

Exceptional Regulations

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 Progression and Award Board (PAB) in June 2023 (and in May 2023 in the case of L4 Degree Apprenticeship courses), and/or where external scrutiny is not possible, as a result of the planned marking and assessment boycott by members of the University and College Union.
- 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 Boycott.

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 regulations apply to the following students who are due to be considered by a Module Board or Progression & Award Board (PAB) in June 2023¹ **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)
- 2.3 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 7 shall apply.
- 2.4 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 boycott².

¹ Further exceptional regulations will be brought forward for subsequent assessment periods should the marking and assessment boycott continue.

² 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).

- 2.5 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 initially available due to the marking and assessment boycott.

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

- 3.1 Where, following the deadline for confirmation of marks³, a student has a missing mark for one or more assessment components, those missing marks will be replaced by a **Mean Level Mark (MLM)**.
- 3.2 With the exception of Level 6 students who have marks available for fewer than 50% of their Level 6 assessment components (see paragraph 3.3 below), the MLM will be calculated using all available assessment component marks (including unratified marks) for the student at that level.
- 3.3 Where a Level 6 student has marks available for fewer than 50% of their Level 6 assessment components, the MLM will be calculated using all available assessment component marks (including unratified marks) for that student at Levels 5 and 6.
- 3.4 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 (in accordance with either paragraph 3.2 or 3.3 above). A mark of 0 (zero) will be used in the calculation where a component has not been submitted by the student.
- 3.5 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.
- 3.6 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.
- 3.7 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.

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 deadline for confirmation of marks⁴, a student has a missing mark for one or more assessment components, those missing marks will be replaced by a **Mean Level Mark (MLM)**.

³ Where an actual mark becomes available after the deadline for submission of marks but in time for processing and consideration by the PAB, the actual mark shall be used and the MLM shall be disregarded.

- 4.3 The MLM will be calculated using all available assessment component marks (including unrated 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 18.96.
- 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 regulations will apply to a student only where the total credit value of modules in which one or more marks are missing is no more than 50% of the total credit value of modules for which all marks (including unrated marks) are available. The table below illustrates the most common examples:

Table 1

Cohort	Total credit value of modules typically taken by June 2022	Minimum credit value of modules for which all marks must be available	Maximum credit value of modules in which one or more marks are missing in order for these regulations to be applied
September 2022 entry Full-time	120	80	40
January 2023 entry Full-time	60	40	20
Pre-September 2022 entry with referrals/deferrals	180	120	60

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.

- 5.2 Where, following the deadline for confirmation of marks⁴, a student has a missing mark for one or more assessment components, those missing marks will be replaced by a **Mean Level Mark (MLM)**.
- 5.3 The MLM will be calculated using all available assessment component marks (including unratified marks) for the student at that level.
- 5.4 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.
- 5.5 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 18.96.
- 5.6 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.
- 5.7 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.

6. Decisions - Module Results, Referrals & Deferrals, and Use of Marks

- 6.1 Once the module mark has been calculated, it will be necessary to determine an appropriate module result, along with decisions concerning the offer of referrals and deferrals, and the mark to be used subsequently following receipt of the actual mark and any referrals/deferrals.
- 6.2 The underlying principle to be applied when determining these outcomes is that a student will not be disadvantaged due to a missing mark.
- 6.3 Accordingly, it must not be assumed that, even where the MLM is below the pass mark, the student has not performed well in any assessment components for which the marks are missing. Therefore where the MLM is below the pass mark, the student will not fail any component for which a mark is missing, but rather will (where the module is not passed) be deferred in that component.
- 6.4 When actual marks become available, the principle to be applied will be that the highest mark achieved by the student in that component will be used (either the higher of the MLM and the actual mark, or the highest of the MLM, the actual mark and the mark achieved at deferral if taken). The module mark, module result, and any progression or award decision will then be re-calculated accordingly and the standard regulations will apply⁵.

⁴ Where an actual mark becomes available after the deadline for submission of marks but in time for processing and consideration by the PAB, the actual mark shall be used and the MLM shall be disregarded.

⁵ 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.

- 6.5 In applying these principles, the permutations of the following variables need to be considered:
- a. The student's Mean Level Mark (MLM)
 - b. The student's weighted average module mark (calculated using the MLM)
 - c. Whether there are qualifying assessment components⁶ with missing marks
 - d. Whether there are qualifying assessment components with an actual mark below the qualifying mark
- 6.6 The tables below show the outcomes to be applied in respect of different permutations of these variables:

⁶ Qualifying assessment components are identified as such in the module descriptor, and are those components in which a specified qualifying mark must be achieved in order to pass the module.

Table 2
Scenario 1

- *Weighted average module mark:* *at or above pass mark*
- *MLM:* *at or above pass mark*
- *Qualifying components with missing marks:* *not relevant*
- *Qualifying components with actual mark below qualifying mark:* *none*

Assessment Component Results		Module Result	Once Actual Mark Received
Non-qualifying Components with missing marks	Pass	Pass	Use higher of MLM and actual mark
Qualifying Components with missing marks	Pass		Use higher of MLM and actual mark
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		n/a
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		n/a
Qualifying Components with actual mark below qualifying mark	None		n/a

Table 3
Scenario 2

- *Weighted average module mark:* *at or above pass mark*
- *MLM:* *below pass mark*
- *Qualifying components with missing marks:* *none*
- *Qualifying components with actual mark below qualifying mark:* *none*

Assessment Component Results		Module Result	Once Actual Mark Received
Non-qualifying Components with missing marks	Fail	Pass	Use higher of MLM and actual mark
Qualifying Components with missing marks	None		n/a
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		n/a
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		n/a
Qualifying Components with actual mark below qualifying mark	None		n/a

Table 4
Scenario 3

- *Weighted average module mark:* at or above pass mark
- *MLM:* below pass mark
- *Qualifying components with missing marks:* yes
- *Qualifying components with actual mark below qualifying mark:* none

Assessment Component Results		Module Result	At Referral/Deferral and Once Actual Mark Received
Non-qualifying Components with missing marks	Defer	Defer	Use highest of MLM, actual mark, and mark achieved at deferral
Qualifying Components with missing mark	Defer		Use highest of MLM, actual mark, and mark achieved at deferral
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		n/a
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		n/a
Qualifying Components with actual mark below qualifying mark	None		n/a

Table 5
Scenario 4

- *Weighted average module mark:* below pass mark
- *MLM:* at or above pass mark
- *Qualifying components with missing marks:* not relevant
- *Qualifying components with actual mark below qualifying mark:* none

Assessment Component Results		Module Result	At Referral/Deferral and Once Actual Mark Received
Non-qualifying Components with missing marks	Defer	Defer	Use highest of MLM, actual mark, and mark achieved at deferral
Qualifying Components with missing mark	Defer		Use highest of MLM, actual mark, and mark achieved at deferral
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		n/a
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		n/a
Qualifying Components with actual mark below qualifying mark	None		n/a

Table 6
Scenario 5

- *Weighted average module mark:* *below pass mark*
- *MLM:* *below pass mark*
- *Qualifying components with missing marks:* *not relevant*
- *Qualifying components with actual mark below qualifying mark:* *none*

Assessment Component Results		Module Result	At Referral/Deferral and Once Actual Mark Received
Non-qualifying Components with missing marks	Defer	Defer	Use highest of MLM, actual mark, and mark achieved at deferral
Qualifying Components with missing marks	Defer		Use highest of MLM, actual mark, and mark achieved at deferral
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		Use higher of original mark and mark achieved at deferral
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		Use higher of original mark and mark achieved at deferral
Qualifying Components with actual mark below qualifying mark	None		n/a

Table 7
Scenario 6

- *Weighted average module mark:* *not relevant*
- *MLM:* *not relevant*
- *Qualifying components with missing marks:* *not relevant*
- *Qualifying components with actual mark below qualifying mark:* *yes*

Assessment Component Results		Module Result	At Referral/Deferral and Once Actual Mark Received
Non-qualifying Components with missing marks	Defer	Refer	Use highest of MLM, actual mark, and mark achieved at deferral
Qualifying Components with missing marks	Defer		Use highest of MLM, actual mark, and Mark achieved at deferral
Components with actual mark at or above pass mark	Pass		n/a
Non-qualifying Components with actual mark below pass mark	Fail		Use higher of original mark and mark achieved at deferral
Qualifying Components with actual mark at or above qualifying mark but below pass mark	Fail		Use mark at referral
Qualifying Components with actual mark below qualifying mark	Fail		Use mark at referral

6.7 Should any scenarios arise that are not described by the above tables, the outcome should be determined in accordance with the above principles. Where this is unclear, the principles shall be interpreted and applied by the Deputy Registrar (Quality & Standards).

7. Professional, Statutory and Regulatory Bodies (PSRBs)

- 7.1 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 course⁷.
- 7.2 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.
- 7.3 Instead, the student will be offered the opportunity to retake the assessment component for which the mark is missing during the relevant Refer/Defer period⁸. The purpose of this provision is to ensure that all students have an opportunity for re-assessment, and thus for progression and completion, in the event that the actual mark would have resulted in failure.
- 7.4 No student will be required to take this re-assessment opportunity. However where a student chooses not to take this re-assessment opportunity, and where the actual mark, once received, results in failure, the student will have missed the opportunity for a referral, and will therefore be required to retake the module next academic year. This will delay completion, and may delay progression to the next year of the course.
- 7.5 No student will be disadvantaged if they choose to take this re-assessment opportunity and achieve a mark lower than the actual mark. The table below summarises how marks will be recorded and used:

⁷ 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.

⁸ The relevant Refer/Defer period will vary. For most students this be in July. For most PGT Life Sciences this will be in August. For January 2023 PGT entrants on courses with Semester 3 teaching this will be in September.

Table 8

	Student Takes Reassessment Opportunity		Student Does Not Take Reassessment Opportunity
	Reassessment Mark \leq Actual Mark	Reassessment Mark $>$ Actual Mark	
Actual Mark \geq Pass Mark	Use actual mark in initial assessment. Delete reassessment record.	Use reassessment mark in place of actual mark in initial assessment. Delete reassessment record.	Use actual mark in initial assessment. Delete reassessment record.
Actual Mark $<$ Pass Mark	Normal regulations apply (record both marks, use higher mark in module calculation, cap module mark (reg 4.8.5 / 4.9.5 / 18.96 / 18.106), retain re-assessment record)		Use actual mark in initial assessment. Deferral at reassessment. Retain reassessment record.
Actual Mark \geq Qualifying Mark but $<$ Pass Mark	Normal regulations apply (record both marks, use higher mark in module calculation, cap module mark (reg 4.2.8 / 18.63), retain re-assessment record)		

7.6 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.

8. External Scrutiny

- 8.1 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.
- 8.2 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.
- 8.3 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.

9. Marks Becoming Available

- 9.1 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.
- 9.2 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 Section 6 above.
- 9.3 Once ratified, students will be notified of decisions as soon as is practicable.

- 9.4 Where the decision is ratified and notified to a student prior to the Refer/Defer period, and where the decision removes the need for a student to be re-assessed in an assessment component⁹, the student will no longer be required to undertake the reassessment.

⁹ For example, in Scenario 4 above where the actual mark brings the weighted average module mark above the pass mark.