The Assessment of Students

A3.2 Assessment Regulations

A3.2.1 Information for Students

The University shall ensure that the assessment requirements for programmes of study are made known to students. The assessment scheme of an individual programme of study may be subject to both institution-wide regulations and regulations specific to that programme, and, where this is so, students must be made aware of the detailed requirements of both sets of regulations.

The University shall make available to students information about the grounds on which they may request that Examination Committees be asked to review their decisions and about the arrangements for dealing with any such requests (see A3.2.13).
The Assessment of Students

A3.2 Assessment Regulations

A3.2.2 Responsibilities of Students

It is the responsibility of students to attend examinations and submit work for assessment as required and to provide the examiners in advance of their meeting with any relevant information on personal circumstances which may have affected performance and which they wish the examiners to take into account.

If a student fails without good cause to provide the examiners in advance of their meeting with information about any personal circumstances that may have affected performance in assessments, the Academic Registrar or authorised deputy has authority to reject the request for a review on those grounds.

If a student fails to attend examinations or at the right time to submit work for assessment without good cause, the examiners have authority to deem the student to have failed the assessments concerned.

If a student is found to have cheated or attempted to gain an unfair advantage, the appropriate Disciplinary Officer or a Misconduct Committee, as the case may be, have authority to deem the student to have failed part or all of the assessments, or to require some other penalty.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.3 Appointment of Examination Committees

For every programme of studies approved as leading to an award of the University there must be an Examination Committee whose constitution and terms of reference accord with the approved regulations for the programme and that includes the external examiner(s) approved by the University. The constitution of the Committee may include provision for the appointment of subsidiary examination committees and the same Committee may be responsible for more than one programme of study.

The Examination Committee is appointed by the Academic Board or a body authorised by it and is accountable to that body for the fulfilment of its terms of reference.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.4 Chair of Examination Committee

The Academic Board shall appoint a person to chair the Examination Committee in accordance with its constitution and terms of reference as set out in the approved regulations for the programme of study.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.5 Student Membership of Examination Committee

No student may be a member of an Examination Committee or attend an examiners' meeting other than as a candidate for assessment. If a person who is otherwise qualified to be an examiner for a course (for example as a member of academic staff or as an approved external examiner) is coincidentally registered as a student on another course either at the same institution or elsewhere, this will not in itself disqualify that person from carrying out normal examining commitments.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.6 Authority of Examination Committees

The Examination Committee is authorised to assess students in accordance with the assessment regulations for the programme of study and to recommend the conferment of an award of the University upon a student who in the judgement of the Committee has fulfilled the objectives of the approved programme of study and achieved the standard required for the award. The approved Examination Committee or its formally constituted subsidiary examination committees must be responsible for all assessments that contribute to the recommendation of an award except as provided for in A3.2.7 below. No other body has authority to recommend conferment of an award, nor to amend the decision of an approved and properly constituted Examination Committee acting within its terms of reference and in accordance with the regulations for the programme of study. An Examination Committee shall, however, accept a penalty relating to a student's marks or award imposed by a Disciplinary Officer or Misconduct Committee in accordance with the Student Conduct Regulations and Procedure. Any remaining consequences of such a penalty for a student's progression and/or award shall then be determined by an Examination Committee in accordance with the assessment regulations for the programme of study and relevant provisions of these Academic Regulations. An Examination Committee may also be required to review a decision or may have that decision annulled under the terms of A3.2.13 below and matters referred to it under A3.2.11 or A3.2.12 below may be decided by the Academic Board.

An Examination Committee has no power to redress a grievance relating to teaching, supervision or guidance unless recommended to do so as consequent upon the substantiation of a complaint under the Student Complaint Procedure.

An Examination Committee may not award marks or academic credit unless it has or is able to obtain reliable evidence of the candidate's achievement of the corresponding level of knowledge and skill.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.7 Jurisdiction of Examination Committees

When a curricular element and its assessment may contribute to more than one award, the Examination Committee responsible for one of these shall be designated as the one responsible for the assessment concerned and shall award marks or otherwise make judgements about individual candidates' performance. The consequence of these results for the purposes of progression and the award shall be matters for the Examination Committee responsible for the award for which the candidate is registered and subject to the regulations governing that award.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.8 Subsidiary Examination Committees

A subsidiary examination committee must include at least one approved external examiner and all such external examiners must be informed that they have the right to attend the meeting of the Examination Committee at which decisions on recommendations for award are made. The rights and duties of such external examiners are the same as those of external examiners on the main Committee except that the subsidiary examination committee makes recommendations to the main Committee only. The approved Examination Committee retains responsibility for judging each student's performance as a whole and deciding, in the light of the objectives of the programme and its assessment regulations, whether any compensation may be allowed for failure in elements of the assessment.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.9 Delegation of responsibility for assessments

The approved Examination Committee, including external examiners, is also responsible for the reassessment or deferred assessment of students. The Committee may, at the time when it first meets to decide on its recommendations, agree arrangements for delegating that responsibility to a sub-group of itself, which must include at least one external examiner. Such delegation will not be appropriate for all reassessments or deferred assessments; the Committee must be satisfied that it is appropriate in the particular circumstances before agreeing to delegate responsibility.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.10 Secretaries of Examination Committees

The Academic Board shall ensure that arrangements are made to appoint a secretary to each Examination Committee and shall require the secretary to maintain detailed and accurate records of the Committee's proceedings.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.11 Powers of External Examiners

No recommendation for the conferment of an award of the University may be made without the written consent of the approved external examiner(s). On any matter which the external examiner(s) have declared a matter of principle, the decision of the external examiner(s) shall either be accepted as final by the Examination Committee or shall be referred for resolution to the Academic Board. Any unresolved disagreement between external examiners shall be so referred to the Academic Board.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.12 Disagreements between external examiners

Where an external examiner disagrees with other external examiners, and will not agree a recommendation, the matter shall be referred to the Academic Board to ensure that the matter is resolved. If the disagreement concerns only some students, the recommendations for all other students should be signed.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.13 Review of and appeal against a decision of an examination committee

1. These regulations govern requests for the review of and appeals against decisions of an Examination Committee.

2. Throughout this procedure the Academic Registrar may nominate a senior member of their staff to act on their behalf in relation to any request for a review or appeal. Similarly, the Chair of an Examination Committee may nominate the Vice-Chair or another member of the Examination Committee to act on their behalf.

3. Each year the Academic Registrar shall analyse the key features and outcomes of the review requests and appeals that have been submitted during the previous year. They shall present a report based on this information to the Academic Board.

Requests for reviews

4. All requests for a review of a decision of an Examination Committee shall be made in writing to the Academic Registrar and shall include:

   a) which of the grounds set out in paragraph 10 below the request is based on;
   b) a statement of the facts that constitute the basis for the review;
   c) copies of the evidence supporting the case being made.

   It is the responsibility of the student to ensure that they raise all relevant issues and provide all relevant information and documentation at this point.

5. If the Academic Registrar considers that the grounds are unclear and/or the facts are not adequately stated and/or the evidence is insufficient, they may require the student to submit a further statement and/or evidence and may prescribe a time limit within which any such material shall be submitted. A decision by the Academic Registrar not to seek further information or documentation will not be grounds for the student to submit further material at a later point.

6. All review requests must be received in full within one month of the publication of the decision. A student who is unable to comply with that timescale shall, within that period, submit a written declaration of intent to
do so with the Academic Registrar, who may impose a time limit for the submission of the full request. Any request submitted beyond these limits must include reasons and evidence showing why, through no fault on the part of the student, the request could not have been made within the time limit. If, in the opinion of the Academic Registrar, these reasons are not valid, they shall reject the request summarily and shall inform the student in writing of their reasons for so doing.

7. If, in the opinion of the Academic Registrar, a request does not fall within one of the permitted grounds, or is wholly without substance or merit, or is frivolous or vexatious, or is unsupported by evidence, they shall reject it summarily and shall inform the student in writing of their reasons for so doing. Otherwise the Academic Registrar shall forward the request to the Chair of the relevant Examination Committee who shall conduct the review in consultation with such members of the Examination Committee as they deem appropriate.

8. The Academic Registrar shall write to the student setting out the decision of the Chair of the Examination Committee and the reasons for it. The letter to the student shall also set out their options if they are dissatisfied with the decision and the relevant time limits.

9. Requests for review will normally be acknowledged within 10 working days and students will normally receive a substantive response from the Academic Registrar within 20 working days. Students will normally be informed of the decision of the Chair of the Examination Committee within 15 working days of their request being referred.

**Grounds for review and issues excluded from the regulations**

10. A student may only request that a decision is reviewed on the ground that:

   a) the assessment was not conducted in accordance with the regulations for the programme; and/or
   b) the judgement of an examiner or examiners was improperly affected by personal bias; and/or
   c) there was a material administrative error or some other material irregularity in the conduct of the assessment, such that the assessment decision would have been materially different had the error or irregularity not occurred.

11. A student may not seek a review under these regulations on the ground that mitigating circumstances adversely affected their performance in an assessment and/or that they believe an inappropriate allowance was made for such circumstances; these issues are the subject of the Mitigating Circumstances Regulations.

12. A student may not seek a review under these regulations on the ground that poor teaching, supervision, academic advice or guidance affected their performance; in such circumstances a student may submit a complaint under the Student Complaint Procedure.
13. Disagreement with the academic judgement of an examiner or of the Examination Committee in assessing the merits of an individual piece of work or in reaching any decision about the assessment, progression and/or exclusion of a student based on the marks, grades and other information relating to the student’s performance, cannot in itself constitute grounds for a request for review.

14. These regulations do not apply to students enrolled with another institution on a programme leading to an award of the University, unless the student is also enrolled with the University. Students on such programmes who wish to request a review or make an appeal should do so under the procedures of the institution concerned.

Advice and Guidance

15. Written guidance on the operation of this procedure, including where to submit review requests are available at:

http://www.brookes.ac.uk/services/asd.registry/ACCO/index.html

16. The Academic Registrar and staff in the Appeals, Complaints & Conduct Office can provide authoritative advice on the application and operation of these regulations.

17. The Students’ Union Advice Centre can provide advice independent of the University and assistance in compiling a case.

Appeals

18. If a review under these regulations does not lead to a changed decision or if the decision, though changed entirely or in part, is not satisfactory to the student or if, after the lapse of a reasonable time, there has been no outcome from the review, the student may appeal in writing to the Academic Registrar. Any such appeal must be received within ten working days of the despatch of the outcome of the review or, if unreasonable delay is alleged, within three months of the lodging of the original request for a review.

19. Any appeal shall include a statement of the facts that constitute the basis for the appeal and any relevant evidence. If the Academic Registrar considers that these grounds are not adequately stated and/or the evidence submitted is insufficient, they may require the student to submit a further statement and/or evidence and may prescribe a time limit within which any such material shall be submitted.

20. The Academic Registrar shall consider the response from the Chair of the Examination Committee to the review request and the statement on which the appeal is based. If, in their opinion, the appeal is wholly without substance or merit, or is frivolous or vexatious, or is unsupported by evidence, they shall reject it summarily and shall inform the student in writing of their reasons for so doing. Otherwise the Academic Registrar shall convene an Appeal Committee.
The Appeal Committee

21. The Appeal Committee shall consist of a Dean, Associate Dean, Deputy Dean, or Assistant Dean as Chair, two members of the academic staff and two students (drawn from a panel nominated by the President or principal officer of the Students' Union). The Academic Registrar shall be the Secretary of the Committee.

22. No one who, in the judgement of the Academic Registrar, has too close a personal or professional association with the appellant or the subject of the appeal shall be eligible to serve as a member of the Committee. For example, members of the same School as the appellant or of any other School or Directorate concerned should not normally serve.

Conducting the Appeal

23. The Academic Registrar shall normally obtain and circulate written statements of case and evidence in advance of the hearing.

24. The conduct of the appeal is at the discretion of the Chair but the appellant and the Chair of the Examination Committee concerned shall each have the right to submit written representations, to attend the hearing, to hear all the evidence, to call witnesses and to examine any witnesses called. The appellant also has the right to be accompanied by a friend who shall not be a lawyer acting in a professional capacity. The friend may speak on behalf of or otherwise represent the interests of the appellant but may not give evidence except on matters of which they have direct knowledge.

25. Appeals considered by an Appeal Committee may only be heard by proxy representation in very exceptional circumstances and at the sole discretion of the Chair of the Appeal Committee.

Outcomes of an Appeal

26. The Appeal Committee may:

   a) require the Examination Committee to reconsider its decision and may make recommendations for the Examination Committee to consider when it does so;
   b) annul the previous decision of the Examination Committee if it is not possible to reconvene the Examination Committee;
   c) make recommendations to prevent a recurrence.

27. The Secretary shall write to the appellant, the Chair of the Examination Committee and any other relevant staff setting out the decisions of the Committee and the reasons for them. The letter to the appellant shall clearly state that they have now completed the University's internal appeal procedure as described in paragraph 32.

28. When a decision has been annulled the Academic Board will take action, including if necessary the appointment of new examiners or the imposition
of its own decision, to ensure that decisions are made by an approved Examination Committee in respect of the student concerned.

29. If one or more recommendations are made to an Examination Committee and they are not implemented, this shall be reported to the Academic Board, which will decide what action, if any, to take. If one or more recommendations are made to a School or Directorate and they are not implemented, this shall be reported to the appropriate member of the Senior Management Team.

Other procedural matters

30. In the event of any uncertainty or dispute, the Academic Registrar shall interpret these regulations. Upon receipt of a written request, the Academic Registrar shall confirm their interpretation in writing. If the Academic Registrar believes it appropriate in relation to any specific review or appeal, they may set aside any provision of these regulations and/or require another provision not part of these regulations provided only that they inform all those involved in the review/ appeal in writing of any such variations.

31. If a student is dissatisfied with a decision of the Academic Registrar made under paragraphs 6, 7 or 20, they may request that it be reviewed by the Director of Academic and Student Affairs. Such a request must be in writing to the Academic Registrar, must set out the full reasons why the student believes that the decision of the Academic Registrar is incorrect and must be received within 10 working days of the despatch of the decision. The Director of Academic and Student Affairs shall review the decision of the Academic Registrar and inform the student in writing of the outcome and the reasons for it. The decision of the Director of Academic and Student Affairs shall be final. If the Director of Academic and Student Affairs upholds the decision of the Academic Registrar, the letter to the student shall clearly state that the student has now completed the University’s internal review/ appeal procedure as described in paragraph 32.

32. If a student has completed the University’s internal appeal procedure and they are still dissatisfied with the outcome, they may be able to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint is eligible under the OIA’s Rules. A letter stating that an appellant has completed the University’s internal review/ appeal procedure shall include information on the OIA and comply with the OIA’s guidance for a “Completion of Procedures” letter.

33. If a member of staff, being in possession of material that, by reason of its confidential nature, can not be communicated to the student, wishes to request a review on behalf of the student, they may, with the written consent of the student, do so under these regulations with the substitution of “member of staff” for “student”, “candidate” or “appellant” as appropriate.

These regulations agreed by Academic Board, 14 July 2010
Updated by Academic Registrar, 16 February 2011
The Assessment of Students

A3.2 Assessment Regulations

A3.2.14 Failure and reassessment: general requirements

Course assessment regulations must specify which or how many elements must be passed for the award and make provision for a student to make good an initial failure. Examination Committees have discretion to interpret these regulations flexibly in the case of individual candidates, subject to the requirements of the principle that an award should only be made when a candidate has fulfilled the objectives of the programme and achieved the required standard.

The Examination Committee shall not unreasonably withhold permission for a student to be reassessed in accordance with course regulations.

The Examination Committee shall specify, in accordance with the course regulations, which elements of assessment must be retaken, the form of reassessment and when it is to take place. A student may be required to study certain course components again before reassessment.

Except as provided for under A3.2.15 below, no reassessment shall be permitted for a student to improve upon a fail mark or grading above the pass level required for the award for which the student is a candidate.

Course regulations may permit the study and assessment of a failed element with the possibility of a mark or grade above the pass level if they provide for other penalties for the fail.

A candidate for reassessment may not demand reassessment in elements which are no longer current in the course. The Examination Committee may, at its discretion, make such special arrangements as it deems appropriate in cases where it is not practicable for students to be reassessed in the same elements and by the same methods as at the first attempt.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.15 Reassessment for postgraduate awards

Candidates for a postgraduate award who fail in their first attempt to satisfy the Examination Committee in the assessment for the award may be reassessed once only in any or all of the elements of assessment, at the discretion of the Examination Committee.
A3.2.16 Reassessment for other awards

1. Candidates who have failed in their first attempt to satisfy the Examination Committee in the assessment for any other award of the University may, where course regulations permit, be reassessed for the award at the discretion of the Board of Examiners on more than one occasion within the maximum planned length of the course.

2. Where course regulations permit, the Examination Committee may alternatively determine that the candidate has achieved the level required for a lower award or permit reassessment for a lower award.
A3.2 Assessment Regulations

A3.2.17 Compensation for failure in assessment

Course assessment regulations may provide for an Examination Committee, having due regard to the standard of the award and the course objectives exceptionally and at its discretion, to allow a student's overall performance to compensate for partial failure in the assessment for an award. Course regulations should not provide for the application of compensation to an element that forms a substantial proportion of the assessment for the award, nor to an element that is central to the fulfilment of course objectives.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.18 Viva voce examination

Examination Committees may not normally examine any student viva voce other than as provided for in the assessment methods for the course. Exceptionally, a viva voce examination may be used to assist the examiners in determining the standard of a student's performance where insufficient evidence is available, or as provided for in A3.2.19.5 below. Adequate notice of the examination and its purpose will be given to the student.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.19 Valid reasons for poor performance

Regulations concerning the consideration of mitigating circumstances can be found at Regulation B5. Consideration of Mitigating Circumstances:

An Aegrotat award may be recommended, where it is available, when the Examination Committee does not have enough evidence of the student's performance to recommend the award for which the student was a candidate or a lower award specified in the course regulations, but is satisfied that but for illness or other valid cause the student would have reached the standard required.

Before a recommendation for an Aegrotat award is submitted, the student must have signified that he or she is willing to accept the award and understands that this implies waiving the right to be reassessed.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.20 Disability

If a student is unable, through disability, to be assessed by the normal methods, examiners may vary the methods as appropriate and in accordance with the University’s procedure on the matter, bearing in mind the objectives of the programme and the need to assess the student on equal terms with other students.
The Assessment of Students

A3.2 Assessment Regulations

A3.2.21 Cheating and Plagiarism

The University has established regulations in relation to suspected cases of plagiarism and other forms of cheating (see Student Conduct Regulations Procedure and the Regulations for Candidates taking Assessments).