

## Exceptional Regulations – Refer / Defer July 2023

### 1. Purpose

- 1.1 These exceptional regulations are intended to allow the University to manage the progression of students and the conferment of awards where a student's complete profile of marks is not available to the Refer/Defer Progression and Award Board (PAB) in July, and/or where external scrutiny is not possible, as a result of the ongoing marking and assessment boycott by members of the University and College Union. They complement the exceptional regulations that were approved and implemented to manage the Main Assessment period in June.
- 1.2 They are intended to strike an appropriate balance between the maintenance of academic standards and ensuring that students suffer minimum disadvantage as a result of the Marking and Assessment Boycott (MAB).

### 2. Scope

- 2.1 These exceptional regulations temporarily amend and supersede the relevant provisions of [sections 12, 13, 17 and 18 of the Academic Regulations](#).
- 2.2 These exceptional regulations should be used together with the [exceptional regulations](#) approved for the main assessment period.
- 2.3 These regulations apply to the following students who are due to be considered by a Module Board or Progression & Award Board (PAB) in July 2023 **and** who have marks missing due to the marking and assessment boycott:
  - i. All UG students at Levels 3, 4 and 5 who will require a decision on their progression and/or the offer of referrals, deferrals and retakes;
  - ii. All UG students at Level 6 (including L6 Degree Apprentices) who will require a decision on their award or the offer of referrals, deferrals and retakes;
  - iii. L4 Degree Apprenticeship CertHE students who will require a decision on their award or the offer of referrals, deferrals and retakes;
  - iv. All PGT students (Level 7) who will require a decision on the offer of referrals, deferrals and retakes (subject to the provisions of paragraph 4.1 below);
  - v. All PGT students (Level 7) who will require a decision on their award (subject to the provisions of paragraph 4.1 below)
- 2.4 Sections 3, 4, 5 and 6 of these regulations will not apply in the case of modules taken as part of a course which is accredited by a Professional, Statutory and Regulatory Body (PSRB) **and** where the application of these regulations to assign an assessment mark or calculate a module mark or result is not acceptable to that PSRB for the purpose of registration with the PSRB or for accreditation of the course. In such cases Section 6 shall apply.
- 2.5 All references in these exceptional regulations to missing marks shall, unless otherwise stated, mean marks that are unavailable solely due to the marking and assessment boycott<sup>1</sup>.

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<sup>1</sup> Where a mark is missing due to non-submission of the work by the student, a mark of 0 will be recorded, in accordance with existing regulations. Heads of School will be required to confirm, in respect of all missing marks, and before the MLM is calculated, which marks are missing due to the assessment boycott and which marks are missing due to non-submission by the student (or for any other reason).

- 2.6 For the purpose of these regulations, the term ‘actual mark’ means a mark that has been determined following the normal marking of the assessment (including moderation and external scrutiny where required) in accordance with standard assessment processes, but was not available due to the marking and assessment boycott.
- 2.7 Nothing in these exceptional regulations shall take precedence over the Academic Misconduct Regulations. Any assessment mark, result, outcome or award may be amended where a student is subsequently found to have committed an academic misconduct offence in accordance with the provisions of the Academic Misconduct Regulations.
- 2.8 Should any scenarios arise that are not described within these exceptional regulations, the outcome should be determined in accordance with the outlined principles. Where this is unclear, the principles shall be interpreted and applied by the Deputy Registrar (Quality & Standards).

### **3. Undergraduate Students (with exception of L4 Degree Apprenticeship CertHE students)**

- 3.1 Where at the main assessment period, students have had missing marks replaced by a Mean Level Mark and those students have passed and have been awarded, or met the requirements for progression to the next level of their study, these refer/defer exceptional regulations will not apply.
- 3.2 Where, following the main assessment period, students still have missing marks and were offered a deferral, and the marks for that deferral are missing, students studying at Levels 3, 4 and 5 will be permitted to progress to the next level of study. There will not be a minimum credit limit for progression provided that the student would have achieved the standard progression threshold if the MAB affected module(s) had been passed.
- 3.3 Where, following the main assessment period students had a Mean Level Mark that was below the pass mark and were offered a deferral and those deferral marks are missing, students at Levels 3, 4 and 5 will be permitted to progress to the next level of study. There will be no minimum credit limit for progression provided that the student would have achieved the standard progression threshold if the MAB affected module(s) had been passed.
- 3.4 Where, following the main assessment period, students had a referral, and the marks for that referral are missing, students studying at Levels 3, 4 and 5 will be permitted to progress to the next level of study. There will not be a minimum credit limit for progression provided that the student would have achieved the standard progression threshold if the MAB affected module(s) had been passed.
- 3.5 Where such students have been permitted to progress to the next level of study with missing marks and when the actual marks are provided and they result in a failing mark, the students will be offered a referral opportunity to be completed at the next available assessment point for that module. Students will be able to make use of the mitigating circumstances processes should their circumstances require it.
- 3.6 If students do not pass this referral opportunity, they will be offered a module retake opportunity. The module retake fee will be waived. Following this the normal regulations will apply.

- 3.7 In the instances outlined above in 3.2 to 3.5 the [Coursework Assessment Regulations](#) will apply as normal, and any late submission penalties will be applied to the marks for the assessment in question in accordance with those regulations.
- 3.8 For Level 6 students with missing marks after the re-assessment period, those missing marks will be replaced by a **Mean Level Mark (MLM)**.
- 3.9 The MLM will be calculated using all available assessment component marks (including unratified marks) for the student at that level.
- 3.10 In calculating the MLM, there will be no weighting between assessment components. The MLM shall be calculated as the arithmetic mean of the applicable assessment components. A mark of 0 (zero) will be used in the calculation where a component has not been submitted by the student.
- 3.11 Where the missing mark relates to a referred item of assessment, the MLM used for that item of assessment will be capped at the pass mark, in accordance with existing regulation 4.8.5.
- 3.12 The [Coursework Assessment Regulations](#) will apply as normal, and any late submission penalties will be applied to the MLM for the assessment in question in accordance with those regulations.
- 3.13 Once the MLM for each student has been calculated and applied to all missing assessment marks, the student's module mark (the weighted average module mark) will then be calculated as set out in the standard regulations.

#### 4. L4 Degree Apprenticeship CertHE Students

- 4.1 These regulations will apply to a student only where all marks are available (including unratified marks) in modules with a total credit value of at least 80 credits. Students who do not meet this requirement will be required to wait until either the missing mark becomes available, or marks become available to reach the threshold at which point these exceptional regulations will apply.
- 4.2 Where, following the re-assessment period, a student has a missing mark for one or more assessment components, those missing marks will be replaced by a **Mean Level Mark (MLM)**.
- 4.3 The MLM will be calculated using all available assessment component marks (including unratified marks) for the student at that level.
- 4.4 In calculating the MLM, there will be no weighting between assessment components. The MLM shall be calculated as the arithmetic mean of the applicable assessment components. A mark of 0 (zero) will be used in the calculation where a component has not been submitted by the student.
- 4.5 Where the missing mark relates to a referred item of assessment, the MLM used for that item of assessment will be capped at the pass mark, in accordance with existing regulation 4.8.5.
- 4.6 The [Coursework Assessment Regulations](#) will apply as normal, and any late submission penalties will be applied to the MLM for the assessment in question in accordance with those regulations.

- 4.7 Once the MLM for each student has been calculated and applied to all missing assessment marks, the student's module mark (the weighted average module mark) will then be calculated as set out in the standard regulations.

## 5. Taught Postgraduate Students

- 5.1 These exceptional regulations should be used together with the [exceptional regulations](#) approved for the main assessment period.
- 5.2 If after the re-assessment period students still have missing marks and a MLM cannot be calculated students will be required to wait until the missing marks become available.

## 6. Professional, Statutory and Regulatory Bodies (PSRBs)

- 6.1 As stated at 2.3 above, the provisions of Sections 3, 4, 5 and 6 above will not apply in the case of modules taken as part of a course which is accredited by a Professional, Statutory and Regulatory Body (PSRB) **and** where the application of these regulations to assign an assessment mark or calculate a module mark or result is not acceptable to that PSRB for the purpose of registration with the PSRB or for accreditation of the course<sup>2</sup>.
- 6.2 In such cases, where a mark is missing in one or more assessment components, the missing mark will **not** be replaced by the Mean Level Mark.
- 6.3 Students will have been offered a defer opportunity if they had missing marks at the main assessment period. If students still have missing marks after the re-assessment period, and are studying in Levels 4, 5 and Level 6 of the Master of Architecture (RIBA Part II) they will be permitted to progress to the next level of study.
- 6.4 Where students have been permitted to progress to the next level of study with missing marks and when the actual marks are provided and they result in a failing mark, the students will be offered a refer opportunity to be completed in semester one of the 2023/24 academic year.
- 6.5 If students do not pass this refer opportunity they will be offered a module retake opportunity. The module retake fee will be waived. Following this the normal regulations will apply.
- 6.6 In the instances outlined above in 6.2 to 6.5 the [Coursework Assessment Regulations](#) will apply as normal, and any late submission penalties will be applied to the marks for the assessment in question in accordance with those regulations.
- 6.7 Where missing marks cannot be replaced with a MLM because of regulation by a PSRB, those students will need to wait until the missing marks are provided before award decisions can be made in accordance with the standards regulations.
- 6.8 If a PSRB does not permit students to progress to the next level with missing marks, students will need to wait for marks to be provided for a progression decision to be made. Depending on the timing of this decision, the University will consider if appropriate compensation to those students is required.

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<sup>2</sup> Note that this provision applies only in the case of regulated modules. Where the student is undertaking a course which is accredited by the PSRB but the module in question is not regulated (for example, a non-core module which does not need to be passed in order to satisfy the requirements of the PSRB), Sections 3, 4 and 5 will apply.

- 6.9 It is recognised that this approach will have an adverse impact on all students concerned, however the University is bound by the requirements of the PSRBs, and those requirements must take precedence.

## **7. External Scrutiny and Moderation**

- 7.1 Where moderation has not been carried out, all reasonable endeavours shall be made by the relevant academic manager to identify a suitable alternative colleague to carry out the moderation. Where this is not possible the moderation should be carried out by the academic manager or their suitably qualified nominee.
- 7.2 Where an External Examiner is unwilling to fulfil their responsibilities due to their participation in the national Marking and Assessment Boycott, all reasonable endeavours shall be made by the relevant academic managers to identify and recruit a suitable replacement External Examiner.
- 7.3 Where these endeavours are exhausted and it has not proved possible to appoint an alternative External Examiner, an Associate Head of College, or their suitably qualified nominee provided they are independent of the assessment process for which scrutiny is required, may assume the role of External Examiner at the Subject Area or Module Board level.
- 7.4 In the case of the unavailability of a Chief External Examiner, the Vice-Chancellor, a Deputy Vice-Chancellor, a Head of College (from another College), or the Deputy Registrar (Quality & Standards) may assume the relevant responsibilities.

## **8. Marks Becoming Available**

- 8.1 Following consideration of marks, results and awards by Progression and Award Boards under these exceptional regulations, marks which were unavailable at the Board will start to become available.
- 8.2 Marks which become available after the Board, and the associated results and awards, will be considered and ratified as soon as possible by Chair's Action in accordance with the requirements of Sections 3, 4, 5 and 6 above.
- 8.3 Once ratified, students will be notified of decisions as soon as is practicable.