

# Examination Review Procedure

## 1. Glossary of key terms

1.1. In this procedure the following terms shall have the meanings set out below:

Academic Judgement	The decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work, which is not a permitted ground of complaint or appeal
Case Handler	Member of OSCCA or the Student Registry who determines whether a request is eligible to be investigated and conducts and subsequent investigation under the reconsideration of Examination Results stage
Candidate	A student or former student who has taken a University examination
Completion of Procedures Letter	A letter that confirms the end of the University's internal proceedings, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator
Examination Results	The final results of an examination that have been agreed by the Examining Body, and subsequently provided to the Candidate, which may be by means of publication on the Candidate's electronic student record
Examination Review Officer	A trained member of academic staff who decides whether a request for the reconsideration of Examination Results is upheld or dismissed; for Candidates for the degrees listed in the Schedule to this procedure, the trained member of academic staff will be a member of the Board of Graduate Studies
Examining Body	The University body or bodies responsible for agreeing the Examination Results (a board of Examiners, or a Degree Committee and/or the Board of Graduate Studies, as appropriate)
OSCCA	The Office of Student Conduct, Complaints, and Appeals
Reviewer	A trained member of academic staff who considers a Review of the decision following reconsideration of Examination Results under the Review Stage of the procedure
Student Registry	Administrative department that manages aspects of student administration including examination arrangements
Tutor	The Candidate's College Tutor or equivalent officer

## 2. Scope and principles

2.1 This procedure applies where a Candidate submits a request for the reconsideration of Examination Results. The procedure has two formal stages: Reconsideration of Examination Results; and Review (see Sections 4 and 5). There is also an informal preliminary stage available for requests for the consideration of irregularities in the examination process from Candidates for examinations listed in the Schedule to the General Regulations for Examiners and Assessors (see Section 3).

### *Explanatory note*

*For the purposes of the Office of the Independent Adjudicator, this is an academic appeal procedure*

2.2 The Procedure allows for the reconsideration of Examination Results on the following grounds:

- a) A procedural irregularity in the examination process that has adversely impacted the Candidate's Examination Results;
- b) Demonstrable bias or the perception of bias within the examination process;
- c) (For Candidates for the degrees listed in the Schedule to this procedure) serious illness or other grave cause which has clearly impacted upon the examination itself and of which, for sufficient reason, the Examining Body were not aware.

*Explanatory note*

*See paragraphs 4.9 and 5.4*

2.3 The Procedure cannot be used for Examination Review Requests relating to:

- a) Arithmetical mark checks unless requested as a result of the permitted grounds; Candidates should liaise with their Tutor if they have informal questions about their marks;
- b) Academic Judgement;
- c) Teaching or supervision arrangements, complaints regarding which, if organized by the College should be submitted under the College's complaints procedure, or if organised by the University should be submitted under the Student Complaints Procedure.

2.4 The General Board shall approve and keep under review explanatory notes, to be read in conjunction with this procedure. Those notes shall include a policy on the use of personal information under this procedure. Before requesting reconsideration of Examination Results, Candidates should read the procedure and the explanatory notes on the procedure. All Candidates are encouraged to seek support from a College Tutor, a member of the Students' Unions' Advice Service, or other advisor of the student's choosing. Candidates may also choose to discuss the matter informally with their Tutor. Requests for reconsideration of Examination Results should be made by Candidates themselves, although in limited circumstances the University will accept a request from a third party acting as the Candidate's authorized representative. In this circumstance the University will communicate only with the authorised representative and therefore any reference in this procedure about communication to or from a Candidate includes the Candidate's authorised representative.

*Explanatory note*

*See the policy on the use of personal information under this procedure. In order to ensure that a Candidate's views are accurately represented it is preferable for the University to correspond directly with the Candidate. However, it is accepted that sometimes this will not be in the best interests of the Candidate, for example, where a Candidate is reluctant to make or receive decisions about their request for review without support, as a result of an underlying medical condition. Where Candidates would prefer correspondence to be directed through an authorised representative, permission needs to be provided by the Candidate in writing or via a University email account.*

2.5 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for Candidates or the University to be legally represented at any meetings that form part of the procedure except in exceptional circumstances.

2.6 Candidates will not be disadvantaged for raising a valid request for reconsideration of Examination Results. The University will act reasonably in considering requests under this procedure and decisions will be made fairly and transparently. The Case Handler, the Examination Review Officer and the Reviewer will have had no material involvement in the matters raised as part of the complaint or in earlier stages of the procedure and will be impartial.

- 2.7 Any reference in this procedure to a University officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.
- 2.8 Candidates are required to request a reconsideration of Examination Results as soon as possible and within 28 days of the Examination Results becoming available. A request for reconsideration of Examination Results or evidence submitted outside this timeframe will not be accepted unless there is a sufficient reason for delay, which will be judged on a case-by case basis by the Case Handler or the Reviewer, as appropriate.

*Explanatory note*

*All Candidate's using the procedure will need to comply with the prescribed timescales, which enable effective remedies to be provided (such as re-examination or re-submission where a retained knowledge of the examination is required) without further disadvantage. Requests received outside of the permitted timeframe will only be accepted if the delay has been caused by factors beyond the control of the Candidate or if there is some other valid reason for the delay, supported by evidence. Revising, studying or seeking advice will not normally be accepted as sufficient reason for delay.*

- 2.9 The University aims to provide a written response concluding this procedure within 90 calendar days of receipt of a formal request for reconsideration of Examination Results (including any Review). The 90 calendar day timeframe requires Candidates to comply with any timescales set down in this procedure. There will occasionally be circumstances when, for good reasons, the University will need to extend the timeframe and in these circumstances the Candidate will be notified and kept updated as to the progress of their request.
- 2.10 The University will only share the information and evidence submitted in a request for review with members of staff where it is strictly necessary in order to process, investigate and consider requests made using this procedure. All information received from a Candidate will be handled sensitively and in accordance with the policy on the use of personal information under this procedure.
- 2.11 The Case Handler, the Examination Review Officer or the Reviewer may terminate the reconsideration of Examination Results or Review if it is considered to be frivolous or vexatious. If a request is terminated then the Candidate will be issued with a Completion of Procedures letter.

*Explanatory note*

*Examples of vexatious request are those which are obsessive, harassing, or repetitive; insist on pursuing unrealistic or unreasonable outcomes; and/or requests which are designed to cause disruption or annoyance.*

- 2.12 Candidates, their advisors and staff of the University are required to communicate respectfully and to behave reasonably at all times whilst using the procedure. Abusive or threatening behaviour and language will not be tolerated. If, following a warning, a Candidate behaves in an unacceptable manner; the Case Handler Examination Review Officer or the Reviewer may terminate the reconsideration of Examination Results or Review without further consideration. If a request is terminated then the Candidate will be issued with a Completion of Procedures letter.

*Explanatory note*

*Unacceptable behaviour includes unreasonable persistence, unreasonable demands, lack of co-operation, or any aggression or threat of aggression.*

- 2.13 When using this procedure, Candidates are encouraged to provide details and evidence of any disability and/or any reasonable adjustments which may be appropriate in light of their disability. Where it may be helpful and following the

consent of the Candidate, an appropriately trained University staff member may be asked to provide a decision regarding reasonable adjustments.

*Explanatory note*

*The University has a duty to provide reasonable adjustments for disabled students in certain circumstances. Candidates who require further information about reasonable adjustments should contact the Disability Resource Centre at [www.disability.admin.cam.ac.uk](http://www.disability.admin.cam.ac.uk). When notified of a disability under the procedure, the University will always consider whether reasonable adjustments are required. These will be assessed for each individual and in accordance with the University's 'Code of Practice: reasonable adjustments for disabled students' available at [http://www.educationalpolicy.admin.cam.ac.uk/files/approved\\_17-18\\_version.docx](http://www.educationalpolicy.admin.cam.ac.uk/files/approved_17-18_version.docx). Such reasonable adjustments for disabled students might include but are not limited to allowing a Candidate to appoint a representative to correspond and make decisions about a request for review on the Candidate's behalf.*

### **3. Review before the Examiners confirm the Examination Results (informal)**

- 3.1 The informal stage applies only to requests for the consideration of irregularities in the examination process received from Candidates for examinations listed in the Schedule to the General Regulations for Examiners and Assessors.
- 3.2 Where a Candidate becomes aware of an irregularity, this should be reported within 5 calendar days of the examination to the Student Registry using the Representations to the Examiners form.
- 3.3 Where a form is received by Student Registry or the Student Registry becomes aware of an irregularity, it shall be communicated to the Chair of Examiners and considered by the Examiners at their final meeting. Following consideration, the Examiners shall take whatever action they think fit in the light of the representations. The consideration of the form and any action that has been taken will be recorded in the minutes of the Examiners' meeting.
- 3.4 The Chair of Examiners shall communicate the outcome of any review under this section of the procedure to the Student Registry who will confirm the outcome to the affected Candidates.

*Explanatory note*

*Such communication will help to minimize requests for reconsideration of Examination Results by affected Candidates simply because they are unaware of action already taken by the Examining Body.*

- 3.5 Due to the short timeframe between the examinations taking place and confirmation of the list of successful candidates, Candidates are not required to raise irregularities before receiving their Examination Results and may request reconsideration of Examination Results (section 4 of this procedure) if the Examiners have not previously considered the matter under this informal stage.

### **4. Reconsideration of Examination Results (formal)**

- 4.1 Candidates may request reconsideration of their Examination Results by submitting the Examination Review form to OSCCA within 28 calendar days of receiving notification of their Examination Results (which may be communicated via their electronic student record).

*Explanatory note*

*Candidates will be required to provide the following information within the Examination Review form:*

- *their name, University Student Number and correspondence details;*
- *the ground(s) of the request;*

- *the full reasons for requesting reconsideration of Examination Results;*
  - *any action that has been taken to try and resolve the issue;*
  - *all evidence they wish to be included in reconsidering their Examination Results;*
  - *the outcome they are hoping to obtain;*
  - *agreement that in order to consider the request under the Procedure it will be necessary to share certain personal information about the Candidate as detailed in the Policy on the use of personal information under the procedure.*
- 4.2 A Case Handler will consider the request and will make one or more of the following determinations:
- a) the request in whole or in part is eligible to be investigated using this procedure;
  - b) the request in whole or in part should be referred to an alternative procedure;
  - c) the request is ineligible to be considered by the University, for example because it is out of time, questions academic judgement, or is vexatious.
- 4.3 Where a determination is made under paragraphs 4.2(b) and (c), the reasons for this and information about the options available to the Candidate will be provided in writing within 7 calendar days. Where matters raised within the request would be more appropriately considered under alternative University procedures, the Case Handler will inform the Candidate about which matters will be considered under which procedure. In some circumstances, it may be necessary to suspend this procedure pending the completion of another.
- 4.4 If the Candidate disagrees with the determination under paragraph 4.2, the reasons for disagreement should be provided by the Candidate, in writing and within 7 calendar days of receiving the decision, to the Head of OSCCA who will review the determination within 14 calendar days. Where, in the opinion of the Head of OSCCA, a request cannot be considered further by the University a Completion of Procedures letter will be issued.
- 4.5 Some requests may require the University to take swift action, for example where the issues raised have detrimental consequences for the Candidate's mental health or where external time limits apply for example in meeting regulatory requirements for the completion of courses. If this is the case, this procedure may be expedited.
- 4.6 Where a determination is made under paragraph 4.2(a) the Candidate will be informed and the Case Handler will conduct an investigation, requiring a factual statement and any relevant evidence from the Chair of the Examining Body.
- 4.7 Following receipt of the evidence requested, the Case Handler will provide all of the materials to an Examination Review Officer, appointed by the Case Handler from a panel of Examination Review Officers appointed by the Board of Examinations or nominated by the Chair of the Board of Graduate Studies.
- 4.8 The Examination Review Officer will consider all of the materials provided. In exceptional circumstances the Examination Review Officer may request further written statements and/or will have discretion to hold a meeting or hearing.
- 4.9 Following consideration of all of the evidence and whether any of the grounds under paragraph 2.2 have been met, the Examination Review Officer will have the power to make one or more of the following decisions:
- a) for Candidates for the degrees listed in the Schedule to this procedure, uphold the Candidate's request where at least one of the grounds has been met and refer the matter to the Board of Graduate Studies for reconsideration in accordance with the Board's written rules and guidance;

- b) uphold the Candidate's request where at least one of the grounds has been met and either referring back to the Examining Body for reconsideration in accordance with the Examining Body's written rules and guidance, or require the Examining Body to re-examine the candidate in conditions considered appropriate to the Examination Review Officer including:
  - i. to require the Examiners to examine or re-examine the Candidate;
  - ii. to require new Examiners to re-examine the Candidate;
  - iii. to permit the Candidate to submit a revised dissertation or other assessment;
  - iv. to require one or more additional Examiners to make an independent report or reports on the work submitted by the Candidate;
  - v. to require Examining Body to set the Candidate new examination papers or other assessments.
- c) dismiss the Candidate's request where it is found that none of the grounds have been met.

*Explanatory note*

*The Examination Review Officer will normally make contact with the Chair of the Examining Body, and the Chair may decide to consult with that body before submitting a response to the request for reconsideration of Examination Results. The appropriate remedy will depend on the circumstances of the case. If, following investigation, it becomes apparent that the request was malicious then action may be taken under the University's disciplinary procedure.*

- 4.10 The Candidate will receive confirmation in writing of the decision, the reasons for the decision and copies of the evidence considered by the Examination Review Officer, normally within 45 calendar days of having submitted the Examination Review form.

## **5. Review**

- 5.1 If a Candidate remains dissatisfied following the decision of the Examination Review Officer, the Candidate can submit a Request for Review form within 14 calendar days of the decision being communicated. Alternatively, if the Candidate is dissatisfied with the decision but does not believe the reasons for the dissatisfaction would meet the grounds for a Review under paragraph 5.2, the Candidate can request a Completion of Procedures letter.

*Explanatory note*

*Candidates will be required to provide the following information within the Request for Review form:*

- *their name, University Student Number and correspondence details;*
- *the ground(s) under which they are requesting a Review;*
- *the full reasons for requesting reconsideration of Examination Results;*
- *all new evidence they wish to be considered as part of the Review;*
- *the outcome they are hoping to obtain;*
- *agreement that in order to consider the request under the Procedure it will be necessary to share certain personal information about the Candidate as detailed in the Policy on the use of personal information under the procedure.*

- 5.2 The Review will not usually consider issues afresh or involve a further investigation. A Review can only be requested on the following grounds:
- a) procedural irregularities that occurred during the reconsideration of Examination Results which were material or potentially material to the decision reached; and/or
  - b) the Examination Review Officer's decision (and/or that of the Board of Graduate Studies under paragraph 4.9(a)) is unreasonable, in that no reasonable person or body could have reached the same decision on the available evidence; and/or

- c) the availability of new evidence, which materially impacts the Examination Review Officer's decision and which, for valid reasons, could not have been submitted at an earlier stage.

*Explanatory note*

*This will normally be a paper-based review which considers the evidence received by the Examination Review Officer*

- 5.3 If the request for Review has been made on the specified grounds and within the timeframe, as determined by OSCCA, OSCCA will appoint a Reviewer from a panel of Reviewers appointed by the Council, to consider the request for Review. Where a request cannot be considered further by the University a Completion of Procedures letter will be issued.
- 5.4 The Reviewer will consider the Candidate's request for Review, the information considered by the Examination Review Officer and the decision reached by the Examination Review Officer, including the consideration of whether any of the grounds under paragraph 2.2 have been met. The Reviewer may request further information.
- 5.5 Following the consideration under paragraph 5.4, the Reviewer will have the power to make one or more of the following decisions:
  - a) uphold the request for Review, in whole or in part, either referring the request back to the Examination Review Officer, the Board of Graduate Studies and/or the Examining Body for reconsideration or, requiring the Examining Body to re-examine the candidate on conditions considered appropriate to the Reviewer including:
    - i. to require the Examiners to examine or re-examine the Candidate;
    - ii. to require new Examiners to re-examine the Candidate;
    - iii. to permit the Candidate to submit a revised dissertation or other assessment;
    - iv. to require one or more additional Examiners to make an independent report or reports on the work submitted by the Candidate;
    - v. to require Examining Body to set the Candidate new examination papers or other assessments.
  - b) dismiss the request for Review and confirm the decision of the Examination Review Officer (and/or the decision of the Board of Graduate Studies under paragraph 4.9(a), as appropriate).
- 5.6 The Candidate will receive the Reviewer's decision and the reasons for the decision, in writing, normally within 28 calendar days of submitting the Request for Review form. This is the final stage of the University's internal process and therefore the Candidate will be issued with a Completion of Procedures letter.

*Explanatory note*

*If, on receipt of a Completion of Procedures letter, a Candidate chooses to raise a complaint with the Office of the Independent Adjudicator (OIA) (or seek a remedy in a court of law), it will not have the effect of suspending the Reviewer's decision will still be enacted unless the OIA (or a court of law) requires the University to do otherwise.*

## **6 Reporting and monitoring**

- 6.1 OSCCA will monitor all reconsiderations of Examination Results and decisions made under the procedure and will produce an annual report summarizing the anonymized decisions, remedies and recommendations (including the implementation of these) made by the relevant University bodies and Reviewers. Students' Unions' sabbatical

officers will be invited to provide feedback on the annual report. The annual report will be submitted to the General Board's Education Committee.

*Explanatory note*

*There is student membership on the General Board and on the General Board's Education Committee*

## **SCHEDULE**

### **Examinations to which paragraphs 2.2(c) and 4.9(a) apply**

*Examinations, including progress examinations approved under Regulation 9 of the General Regulations for Admission as a Graduate Student, leading only to the following qualifications:*

B.D. Degree

M.D. Degree

Vet.M.D. Degree

Ph.D. Degree

Ph.D. Degree by special regulations

Certificate of Postgraduate Study

Bus.D. Degree

Eng.D. Degree

M.Sc. Degree

M.Litt. Degree

M.Phil. Degree by dissertation



## **Appendix: Policy on the use of personal information under the Student Examination Review Procedure**

*A copy is to be provided to the Candidate at the earliest contact and published on the University's website.*

1. In order to deal with a Candidate's request it will be necessary for the University to process a Candidate's personal data in accordance with this policy. The overall purpose of processing personal data in the context of the investigation and resolution of examination reviews is to decide what steps can appropriately be taken in response to such requests. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Such persons may include:

- staff within OSCCA or the Student Registry, which includes the Case Handler;
- the Examination Review Officer;
- the Examining Body;
- the Reviewer;
- solicitors in the University's Legal Services Office and/or the University's legal advisors;
- the University Advocate (or other relevant officer);
- a Candidate's authorised representative.

Documentation generated in the course of an investigation under the procedure will be disclosed in full to the Candidate except where information relates to an individual who has not consented to the disclosure of personal data.

2. The University will seek the Candidate's written consent before notifying the Candidate's College Tutor or Graduate Tutor that a request for examination review has been submitted so that they are aware of the request and able to assist in providing support.
3. The University will seek the Candidate's explicit written consent before liaising with appropriate staff members, including staff of the Disability Resource Centre, regarding support and any reasonable adjustments for disabled students.
4. Following completion of the procedure, the request for review, the documentation generated in the course of the investigation and the decisions made under the procedure, will be retained securely by the Head of OSCCA for six years following the completion of the request for reconsideration of Examination Results or Review. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any request for review is subsequently submitted under this procedure by the same Candidate, this information may be taken into account by the Case Handler, in reaching a decision under paragraph 4.2 of the procedure (or review of that decision by the Head of OSCCA under paragraph 4.4). The information may also be provided to the University Advocate or other relevant officer if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure.
5. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.
6. Any questions or concerns about this policy should be directed to the Head of OSCCA in the first instance.