

Guidelines for the appeals committee at The Norwegian University of Life Science (NMBU)

1 Legal basis

- a. The guidelines were approved by the board of NMBU on March 15 2017 and are based on section 5-1, and sections 9-1 and 9-2 of the Act relating to universities and university colleges.
- b. The guidelines shall clarify the composition of the appeals board, its areas of authority and working methods. Any amendments to the guidelines must be approved by the board of the university itself.

2 The appeals committee's composition, appointment and term in office

- a. The composition of the appeals committee shall fulfil the requirements set out in section 5-1 of the Act relating to universities and university colleges.
- b. The chair and deputy chair shall fulfil the legal requirements for court of appeal judges and in addition have experience in working at a university. The chair and deputy chair are appointed by the board of the university itself for a term of four years at a time.
- c. Two members and up to two deputy members for each of these members shall be permanently employed in scientific positions at NMBU. These are appointed by the board of the university for a term of one year at a time.
- d. Two students who are active at NMBU and *no more than* two deputy members for each of these are appointed by the student parliament for a term of one year at a time.
- e. Two PhD students and no more than two deputy members for each of these are appointed for a term of one year at a time by the Society of Doctoral Candidates at NMBU (SoDoC). These shall act as student members on the appeals committee in cases that apply doctoral students.
- f. Re-election is permitted. A member or deputy member shall continue to hold office until a new member is appointed, even if the normal term has expired.
- g. Members of the appeals committee shall master Norwegian.
- h. The Public Administrations Act's rules regarding impartiality shall apply to members of the appeals committee.

- i. The rector appoints a secretary for the appeals committee. The secretary shall have good legal competence. The appeals committee secretary shall not hold an administrative position in departments that are frequently involved in cases before the appeals committee.

3 The duties of the appeals committee

- a. The appeals committee makes decisions or makes statements in cases that fall within the remit of the appeals committee pursuant to the Act relating to universities and university colleges, as well as the types of cases that are set out in these guidelines.
- b. The appeals committee can make a decision on behalf of NMBU as the first instance in the following types of cases:
 - 1. cases of potential cheating or other censorious behaviour by a student,
 - 2. cases regarding exclusion pursuant to suitability assessments by NMBU's suitability committee,
 - 3. cases regarding admissions when there are citations on a police certificate of good conduct.
- c. The appeals committee can make decisions as the appeals body in all cases in which the student appeals an individual administrative decision made by a university body and in all instances in the following types of cases:
 - 1. appeals by applicants who are denied admittance to programs , when the rejection has been decided by NMBU,
 - 2. appeals by students regarding formal errors in adaptations and assessments of student performance,
 - 3. appeals by students regarding a lack of compliance with statutory or contractual obligations relating to teaching and assessment of student performance/examinations,
 - 4. appeals by students regarding deficiencies in the physical learning environment, seen in relation to statutory duties or binding plans stipulated by the board of the university, unless the case can be administered by NMBU's working environment committee,
 - 5. appeals by PhD candidates regarding the forced termination of doctoral studies,
 - 6. appeals by PhD candidates regarding the rejection of PhD dissertations or the non-awarding of a PhD degree,
 - 7. appeals by DPhil candidates regarding the rejection of DPhil dissertations or the non-awarding of a DPhil degree.
- d. The appeals committee shall in addition act as the appeals body in cases regarding complaints by employees pursuant to NMBU's election rules regarding election to the university's governing bodies.

4 General rules for administering cases

- a. The work of the appeals committee shall fulfil the rules stipulated by the Act relating to universities and university colleges in addition to general rules and principles of administrative law, including the general provisions regarding case administration set out in the Public Administration Act.
- b. The appeals committee shall decide its working methods itself within the framework of the provisions set out in the Act relating to universities and university colleges.
- c. The appeals committee secretary shall normally be authorised to decide issues relating to the preparation of the appeals committee's cases, but is not authorised to decide cases on their merits. The appeals committee can revoke the authority.
- d. All documents in the appeals committee's cases shall be recorded in the university's record-keeping system.
- e. The appeals committee/appeals committee secretary provides guidance to the parties and others in accordance with the provisions in the Public Administration Act section 11.
- f. The appeals committee's decisions are normally made during meetings. The appeals committee has a quorum when the chair or deputy chair and two other members are present. In urgent cases that must be decided before the appeals committee can meet, a decision can be made via electronic communications, if the appeals committee chair finds this method justifiable.
- g. The appeals committee shall ensure that appeals for which it is to act as appeals body have been evaluated by the first instance before the appeals committee makes a decision in the case.
- h. A party that has an interest in a case shall normally be given the opportunity to appear before the appeals committee and present his or her opinions of the case. The student can appear with an attorney or other assistant at his or her own expense, or at the expense of the university if this is stipulated by the Act relating to universities and university colleges.
- i. The appeals committee shall submit an annual report of its activities to the university board.

5 Cases based on appeals by students

- a. The right of students and applicants for admission to bring a case before the appeals board is conditional on the appellant having a legal interest in the outcome of the appeal case.

- b. Complaints by students or applicants for admission regarding formal errors, deficiencies in the learning environment or individual decisions regarding other matters shall normally be open to the public, however they can be exempt from public access when the conditions set out in the Freedom of Information Act have been fulfilled.
- c. The appeals committee can overturn decisions that are appealed. The appeals committee can make new decisions in cases that are not to be decided by the university board itself. In the event of a deadlock in the vote, the case is decided by the chair having a casting vote.
- d. In cases regarding formal errors in teaching or the assessment of student performance, the appeals committee can decide that an examination is to be re-taken , or order reassessment, or decide that the error be remedied in another manner.
- e. In cases regarding deficiencies in the physical working environment, the appeals committee makes decisions regarding changes to the conditions, unless the case involves significant budget allocations.
- f. Decisions made by the appeals committee cannot be appealed further.

6 Cases regarding cheating or other dishonesty

- a. Cases in which there is a substantiated suspicion that a student has been guilty of cheating/ attempted cheating or another form of dishonesty or censorious behaviour are brought before the appeals committee via the rector or a party authorised by the rector. The rector shall submit information that can shed light on the matter, insofar as the information is known or can reasonably be collected, and submit a proposed sanction.
- b. The appeals committee shall ensure that the case is well illuminated prior to the committee making a decision. The appeals committee can ask the rector to submit supplementary information for an individual case if the appeals committee finds it necessary in order to shed light on the case.*
- c. The appeals committee shall ensure that students who are suspected of cheating or other censorious behaviour have received notice of the case and have been given an opportunity to give a statement prior to the appeals committee assessing the case on its merits.*
- d. In cases that the university brings before the appeals committee regarding matters relating to individual students, including potential cheating or other dishonesty, all personal information shall normally be exempt from public disclosure. Students who have a protection interest pursuant to freedom of information legislation can ask the appeals committee to assess the openness of the case administration.
- e. In cases that can lead to exclusion or suspension/expulsion, NMBU shall cover legal assistance by an attorney for the student in accordance with the compensation rates set out in the Attorney compensation regulations.

- f. Students who are a party in a case before the appeals committee regarding cheating or dishonesty and who do not master Norwegian can demand to give a statement to the appeals committee in English and receive the appeals committee's decision in English.
- g. The appeals committee can order sanctions in accordance with the rules set out in the Act relating to universities and university colleges chapter 4 and 5. Decisions regarding exclusion must be passed with at least a 2/3 majority. In the event of a deadlock in the vote when ordering sanctions pursuant to sections 4-7, 4-8 or 4-9 of the Act relating to universities and university colleges, the result that is most beneficial to the student shall apply.
- h. Individual decisions pursuant to the Act relating to universities and university colleges sections 4-7 to 4-10 that are made by the appeals committee as the first instance can be appealed to a joint appeals committee, appointed through the Regulation of October 10 2005 no. 1192, cf. the rules in the Act relating to universities and university colleges chapter 4 and 5. Such appeals are lodged with the appeals committee for a new assessment, before being forwarded to the joint appeals committee for a final decision, if relevant.
- i. A student can bring a final decision regarding suspension or exclusion for review before an ordinary court of law. A lawsuit must be brought within three months of the student being informed of the final decision.