

This is an English translation of *Bekendtgørelse om behandling af klager over prøver og eksamen ved musikfaglige uddannelser ved musikkonservatorierne og Operaakademiet*. In the event of a discrepancy between the translation and the Danish version, the Danish text published in the Danish Official Gazette (*Lovtidende*) is valid.

The Executive Order on the processing of appeals of test and examinations at music programmes at music academies and the Opera Academy

Pursuant to section 12, subsection 1 and section 21, subsection 2 of Act No. 1362 of 16 December 2014 on Institutions of Higher Artistic Education under the Ministry of Culture stipulate:

Section 1. The Executive Order covers appeals about entrance exams, examinations with internal or external examiners or other assessments included in the examination for music programmes.

Subsection 2. The appeal can relate to:

- 1) The examination basis (questions, assignments, etc.) and its relation to the examination requirements,
- 2) The examination procedure and
- 3) Assessments.

Section 2. An appeal is lodged by the student to the Music Academy/Opera Academy. The appeal must be in writing and reasoned.

Subsection 2. The appeal must be lodged within 2 weeks after the results of the test/examination are announced.

Subsection 3. The Music Academy/Opera Academy can grant exemptions from the deadline in subsection 2 where exceptional circumstances apply.

Section 3. The Music Academy/Opera Academy shall, as soon as possible, submit the appeal to the original adjudicators.

Section 4. The adjudicator(s) can:

- 1) Offer a re-examination or
- 2) Dismiss the appeal.

Subsection 2. A reassessment can be offered for written examinations.

Subsection 3. In case of disagreement among adjudicators, the decision is by majority vote. In a tie, students are offered a re-examination or reassessment. The decision must be in writing and reasoned.

Subsection 4. If there is a reassessment because of deficiencies in one or more of the conditions mentioned in section 1, subsection 2, there must be a new assessment for all examinees whose examination suffers from the same deficiency.

Subsection 5. An offer of a re-examination must be given if the adjudicator or one of the adjudicators believes there is a serious deficiency in one or more of the conditions mentioned in section 1, subsection 2, No. 1 and No. 2.

The offer is for all examinees whose examination suffers from the same deficiency. The re-examination must take place as soon as possible.

Section 5. Within 2 weeks after the adjudicator(s) have received the appeal, the appeal must be finalized and the decision communicated to the Music Academy/Opera Academy, who as soon as possible inform the complainant of the outcome.

Subsection 2. If there are circumstances that make it impossible to process the appeal within the deadline in Subsection 1, the Music Academy/Opera Academy must, as soon as possible, inform the complainant accordingly with an indication of when the appeal is expected to be completed.

Section 6. If there is a re-examination in accordance with section 4, subsection 1, No. 1, the results of the first examination are void.

Subsection 2. If there is a reassessment pursuant to section 4, subsection 2, it may result in a confirmation, as well as an increase or a reduction of the originally given grade.

Appeals

Section 7. The adjudicators' decision, cf. section 4, including a possible reassessment can be brought before an Appeals Board by the complainant.

Subsection 2. The appeal must be written and reasoned and be lodged no later than 2 weeks after the complainant is made aware of the adjudicator's(s') decision.

Subsection 3. The Music Academy/Opera Academy can grant exemptions from the deadline in subsection 2 where exceptional circumstances apply.

Section 8. The Appeals Board is formed when there is a need for it, and otherwise as soon as possible after the lodging of an appeal. The Board consists of three ministerial examiners, and the combination can vary depending on academic needs. The Danish Ministry of Culture appoints one examiner as Chairman of the Board. The Chairman appoints the other two examiners and their alternates. The Danish Ministry of Culture also appoints a Secretary to the Board.

Section 9. The Appeals Board can:

- 1) Decide on a reassessment by new adjudicators,
- 2) Offer a re-examination with new adjudicators or
- 3) Reject the appeal.

Subsection 2. The Board appoints new adjudicators.

Subsection 3. If the Board decides that there is to be a reassessment due to deficiencies in one or more of the conditions mentioned in section 1, subsection 2, the decision will apply to all examinees whose examinations suffer from the same deficiency. Similarly, where the Board offers a re-examination due to significant deficiencies in one or more of the conditions mentioned in section 1, subsection 2.

Section 10. The Appeals Board's decision is final and cannot be appealed to any other administrative authority, cf., however, section 14, subsection 1.

Section 11. The Appeals Board shall inform the complainant of the decision as soon as possible.

Subsection 2. A new assessment and re-examination must take place as soon as possible.

Section 12. If there is a reassessment in accordance with section 9, subsection 1, No.1, it can result in a confirmation, as well as an increase or a reduction of the originally given grade.

Subsection 2. If there is a re-examination in accordance with section 9, subsection 1, No. 2, the result of the first examination is void.

Other provisions

Section 13. The student can continue the programme during the appeal or appeal proceedings.

Subsection 2. An appeal or complain does not suspend the issuing of exam diplomas.

Section 14. Appeals about decisions taken pursuant to this Executive Order can be brought before the Danish Ministry of Culture if the appeal concerns legal issues.

Subsection 2. The deadline for lodging appeals is 2 weeks from the day the decision was communicated to the person concerned.

Section 15. The Danish Ministry of Culture can grant exemptions from the Executive Order, justified by exceptional circumstances.

Entry into force, etc.

Section 16. This Executive Order shall enter into force on 11 May 2015.

Subsection 2. Executive Order No. 1398 of 11 December 2009, concerning the processing of appeals of tests and examinations at music education programs at Music Academies and the Opera Academy is repealed.

The Danish Ministry of Culture, 5 May 2015

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