural sciences and social sciences which consist of one central subject, cf. the Degree Programme Order, a corps of external examiners may be set up for each subject.

(3) Before the Accreditation Council approves a degree 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 corps of external examiners is to be assigned to the degree programme/central subject.

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

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

1) that it covers all the subjects/subject elements included in the programmes/central subjects and the employment areas targeted by the programmes;

2) that it includes persons whose primary employment is 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 corps of external examiners, a chairmanship consisting of a chairperson and one or more vice-chairpersons is 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 corps 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 under 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 assessment among the external examiners in the corps, 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 two years. Where the body of external examiners is assigned to more than one university, 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, any special competencies in respect of the external examiner's expertise in connection with the individual exams must be taken into consideration.

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

1) nominate external examiners for appointment, cf. section 56(1);

2) advise the universities on the form and content of the examinations, cf. section 59(1), sentence 2;

3) submit an annual report to the universities based on the external examiners' reports, cf. section 59(1), sentence 3;

4) participate in consultations on academic regulations and material changes made to the academic regulations with regard to the degree programmes' systems of assessment and examination, and

5) otherwise be at the university's disposal, including employer panels, in connection with the development of new forms of examination.

(3)The chairmanship contributes to a continuous dialogue on the development of the quality of the system of assessment and examination, including the quality of exam assignments, by holding meetings between the external examiners in the corps 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 main academic area if the university is divided into main academic areas, where they are to work as external examiners, unless the assignment concerns a degree programme/central subject, cf. section 47(2), other than that which the external examiner is affiliated as 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 act as external examiners for one another (mutual external examination).

(2)The external examiners' activities are governed 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 of such appointment according to subsection (1) as soon as possible.

53.-(1) The university sets up websites on which the members of the corps 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 academic regulations for the programme as well as other material of importance to the external examiners' activities.

(2)Before the individual external examination assignments, the university must provide 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 degree (candidatus) level;
- 2) comprehensive and up-to-date knowledge of the disciplines of the field, including theory and methods;
- 3) specific competencies within one or more academic subfields included in the programme/the central subject; and
- 4) up-to-date knowledge of the applications of the programme/central subject, including knowledge of 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 corps of external examiners, cf. section 47(3).

(4) In exceptional cases, the chairmanship may appoint external examiners for extraordinary external examination 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 in the Grading Scale Order on grading, 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) advise 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

Interim provisions and entry into force

Part 11

Interim provisions and entry into force

60.-(1) This 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*) 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

/ Gertie Lund