

Guidelines regarding students' right to file a complaint about decisions made by study boards, programme directors and programme administration

In pursuance to the Danish University Act (order no. 695 of 22 June 2011), the following shall apply to the right to file a complaint about the decisions of study boards, programme directors and programme administration:

I. Study board decisions

S. 18,4,4, cf: s 14,10 of the University Act stipulates that the study board shall have exclusive competence to process and approve applications for credit transfer (incl. pre-approved credit transfer) and exemption.

When the study board has made a decision in a specific case of exemption, the part of the decision that is based on academic assessments shall be final and cannot be brought before other authorities at CBS or the Danish Agency for Universities and Internationalisation, under the Ministry of Science, Innovation and Higher Education. *It is thus only possible to file a complaint about the legal aspects of the case.*

As most board decisions will include elements of both academic assessment - which is not subject to complaint - and application of the current rules that apply to the programme (i.e. legal aspects), the requirements for the form of these administrative law decisions are very strict.

In administrative law decisions it must be ensured that:

- all relevant aspects are included in the decision
- the decision includes a description of the issues that have been decisive to the outcome of the case
- the applied authority is indicated
- the decision is accompanied by a justification that meets the requirements of the Danish Public Administration Act.
- the answer also provides the recipient with the necessary justification to understand the outcome of the case
- the correct information on the complaints procedure has been given

If the student wishes to file a complaint about a study board decision and finds that:

- the decision is not in accordance with applicable rules or practice
- the academic assessment has not been adequately justified or
- the decision lacks legal basis,

the decision may be appealed to the President of CBS (attn.:) Legal Services – legal@cbs.dk). If the President finds against the student in this decision, which *solely concerns the legal aspects of the decision*, the case may be brought before the Danish Agency for Universities and Internationalisation.

As far as the study board decisions regarding credit transfer and pre-approved credit transfer are concerned, s. 18 a of the Danish University Act stipulates that the student is entitled to file a complaint about the board's *academic assessment*. Such a complaint must be addressed to the President of CBS

(attn.: Legal Services – legal@cbs.dk), who shall set up a board of appeal or refer the case to the Qualifications Board (depends on the nature of the case and programme).

II. Decisions made by programme directors and the programme administration

In collaboration with the study board, the programme director shall be in charge of the practical organisation of teaching activities, examinations, and other assessments included in the exam. In this connection, the programme director shall upon the authorisation from the President of CBS be entitled to make decisions regarding:

- leave of absence
- dispensation to participate in a make-up exam due to extraordinary circumstances
- exemption from general deadlines, including deadlines for submission of master's thesis

The programme administration is authorised to make decisions in cases where the President of CBS has delegated the decision-making authority to the programme administration, e.g. decisions regarding admission to CBS' master's programmes, which are made by the Admissions Office. The programme administration is also authorised to make decisions in cases where the study board has defined clear guidelines for the processing of the specific type of case.

As far as the formulation of the decisions made by the programme director and the programme administration is concerned, please refer to paragraph I above.

When the programme director and the programme administration have made a decision respectively, the decision may be appealed to the President of CBS (attn.: Legal Services – legal@cbs.dk), as far as *both the academic and the legal aspects* are concerned. This means that the student shall be entitled to file a complaint if the student finds that the decision is not academically correct; that the processing of the case has not been correct; or that the decision is not in accordance with the applicable rules, guidelines or practice.

If the President finds against the student, the case can be brought before the Danish Agency for Universities and Internationalisation, however, only as far as the *legal aspects of the case* are concerned.

III. Complaints procedure:

The complaints procedure in decisions made by study boards, programme directors and the programme administration must include *what* the student is entitled to complain about, *whom* the justified complaint shall be lodged with/submitted to, and the *deadline for filing a complaint*.

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Per Holten-Andersen
President

/ Martin Kramer-Jørgensen
Legal Services