

**REGULATIONS OF THE BOARD OF EXAMINERS OF THE MASTER'S DEGREE
PROGRAMME as of 1 September 2020**

Law Department, Utrecht University

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Article 1.1 Applicability of the Regulations

These Regulations shall apply to the tests and to the examination of the Master's degree programmes *Criminologie* /Criminology, European Law, Law and Economics, *Nederlands recht* (Dutch Law), *Notarieel recht* (Notarial Law), Public International Law, *Onderneming en Recht* (Corporate Law) and Legal Research of the Department of Law of the Faculty of Law, Economics and Governance of Utrecht University.

Article 1.2 Definitions

In these Regulations the following terms shall mean:

- a. The Act: the Dutch Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*);
 - b. Department: the Department of Law of the Faculty of Law, Economics and Governance of Utrecht University;
 - c. Education and Examination Regulations (EER): the Education and Examination Regulations of the Master's Degree Programme of the Department of Law of Utrecht University;
 - d. Test: interim examination as referred to in Art. 7.10 of the Act: investigation into the knowledge, understanding and skills of the examinee, as well as the assessment of the results thereof;
 - e. Examiner: the person who has been appointed by the Board of Examiners to hold tests and determine the results hereof, within the meaning of Art. 7.12c of the Act;
 - f. Examinee: anyone who sits a test or an examination;
- All other terms have the meanings ascribed to them by the Act.

Article 1.3 Board of Examiners

1. The chair of the Board of Examiners is in charge of the day-to-day affairs of the Board of Examiners. He may select a substitute from the members of the Board of Examiners for a specified period of time not exceeding six weeks.
2. An administrative secretary, who is not a member of the Board, assists the Board of Examiners with its activities.
The administrative secretary is in charge of
 - the preparation, convocation and taking minutes of the meetings;
 - the communication of decisions to students and to other persons involved;
 - the drafting of periodic reports, including in any case the annual report;
 - the filing of processed requests, complaints and decisions taken and, if necessary, the registration thereof in OSIRIS.
3. The Board of Examiners votes by simple majority voting, in the presence of the administrative secretary.
If the votes are tied, the vote of the chair is decisive.
4. Notwithstanding the provisions of paragraph 3, decisions in cases that involve fraud and plagiarism are taken by two members, in the presence of the administrative secretary, unless the chair is of the opinion that the case, in view of its nature or size, is to be submitted to the plenary Board. If the votes are tied,

fraud/plagiarism will be deemed not proven.

The examiner involved may be invited to the hearing.

5. Notwithstanding the provisions of paragraph 3, decisions regarding matters of individual students are taken by two members, in the presence of the administrative secretary, unless the chair is of the opinion that the case, in view of its nature or size, is to be submitted to the plenary Board.
6. The chair and the individual members have authority to sign on behalf of the Board of Examiners.
7. The Board of Examiners can authorize the administrative secretary to take decisions of the Board of Examiners, to communicate these, and to sign them on behalf of the Board of Examiners.

The Board of Examiners can also authorize the administrative secretary to check, on behalf of the Board of Examiners, whether all courses that are part of the examination programme of the degree programme were completed successfully, and whether all other requirements of the EER were met, and the student therefore passed the examination.

Article 1.4 Examiners

1. All lecturers employed by the Department, and exclusively as regards the Master Law and Economics, the Department of Economics (the Utrecht University School of Economics), in the positions of a *UD* (Assistant Professor), a *UHD* (Associate Professor) or a *hoogleraar* (Professor) in charge of teaching the given course, are appointed as examiners.
Emeritus professors may act as examiners for theses, on condition that they have the '*ius promovendi*', i.e. the right to supervise a doctoral candidate.
2. The Board of Examiners may appoint other academic staff members and experts from outside the Department as examiners for a certain course.
Such an individual appointment will be communicated in writing¹ by the Board of Examiners to both the person involved and the course coordinator of the given course.
3. Examiners possess both expertise on the subject and testing competence, in conformity with the requirements mentioned in chapters 2 and 3 of these Regulations. Examiners as referred to in art. 1.4 par.2 participate in professionalisation tracks in the fields of education and testing, such as a Basic Teaching Qualification (*BKO*)-path.
4. If various examiners are in charge of the testing of a course, the course coordinator shall be the person with ultimate responsibility for the drafting and holding of the tests, as well as for the establishment of the result and the discussion afterwards. The course coordinator is in charge of a clear allocation of tasks and responsibilities of all examiners involved in the course.
5. The Board of Examiners may revoke an appointment as an examiner, if the examiner does not comply with legal rules or regulations or with guidelines and instructions of the Board of

¹ by mail or e-mail

Examiners, or if the examiner's competence in the field of testing (the making, holding and assessment of tests) has proven of insufficient quality.

6. The Board of Examiners undertakes to be informed as to which persons are the examiners for any course.

CHAPTER 2 CONTENT AND ORGANISATION OF TESTS, AS WELL AS PROPER PROCEDURE DURING TESTS

Article 2.1 Content of a test

1. Each test comprises an investigation into the knowledge, the understanding and/or the skills of the examinee, as well as an assessment of the results thereof.
2. The questions and assignments of a test are clear and unambiguous and contain sufficient indications for the necessary detail of the answers.
3. The duration of the test is such, that students have enough time to answer the questions.
4. The weighing of interim results in order to arrive at the final result is laid down in the Education Catalogue.
5. Tests are appropriate to investigate whether students did acquire the qualities that were set and proclaimed in advance to be the aim of the course.
6. The questions and assignments of the test are representative and/or are spread over the test material as evenly as possible.
7. The questions and assignments of the test exclusively relate to the test material made known in advance. Students are notified in time how and on what they will be assessed.
8. If only one examiner is in charge of a course, he/she ensures that a lecturer employed by the Department, who is knowledgeable as regards content, is involved in the composition of the test.

Article 2.2 Participation in tests

Participation in the test or the tests of a course is only open to those students that are registered for a given course and have not been excluded from participation pursuant to Art. 4.3 of the EER.

Article 2.3 Date and time of tests

1. With the exception of the provisions of paragraph 5 of this Article, written tests are held at times and locations that have been published via OSIRIS Student as soon as possible after the teaching of a given course has started.
2. In planning the dates and times of tests an effort is made to prevent tests from coinciding as far as possible.
3. Fixed dates and times will only be altered in case of force majeure.
4. Oral tests are held at a date and time to be determined by the examiner(s) involved, if possible, after consultation of the student.
5. Dates and times of written second chance and additional tests or of substitute tests are set and notified at least two weeks in advance. There is a period of at least five workdays between the announcement of the result and the second chance, the additional or substitute test, to the extent that this is possible.

Article 2.4 Procedure for centrally organised written tests

1. The responsibility for the course of events during the test lies with the examiner, or, if more examiners are in charge of the testing of the course, with either the course coordinator or an examiner appointed by him/her.
2. The examiner or course coordinator referred to in the first paragraph assumes responsibility for the appointment of sufficient invigilators for the written test, who ensure a proper procedure of the test.
3. The examinee is obliged to provide identification at the request of or on behalf of the examiner or course coordinator by means of a valid ID. The examinee may be denied entry to the test, if he/she is not able to identify him/herself.
4. The examinee is to follow the instructions of the examiner, the course coordinator and/or the invigilator, given before, during and/or immediately after the end of the test.
5. Latecomers are admitted to a test no later than 30 minutes after the start of the test. If the examinee fails to be present within this time limit due to force majeure, the examiner or course coordinator referred to in paragraph 1 decides whether he/she will yet be admitted to the test.
6. The participants in the test are not allowed to leave the room in which the test is held within 30 minutes after the start of the test.
7. After participants have left the room, latecomers will not be admitted to the test anymore.
8. Communication equipment, including mobile phones, smart watches and other telecommunication equipment, may not be used during the test without the explicit permission of the examiner or course coordinator referred to in paragraph 1, and must be switched off.
9. If the examinee does not follow the instructions or does not comply with the provisions of this Article, he/she may be excluded from further participation in the test by the examiner or course coordinator referred to in paragraph 1. The consequence of the exclusion will be that the test is not graded, which will result in the registration of 'ND' (not participated) for the test in OSIRIS.

Article 2.5 Fraud and plagiarism during tests

1. In case fraud or plagiarism as referred to in Art. 5.16 EER is suspected, the examiner or course coordinator referred to in Art. 2.4 paragraph 1 during the test can immediately exclude the examinee from further participation in the test. The examiner or course coordinator hands over the test or a copy thereof as fast as possible to the Board of Examiners. No result will be registered until the Board of Examiners has taken a decision.

2. The examiner or course coordinator referred to in Art. 2.4 paragraph 1 may confiscate items or objects, which the examinee brought along, and which may be relevant in order to assess the suspicion of fraud or plagiarism. The examinee is obliged to hand over those items or objects at the request of the examiner or course coordinator for the purpose of this assessment.
3. The items or objects will be handed over as fast as possible to the Board of Examiners. The Board of Examiners will return the items and objects to the examinee immediately after the irreversibility of its decision, or so much earlier as this is deemed possible.

Article 2.6 Annotations in law collections and other texts

Insofar as the use of law collections and/or case collections and/or other literature is permitted during a test, and insofar as the instructions to the test do not indicate that more is permitted, it is only allowed to underline or highlight the aforementioned texts or add legislation references or case law references to them for the purposes of the test².

² This means that only case names or section numbers of legal provisions may be entered. This also means that it is **not** allowed to enter either a subject/subjects or other text alongside cases or alongside legal provisions. Case law lists are also not allowed.

CHAPTER 3 THE ASSESSMENT OF TESTS AND THESES

Article 3.1 Assessment of tests

1. The Board of Examiners sees to it, that tests are assessed in conformity with written standards laid down in advance, which may be modified as a result of the correction.
2. If the test is assessed by several examiners, the course coordinator sees to it that all examiners use the same standards as the basis of their assessment.
3. The way of assessing is such, that the examinee can ascertain how the result of his/her test came about.
4. If the assessment relates to one common project to which several students have contributed, the following rules apply:
 - a. the guideline for an (individual or a collective) assessment of group work is to be laid down in advance and is to be communicated to the student, and
 - b. if necessary, the examiner ascertains whether all students have contributed to the final product proportionally.
5. In assessing a multiple-choice test, chance guessing is to be taken into account in determining the satisfactory/unsatisfactory boundary.

Article 3.2 Assessment of theses

1. The Board of Examiners sees to it, that assessment criteria for the thesis are drafted, and that these are included in the course or thesis manual.
2. The thesis is assessed by two examiners. Together they determine the grade and through the assessment form give a substantiated insight as to how the assessment came about. It is also indicated whether a check for plagiarism was carried out via Urkund.

Article 3.3 Inspection and subsequent discussion

Supplementary to the provisions of the Education and Examination Regulations:

1. The examiner or course coordinator as referred to in Art. 2.4 par. 1 of these Regulations is in charge of organising an inspection of a test and possibly a subsequent discussion.
2. The subsequent discussion, if any, takes place in a form and at a place and time to be determined by the examiner or the course coordinator, however no later than 30 days after the date of publication of the test result.

CHAPTER 4 SAFEGUARDING THE QUALITY OF TESTS AND EXAMINATIONS

Article 4.1 Safeguarding the quality of tests

The Board of Examiners sees to it, that:

- a. the Department devises both a policy and a plan for testing, and that this is carried out, and
- b. tests are made based on the learning aims and exit qualifications of the course, and
- c. Departmental guidelines exist on the drafting, administering and correcting of tests (Guidelines on the Quality of Tests).

Article 4.2 Investigation into the quality of tests/Committee on the Quality of Tests

1. A Committee on the Quality of Tests exists, which is instituted by the Boards of Examiners of the Department.
2. The Committee on the Quality of Tests is in charge of the analysis of and the advice on the quality of testing. On a random basis it investigates tests of the courses of the Department's degree programmes based on the provisions in force, especially the Guidelines on the Quality of Tests referred to in Art. 4.1, sub c.
3. The Committee on the Quality of Tests comprises the chairs of the Boards of Examiners, a chairman and at least two other members.
These other members are appointed for a one-year term by the chair of the Committee on the Quality of Tests, in consultation with the chairs of the Boards of Examiners.
4. The Committee on the Quality of Tests is assisted by an administrative secretary.
5. The Boards of Examiners can instruct the Committee on the Quality of Tests to provide information, to conduct an investigation and to make proposals with regard to the organisation of the tests.
6. The Committee on the Quality of Tests discusses its findings with regard to the testing of the relevant course with the course coordinator. It sends its reports to the programme director, as well as to the Education director of the Bachelor's programme and the Education director of the Master's programme of the Department.
7. The Committee on the Quality of Tests reports on its findings and activities to the Boards of Examiners and discusses these at least twice a year in plenary meetings.
8. The Boards of Examiners ensure that the findings as referred to in paragraph 7 are discussed in the Department's annual quality cycle.

Article 4.3 Invalidation of a test for all participants in case of quality defects.

1. If a test turns out to have such serious quality defects, or if it was held or assessed under such circumstances that it is impossible to determine whether the learning aims of the course have been achieved by the participants in the test, the examiner or course coordinator in charge immediately gets in touch with the Board of Examiners.

2. The Board of Examiners may, in view of its role in safeguarding quality pursuant to Art. 7.12b, par. 1 of the Act, decide that the relevant test is invalid, and that all participants are to retake the test. In doing so, the Board of Examiners sets the date at which the test is to be retaken. This date should be within two weeks of the date, on which the Board of Examiners was informed on the quality defects.

Article 4.4 Safeguarding the quality of examinations

In order to safeguard the final level of the graduates, the Board of Examiners sees to it that

- a. the exit qualifications of the degree programme, as described in the EER, are translated into testable learning aims per course, and
- b. it is systematically investigated whether the course objectives and the exit qualifications are consistent with one another, and or
- c. the sum total of the learning aims per course conforms with the exit qualifications of the degree programme.

Article 4.5 Board of Examiners' own investigation to safeguard the quality of examinations

1. Notwithstanding the provisions in Art. 7.2, the Board of Examiners may determine that an extra condition for obtaining the examination is, that the student has met the requirements of an investigation into the knowledge, understanding and skills of the person concerned, carried out by the Board of Examiners itself, as referred to in Art. 7.10 par. 2. of the Act.
2. The Board of Examiners only institutes such an investigation based on facts or circumstances leading to the conclusion, that it cannot guarantee that the student involved has met the exit qualifications of the degree programme, as described in the EER.
3. If the Board of Examiners uses its authority to institute its own investigation as referred to in paragraph 1, it informs the person(s) concerned of its decision in writing, together with a substantiation of the decision and a reference of the student to the possibility of appeal with the Examination Appeals Board.

CHAPTER 5 FREE MASTER'S EXAMINATION

Article 5.1 Degree programme of the free Master's examination

1. Prior to the start of the degree programme, the student, by means of the designated form, submits a programme proposal to the Board of Examiners³ for approval.
Based on this programme proposal, the Board of Examiners determines to which degree programme the free Master's examination is deemed to belong, in view of admission to the degree programme and registration for the degree programme with Utrecht University, as well as for the application of the Act.
2. The programme is approved, if each of the following conditions is satisfied:
 - a. The programme comprises 60 ECTS;
 - b. The programme overlaps for a maximum of 30 ECTS with the programme of the degree programme, as described and laid down in the EER;
 - c. The programme has a clearly defined theme, under which, in the opinion of the Board of Examiners, all courses (including the thesis) of the programme fall.
 - d. The programme comprises a thesis of 15 ECTS;
 - e. The programme is to be submitted to the Board of Examiners for approval before the start of the degree programme.
3. In view of the specific nature of the Legal Research degree programme and the options available herein, it is not possible to take a free Master's examination in Legal research.

³ The aim of the free Master's programme is to structure a given theme, which does not fit within the degree programme as described in the EER. It is not the aim to use this programme when one wishes to avoid one or more mandatory courses or required courses, or after having failed such a course.

CHAPTER 6 EXEMPTIONS & COURSES ELSEWHERE

Article 6.1 Request for an exemption

1. A request for an exemption is submitted to the Board of Examiners in writing⁴ by the student using the purpose-made forms and supported with evidence.
2. A request for an exemption is only dealt with, if the student is entitled to take part in the course for which an exemption is requested.
3. The Board of Examiners consults with the examiner or examiners involved as regards the content, before taking a decision on a request for an exemption.
4. The Board of Examiners decides within six weeks after the receipt of the complete request, not counting the academic holidays. The Board of Examiners subsequently informs the student of its decision as fast as possible.
5. The transfer of courses of the Department, which were passed as part of another degree programme, for the examination is possible via the exemption procedure.

Article 6.2 Courses outside the Law Department

1. For the transfer of courses outside the Law Department as a free optional course or as an extra course in the Master's examination, pursuant to Art. 3.7 EER the following conditions apply:
 - a. the course is at Master's level;
 - b. if a foreign course is involved: the course is taken as part of an official exchange programme of the Department/the University;
 - c. if a summer course is involved: this is organised (in part) under the responsibility of Utrecht University.
2. The Board of Examiners grants permission to a student who wishes to transfer a course outside the Law Department, if the following conditions have also been met:
 - a. the request is submitted in writing⁵ to the Board of Examiners, at the latest before the first testing date of the course involved, but preferably before the start of the education;
 - b. the request is accompanied by a description of the course, which shows the credit load (ECTS), the level and the content of the course, as well as the name of the institution where the course will be taken.Other requests will not be taken into consideration⁶

⁴ By mail or by e-mail

⁵ by mail or by e-mail

⁶ Therefore, no 'certificates of no objection' will be issued for (for example) attending bachelor's courses at another university.

CHAPTER 7 RESULTS AND GRADES

Article 7.1 Assessment of a course

1. Courses are assessed by awarding a grade on a scale of 1 to 10, with 1 being the lowest score and 10 being the highest score. Above a 6, both whole and half scores may be awarded. See the annex for the rounding-off of passes. The traineeship, the thesis research plan, the course RGMAAC100 Academic Writing and Presentation Skills, the Portfolio Legal Research and participation in the honours programme are graded with "unsatisfactory" or "satisfactory" instead of with a numeric grade. An unsatisfactory thesis may be assessed with "unsatisfactory" instead of with a grade.
2. A course is completed successfully, if a grade above a 6 was awarded, or if it was graded with "satisfactory".
3. If a course has only one test, the result for the test also is the final grade, if necessary, after rounding off in conformity with paragraph 1. The final grade for a course with more than one test is determined using the weighted average of the results for the interim tests (including assignments, presentations, etc.) as mentioned in the Education Catalogue of Utrecht University and OSIRIS, that is if a final grade can be awarded according to the rules of the course. The results of interim tests may be rounded off to (at the most) one decimal place. The results of units of study obtained abroad are expressed in terms of 'satisfactory' or 'unsatisfactory' in OSIRIS; the appendix to the diploma refers to the foreign result⁷.
4. Test results are registered in OSIRIS based on written or electronic documents that are submitted to the Student Administration and contain a signature of the examiner or course coordinator referred to in Art. 2.4 par. 1, or a staff member explicitly authorised by him/her.
5. When retaking a course, the latest grade obtained shall be deemed the final result, even if this is lower than the earlier result.

Article 7.2 Assessment of the examination

1. Without prejudice to the provisions of Art. 4.5 of these Regulations, the student has passed the Master's examination, if all courses of the examination have been satisfactorily completed and are still valid on the date of the examination pursuant to the provisions of Art. 5.12 EER; if courses were completed more than three years ago, they must still be up-to-date. All courses completed that may be part of the examination, at the time of passing shall be part of the examination.
2. The examination is exclusively assessed in accordance with the rules on graduation, published to this end⁸.

⁷ For example, an American 'B' or the Italian 30/30.

⁸ The present graduation procedure, known as 'Automatic graduation', is published on the student website, organised by degree programme.

3. As proof of the passing of the examination, a certificate (diploma) will be issued as well as an annex in the form of the International Diploma Supplement (IDS), listing all courses completed.

Article 7.3 Classification

1. The classification 'cum laude' is awarded to the Master's examination, if the conditions as included in the applicable EER have been met.
2. The average grade is calculated based on the grades within the meaning of Art. 7.1 par. 1 of these Regulations.
3. The unweighted average grade is calculated by adding all final grades of all examination courses completed and dividing the sum total by the number of final grades.
If the Regulations take a weighted average grade as a basis, differences in the size (study load) of the various examination courses are taken into account.
The result thus calculated is not rounded off.
4. Results obtained abroad through an exchange programme or during a summer course or results obtained on top of the regular programme are not taken into account in determining the average grade for the classification.⁹
5. For the hardship clause to apply in special cases of force majeure, the student is to submit to the Board of Examiners a motivated, written¹⁰ request for an extension of the time limit before the date of the Master's examination.

Article 7.4 Date of the examination

The last working day of the month, in which the student received a notification on his/her graduation in conformity with the graduation procedure, is regarded as the date of the Master's examination.

Article 7.5 Proof of graduation

Prior to the presentation of the diploma the graduate receives written¹¹ evidence that the Master's examination was passed, the so-called graduation statement.
Under no circumstances is the graduation statement issued before the date of graduation.
If applicable, mention is also made of the fact that the classification 'cum laude' was awarded, or that the conditions for issuing the so-called '*civiel effect*' statement (i.e. the condition for admission to the legal professions or judiciary) have been met.

Article 7.6 Annex to the diploma

1. The Diploma Supplement to the Master's Degree lists no Bachelor's courses.
2. The previous paragraph may be departed from if the Admissions Committee Master's Programme has indicated that a Bachelor's

⁹ This applies to students who has been registered for the degree programme for the first time as of September 2020 or thereafter. To students from before that period the Board of Examiners Master's Regulations 2019/2020 of the Law Department applies.

¹⁰ By mail or by e-mail

¹¹ Official statement on stationery of the University, provided with a stamp and signature on behalf of the Board of Examiners.

course is to be taken during the Master's programme on account of a deficiency in the prior education.

3. Grades are referred to in conformity with the provisions of Art. 7.1 of these Regulations; an exemption is referred to as a 'VR' (*vrijstelling*) or 'EX' (exemption).

Article 7.7 Ranking

1. No ranking is made, other than the award of the classification 'cum laude', if the relevant requirements laid down in the Education and Examination Regulations were met.

CHAPTER 8 FINAL AND IMPLEMENTING PROVISIONS

Article 8.1 Annual report

1. At the end of the academic year, the Board of Examiners drafts a report of its activities in the previous year.
2. The report states the composition of the Board, provides information on the supervision of the quality of examinations and of tests, contains quantitative data on examinations, classifications, requests and fraud and plagiarism.
3. The Board presents the report to the Board of the Department and includes recommendations, if required.

Article 8.2 Amendments

1. Amendments to these Regulations are laid down by the Board of Examiners in a separate resolution.
2. Amendments that apply to the current academic year are only made, on condition that the students' interests are not likely to be harmed thereby.
3. Furthermore, amendments cannot have an adverse effect on a student with regard to any decision, which was taken by or on behalf of the Board of Examiners upon an individual request.

Article 8.3 Publication

The Board of Examiners is responsible for the publication of these Regulations, as well as of amendments, via the Internet.

Article 8.4 Effective date

This version of the Regulations takes effect on 1 September 2020.

As approved by resolution of the Board of Examiners Master's Degree Programme of the Department of Law of Utrecht University.

Annex Board of Examiners Regulations, Master of Law

Rounding-off

Starting from an assessment of 5.5, the final grades are rounded off as follows:

assessment	final grade
from 5.5 to 6.25	6
from 6.25 to 6.75	6.5
from 6.75 to 7.25	7
from 7.25 to 7.75	7.5
from 7.75 to 8.25	8
from 8.25 to 8.75	8.5
from 8.75 to 9.25	9
from 9.25 to 9.75	9.5
from 9.75 to 10	10

This rounding-off method is applied to both the Department's courses and courses outside the Department.