

University Exceptional Regulations

1. The following Exceptional Regulations have been designed for use in circumstances where the University's standard regulations are no longer sufficient to enable the University to meet its obligations to students, as defined by external regulation, such as the Office for Students Conditions of Registration (particularly the C conditions, which are concerned with Student Protection specifically), and the related guidance on Consumer Protection Law. This includes any instance where there is a significant risk to our ability to graduate or progress students within our normal timescales (e.g. June-August for undergraduates, October-November for postgraduates).
2. A decision to enact some or all of the Variations contained within these exceptional regulations will be taken by the University's OfS Accountable Officer and Chair of Senate (or their nominated deputy in emergency circumstances where the Accountable Officer is not available), under authority delegated by University Council (as the formal governing body with ultimate responsibility to the OfS), after consultation with Senate. Any enactment of some or all Variations would apply to a specific academic year.
3. A review will be undertaken of the impact of each use of the Exceptional Regulations, reporting to Education Committee and Senate. Any subsequent amendment to these Exceptional Regulations will require the approval of Council, after consideration by Senate.

Variation 1: the operation of Boards of Examiners

4. Where Exceptional Regulations are enacted, the following variations to standard practice of Boards of Examiners will be permitted, drawing on the existing models for faculty-level boards at Durham (e.g. for preliminary honours and interdisciplinary programmes):
 - a. the Terms of Reference for Faculty-level Preliminary Honours Boards of Examiners may be varied to enable the Boards to consider progression decisions for students at levels 1-4;
 - b. the Terms of Reference for other Faculty-level Boards of Examiners (such as those in place for interdisciplinary programmes) may be varied to enable the Boards to consider progression and/or classification for all single honours programmes within their Faculty;
 - c. the membership for such Faculty-level Boards of Examiners will be as follows:
 - Faculty Executive Dean (or their nominee) as Chair;
 - the appropriate faculty lead for interdisciplinary combined programmes (or nominee);
 - one member of academic staff from each of the departments contributing to the programme(s) under consideration by the Board.¹
 - at least one external examiner or moderator (Boards for Finalists only);
 - a Secretary (typically a non-voting member of support staff from the relevant faculty office).
 - d. minimum quoracy will follow Durham's standard model, which requires a Chair, Secretary, and for internal examiners to outnumber external examiners (with a minimum of 2 internal examiners);

¹ note: department representatives must be familiar with standard subject approaches to discretion (Boards for finalists only); as per standard practice for faculty-level prelim boards, not all departmental representatives will necessarily be expected to attend the meeting (Boards for continuing students only), but all representatives should be available to respond to queries arising prior to or following the Board meeting.

- e. the role of the external would mirror the role on existing Faculty-level Boards, and would be to provide assurance as to classification and award decisions, and adherence of the Board to University policy and procedure;
- f. assurance processes for marking (e.g. marking, moderation) are unchanged, and remain the responsibility of the department delivering any specific module.

Variation 2: the operation of standard quality assurance practices

- 5. The University's minimum requirements for the assurance of assessments are outlined in the Learning & Teaching Handbook in LTH 6.1.1. Where Exceptional Regulations are enacted, departments will be expected to continue to comply with these minimum expectations; however, they will not be expected to go beyond these minimum requirements, and may be required to vary from normal departmental practice in light of this.

Variation 3: enabling student progression where marks are unavailable

- 6. Where marks are unavailable due to exceptional disruption, and/or where resits have not taken place due to delays in marking or marks confirmation, and this is expected to cause delays to student progression, Boards of Examiners will ensure that no student is prevented from progressing solely due to the disruption.
- 7. Where possible, students should be supported to undertake resits prior to the start of the academic year (for example, any student who has not submitted, or who otherwise has known module failure, can resit, even if not all marks for all students are available). Where this is not possible, one of two actions will be undertaken to support students, depending on the cause of the disruption:
 - a. where the disruption is the result of an external challenge (for example, widespread student illness affecting individual attendance at examinations or submission of assessment during a pandemic), students will be permitted to proceed where they meet agreed, exceptional minimum thresholds for progression set by individual academic departments, as approved by the relevant Chair of Faculty Education Committee (with any students not meeting the minimum requirements being required to resit after a year out of residence, as per standard processes);
 - b. where the disruption is deemed to be the direct responsibility of the University (for example, where the University has not been able to mark work or reschedule resits), students will be permitted to proceed where they meet the normal criteria for progression, or where they could – when any missing marks or outstanding resits are taken into account – meet the criteria for progression.
- 8. A student who has been permitted to progress with some marks unknown or with resits outstanding, and who subsequently has one or more of those unknown marks confirmed as failing marks, will be permitted to undertake in-year resits for any failed assessment that would otherwise prevent them from continuing with their studies or graduating from their degree.
- 9. Exceptionally, this may include some resit opportunities which would not normally be permitted (e.g. a module failed at the second attempt, or a failed module taken by an Integrated Masters student at Level 3), where the student would otherwise be disadvantaged. Such resits – including those at Level 3 – will be capped at the pass mark, ensuring that students are provided with a further opportunity to demonstrate performance at the threshold level (any resits granted as first attempts would not be capped, as per standard practice).

10. A student who has been permitted to progress with some marks unknown, and who is subsequently deemed by their department to have failed either a very significant number of assessments or a number of assessments with a significant impact on their ability to succeed at the next level of study, may instead be offered the opportunity to repeat their previous year of study rather than undertake in-year resits, on the recommendation of their academic department, with approval from the relevant Chair of Faculty Education Committee (or their nominee).
11. A student who has been permitted to progress with some marks unknown, and who subsequently fails some in-year resits, should at the end of the year be permitted to continue to further levels of study as long as they pass modules at the higher level of study, and/or should be permitted to graduate where they meet programme learning outcomes. Specifically:
- a. where a student has in-year failure relating to Level 1 but has nonetheless met the requirements for progression from Level 2, the student should be permitted to proceed to Level 3 (outstanding module failure at Level 1 should not prevent a student from subsequently gaining an Honours or Ordinary degree). Exceptions would only be made for failure in assessments required for accreditation, or for pre-requisites for future study (e.g. if a Level 1 module is a pre-requisite for study at Level 3). Students affected in this way should be offered progression to an alternative programme if available.
 - b. where a student has in-year failure relating to Level 2 but has nonetheless met the requirements for progression from Level 3 to Level 4 of an Integrated Master's degree, the student should be permitted to proceed to Level 4 (outstanding module failure at Level 2 should not prevent a student from subsequently gaining an Integrated Masters degree). Exceptions would only be made for failure in assessments required for accreditation (students affected in this way should be offered progression to an alternative programme if available).
 - c. where a Bachelors student has in-year failure relating to Level 2 but has nonetheless passed modules at Level 3, the student should be considered for an appropriate award (e.g. Diploma, Ordinary or Honours Degree) depending on their overall performance.
 - d. where an Integrated Master's student has in-year failure relating to Level 3 but has nonetheless passed modules at Level 4, the student should be considered for an appropriate award (e.g. Bachelors or Integrated Masters Degree) depending on their overall performance.
12. In respect of 14c and 14d, as part of the application of these Exceptional Regulations, if the University is concerned that there is a potentially higher risk of in-year resit marks being lower (e.g. in light of the atypical timing and/or format of assessments), the normal compensation threshold may be lowered from 30 to 0 (meaning that students would be able to compensate module failure even if their marks were lower than the normal minimum of 30, including marks of 0). Other standard compensation requirements (e.g. modules must not be flagged as non-compensatable) and credit limits (e.g. no more than 40 credits can be compensated across Levels 2-3 for a bachelors award) will continue to apply.

Variation 4: awarding qualifications where some marks are unavailable

The Framework of the '75% Rule'

13. The '75% rule' (LTH 6.2.6.1) enables the University to award classified/unclassified degrees where at least 75% of relevant evidence (i.e. credit-weighted marks) is available over the final two levels of study (e.g. where a student has at least 60 credits' worth of assessments in their final year of an undergraduate degree). This rule forms the basis for the framework in which action can be taken below.

Principles of Interim Classification and Award

14. Where marks are unavailable on a large scale due to exceptional disruption, and this is expected to cause delays to student graduation, Boards of Examiners will ensure that students are provided with interim outcomes. To ensure that they carry due weight with employers and other providers, interim outcomes will **guarantee** that a particular level of qualification or classification will be awarded to the student as a **minimum**. In light of this, interim degree or interim classification will only be confirmed where it is possible to determine with confidence that a student would ultimately be able to achieve that degree or classification.
- a. to have confidence in a particular **degree award**, this means ensuring that a student will be likely to have enough credit for a degree;
 - b. to have confidence in a particular **classification** for a **degree**, this means ensuring that a student has passed or will pass any modules deemed critical to the programme and, where relevant, has met any external accreditation requirements, as well as being satisfied that a student is unlikely to only qualify for a lower classification when missing marks are taken into account.
15. Extensive modelling and testing² has confirmed that Boards can confidently consider students for a **degree award** where they meet the normal 75% requirement across the final two levels of study (and therefore have at least 60 credits' worth of assessments in their final level of study), and can confidently look to **classify** where they meet the 75% threshold *and* have completed 2/3 of the credit in their final level of study (and therefore have at least 80 credits' worth of assessments in their level year of study), subject to the additional tests and checks noted below (cf. 22-28). Students can therefore be split into up to four groups where some marks are unavailable:
- a. **Student Group 1:** students with all marks who can be **classified as normal**, with standard outcomes;
 - b. **Student Group 2:** students with marks for more than 80 (UG) or 135 (PGT) credits' worth of final level assessment can be given a **minimum guaranteed classification** on the basis of their interim AMW (cf. 20). Such students will receive an outcome such as *Interim Outcome: Guaranteed at least Class 2:1*.³
 - c. **Student Group 3: undergraduate** students with marks for 60-79.99 (BA/BSc), or just less than 80 (Integrated Masters), credits' worth of final year assessment, can be determined to be **eligible for some form of degree**. Postgraduate students with 60-134.99 credits can be determined to be eligible for some form of postgraduate award; in addition, postgraduate students can be determined to be eligible for a full postgraduate degree where modules can be confirmed as passes even if assurance processes have not been fully completed (cf. 29a). Such students will receive an outcome such as *Interim Outcome: Guaranteed at least a bachelors degree, currently on track for an Integrated Masters Class 2:2* or *Interim Outcome: Guaranteed a degree, currently on track for Class 2:1*,⁴ depending on their level of study.
 - d. **Student Group 4:** students with marks for less than 60 final year credits' worth of assessment will **not yet be** eligible for a degree (but should be given an indication of current performance). Such students can receive an outcome such as *Interim Outcome: Currently on*

² Accuracy ranges from 99-100%, as per S-23-48

³ Or postgraduate equivalents

*track for a degree Class 2:1.*⁴ This outcome is not a guaranteed minimum outcome, and any final outcome may be higher or lower than this outcome.

16. For any students in Groups 2-4 whose AMW indicates either unclear classification or potential failure, interim outcomes such as *Guaranteed a degree-level award* or *may be eligible for a degree-level award*⁴ will be recommended.

Calculating the Interim AMW

17. Boards will use an 'interim AMW' to support classification where marks are missing. The interim AMW will be determined by credit-weighted assessments, rather than whole module marks, and will be calculated by excluding any missing assessments, and then calculating an average taking account of the remaining assessment credits, using normal weightings for the level of study at which the assessment was taken (e.g. a 2:3 weighting for Levels 2 and 3 of a bachelors degree; a 2:3:4 weighting for Levels 2-4 of an integrated masters; a 1:1 weighting for a postgraduate degree). This mirrors the methodology used for classification under the 75% Rule, with the calculation represented as follows:

$$\frac{\sum (\text{Assessment Mark} * \text{Assessment Credits} * \text{Year Weight})}{\sum (\text{Assessment Credits} * \text{Year Weight})}$$

19. The 'Interim AMW' will generate a mark based on completed assessments. There will most likely be some fluctuation in final AMW when the remaining assessments are marked. In recognition, the interim classification is determined by an AMW requirement 1 percentage point higher than normal (e.g. to receive a guaranteed 1st, an AMW of 71, rather than 70, is required). Any other requirements (e.g. a mark of 70+ in the dissertation for a Postgraduate distinction) should also be met.

Enhanced confidence in making interim awards and classifications: programme learning outcomes, accreditation requirements, delayed use of SACs, module failure and consideration of anomalous mark patterns

20. **Programme learning outcomes** are set at a high level, and fulfilling programme learning outcomes is not dependent on the passing of every assessment or module. Completion of programme learning outcomes can be assured by ensuring that any non-compensatable modules flagged in the programme regulations have been or will be passed (conversely, any modules which are not flagged are not critical to the achievement of programme learning outcomes, and do not need to be passed for a degree to be awarded). In practice:
- a. *classified* interim awards (**Student Group 2**) should be made where there is confidence that these non-compensatable modules have been or will be passed, and therefore the programme learning outcomes will be met;
 - b. we can make *unclassified* interim awards (**Student Group 3**) without knowing whether non-compensatable modules have been passed (as unclassified degrees and lower awards do not require this).
21. In the case of classified awards, this confidence can most easily be provided where the student has a confirmed (and passing) mark for the module(s) in question, and the Board can therefore determine that the module *has been* passed. However, in practice the vast majority of non-compensatable modules are *very likely to be* passed (e.g. for assessments classed as dissertations, the most common non-compensatable module type, the annual pass rate is over 99%), and confidence can therefore also be provided where work has been marked but not yet

moderated/double-marked, and where the mark is a clear pass (i.e. where the mark is at least 10 marks above the pass mark, cf. 23a).

22. **Accreditation requirements** often overlap with core programme learning outcomes (with accreditation requirements set as 'non-compensatable modules'); however, accreditation requirements are overseen by external bodies. Students should ultimately be eligible for a classified degree, if they meet all requirements when all marks are available; however, if a student has missing marks for assessments which are required by an accrediting body, they will need to be provisionally considered for an (unaccredited) degree (this may include a classified unaccredited degree), rather than an accredited degree. University communications and documents (interim passlists, transcripts and accompanying guidance) will make this clear.
23. University requirements on **module failure** will be taken into account when considering students for interim outcomes:
- a. a student with an uncompensatable module fail (a mark more than 10pp below the pass mark), and who does not have SACs against the failed module(s), will not be considered for an interim classified award (**Student Group 2**), but may be considered for an interim unclassified award (**Student Group 3**) or exit award as appropriate.
 - b. a student who has failed more than 30 credits across their final two levels of study (for a Bachelor degree), or more than 20 credits in their final level (for an integrated masters degree), or more than 30 credits for a postgraduate taught degree, and who does not have SACs against the failed module(s), will not be considered for an interim classified award (**Student Group 2**), but may be considered for an interim unclassified award (**Student Group 3**) or exit award as appropriate.
 - c. a student carrying 10-30 credits of compensatable module failure, who does not have at least 90-110 (UG) or 150-170 (PGT) credits' worth of final-year assessment marked and/or SACs against the failed module(s), will not be considered for an interim classified award (**Student Group 2**), but may be considered for an interim unclassified award (**Student Group 3**) or exit award as appropriate.
24. **SACs** should be considered where they are used to confirm that failed credits should be deemed to be passed/compensatable or further resit opportunities offered. However, as the University will not have access to the full run of marks for students with interim classifications, SACs and academic discretion should not otherwise be considered when determining classification for such students, as they cannot be considered with confidence. SACs and academic discretion should be deferred until final classifications are considered.
25. While the use of the interim AMW will enable Boards to be provided with recommended outcomes for every student in each of the student groups, Boards of Examiners will be asked to consider **anomalous mark patterns** for any students in Student Group 2. This will specifically include any students whose marks show a significant decline between the penultimate and final year of study. Boards will be able to vary interim outcome recommendations for individual students where there is concern that they will not achieve the expected degree class.
26. To be considered for an interim outcome, a student should have completed and submitted their work; a student who has been granted an extension or is otherwise still studying, would not normally be given an interim outcome.

Using incomplete marks

27. Marks can only be entered into Banner and confirmed where the mark for an assessment is complete, and when minimum quality assurance checks have been completed. However, unconfirmed or incomplete marks can still be used in classification and award under the following specific circumstances:

- a. **where a module or assessment needs to be passed** for a classified/unclassified award to be confirmed, that assessment will be deemed to have been passed where it has been marked by one marker, but not yet moderated, and where the mark is deemed to be a comfortable pass (+10 marks above the pass mark, e.g. 50+ for a module which must be passed at 40). This may permit one of two actions:
 - where a student has at least 80 final year credits' worth of marked assessments in Banner, but does not have final marks for assessment(s) for a non-compensatable module, an unmoderated but comfortably passing mark for that non-compensatable module would permit the student to be considered for an interim classified award (**Student Group 2**);
 - where the unmoderated assessment would, if included with other assessments for which the student had complete marks, give the student more than 60 credits' worth of final year assessments in total, this would permit the student to be considered for an appropriate interim undergraduate or postgraduate award (**Student Group 3**).
- b. **where a discrete part of an assessment has been completed and marked** (and, where appropriate, assured), that assessment could be used (credit-weighted appropriately) to contribute to an interim calculation for a classified award, or can be used to contribute to the minimum credit requirements for an unclassified award, even though marks cannot be entered into Banner. In practice:
 - in a situation where marks are available for 80% of a 20-credit student portfolio, but the remaining 20% has not been marked, the marked work could be included in an interim AMW with a credit-weighting of 16 (**Student Group 2**), or used to contribute 16 credits towards an interim (unclassified) award (**Student Group 3**).

Confirming final awards

28. Interim outcomes are designed to enable the University to respond to intermediate delays to student graduation. After the period of delay, once marks do become available, Boards of Examiners will consider and provide final outcomes for affected students. As interim awards for students in **Student Group 2** or **Student Group 3** are guaranteed minimum awards, final outcomes will always be the same (or higher) than interim outcomes.
29. If delays extend over a more significant period of time (e.g. beyond the undergraduate resit period), or if individual students request and require a final outcome (e.g. for an employer or other specific reason) at an earlier point, the University will convert interim award outcomes into full awards even if not all marks are available, where it is able to do so (e.g. where guaranteed minimum classifications have been made, or where bachelor's level awards can be confirmed for integrated master's students). If further marks subsequently become available, outcomes will be reviewed and, where necessary, upgraded and reissued (again, outcomes would always be the same, or higher, than previous outcomes).