

Guidelines for Fair and Legally Certain Examination at the University of Borås

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Summary

This document contains overall guidance in the field of student rights and student law issues and should be applied in all types of examinations at the university.

INTRODUCTION

This document is addressed to the employees of the university as well as to the university's students. The document aims to make it easier for the university's employees regarding examinations and to ensure a high degree of fairness and legal certainty for the university's students by promoting equal treatment of similar examination cases.

The Guidelines for Fair and Legally Certain Examination are based on laws and regulations (such as the Higher Education Ordinance 1993:100) and the recommendations that the Swedish Higher Education Authority (UKÄ for its Swedish name, *Universitetskanslersämbetet*) gives in its guide Fair Examination, 4th edition).

The guidelines are also complementary to other local policy documents that are drawn up at the university, such as guidance and rules for syllabus design as well as rules for the written examinations held on campus. The university's Guidelines for Fair and Legally Certain Examination must be known to students and teachers. That's why it is important that we regularly provide information about them. Faculty leadership or equivalent at the university are responsible for ensuring that students, teachers, and administrative staff are familiar with the Guidelines for Fair and Legally Certain Examination.

BACKGROUND

Through the university's collaboration forum for student rights issues and through direct signals from the university, the Student Union, and other stakeholders, a number of issues that concern this area and current guidelines have been identified. Among other things, it has been noted that the university's current guidelines for fair and legally certain examination lack guidance in certain issues in the area. There has also been a need for clarifying information in certain sections of the guidelines as the current version has left room for different interpretations of certain provisions, which may lead to students' legal certainty being compromised. In addition, it has been noted in the university's previously conducted quality assurance work that some deviations that have emerged from UKÄ's supervisory decision from 2013 (UKÄ's report 2014: 4 The supervisory visit to the University of Borås in 2013) regarding the area of fair and legally certain examination had not been followed up and remedied.

In addition, UKÄ has published a new version of their guide Fair Examination (4th edition), which has been taken into account when designing the university's new guidelines for fair and legally certain examination.

APPLICATION

The guidelines contain overall guidance in the legal field of student rights, are decided by the Vice-Chancellor and must be applied to all types of examinations at the university. However, the university's Faculties/departments have the right to design supplementary Faculty-specific/department-specific guidelines, as long as these do not conflict with or limit the student's rights as they are formulated in "Guidelines for Fair and Legally Certain Examination at the University of Borås".

Faculty-specific/department-specific rules/guidelines are to be decided in accordance with current decision-making procedures.

The decision-maker is responsible for ensuring that decisions made are documented and published in a clear manner.

These guidelines apply to those who, in accordance with Chapter 4 of the Higher Education Ordinance, are to be considered a student at the university. Regarding participants in contract education, these guidelines apply to the extent that nothing else is stipulated in agreements between the university and the client or in specific guidelines for contract education.

Specific questions for certain forms of examination are also listed and clarified at the end of this document.

GENERAL INSTRUCTIONS

The significance of the syllabus

According to Chapter 6, Section 15 of the Higher Education Ordinance, syllabi should specify, among other things, forms for assessing the students' performance in the relevant course. Compulsory components and tests whose implementation is a prerequisite for the student to be able to pass the course must be stated in the course syllabus (Reg. no. 339-15),

According to the Vice-Chancellor's decision (Reg. no. 393-14), modules/components yielding no credits should not be used, but exceptions can be made in cases where fairness and legal certainty for students may otherwise be compromised. In cases where such components in courses are considered necessary, this must be stated, justified, and specified in the relevant syllabus.

Since the rules in a syllabus are binding and apply generally, they must be followed by both the university's employees and the students. It is therefore not allowed to deviate from the rules on, for example, examination form in the syllabus (for exceptions for students with a decision about special educational support, see p.8).

Requirements regarding examination

It should be clear what is to be assessed in the exam and with what criteria the teacher will define the grades earned.

In order to promote fairness and legally certainty for students, grading criteria should be known to the students before the examination occasion and may not be changed during an ongoing examination assessment. Where grading criteria are binding, they must be specified in the course syllabus. Mandatory attendance may not be the only criterion for passing.

Design of examinations

The examination should be designed based on the intended learning outcomes in the syllabus. The examiner decides how tests and other examinations are to be designed based on the forms of examination formally decided upon and communicated via the course syllabus. The assessment of the students' performance in an examination must be designed in such a way that each individual's performance in relation to established learning outcomes can be assessed, including in group work.

The examiner determines the point categories for examinations in which grading is done using points. In the event that point limits are specified before the examination, these should be considered guidelines and should be followed as far as possible. Point limits are not binding on the examiner and adjustments to them can be made when a strict application of these would lead to an incorrect grading of the students' knowledge and skills based on the learning outcomes specified in the syllabus.

The same grading scales must be used for regular examinations as for re-examinations, unless otherwise specified in the course syllabus.

The examiner decides which aids may be applied in an examination and the students must be informed about these in an appropriate way (e.g. through course instructions, on the examination form). It is the students' obligation to find out which aids are allowed in an examination and that only such aids that have been granted in advance by the university may be brought to the relevant examination.

Obstacles to examination

If a student considers that the university has caused an obstacle to the completion of the examination, the student must notify the university, who will then investigate this. If, after investigation, the university finds that the university's actions have led, in error, to a student's not being able to complete the examination, the student must be offered a new examination opportunity as soon as possible.

If a student feels that they are not able to take part in an examination due to special reasons (e.g. accident, sudden illness), the student may normally wait until the next re-examination occasion to take the examination.

The student is always responsible for ensuring that:

- they have enrolled in the time and way prescribed by the university for the written examination
- assignments have been submitted on time in the prescribed manner
- they have access to equipment permitted by the university for conducting examinations

Coded examinations

If the form of the examination allows it, students' personal data must be hidden from the examining teacher when assessing the examination. Written examinations held on campus must always be coded. However, due to conflict of interest rules, the examining teacher must be given the names of the test takers, during the actual grading period, before a grading decision is made.

Examiner

Grades must be decided by a teacher specially appointed by the university: an examiner (Chapter 6, Section 18 of the Higher Education Ordinance). It may happen that other teachers in addition to the person who is appointed as a formal examiner participate in examinations, such as correcting teachers or teachers at student placements/VFU. The grading decision must state who participated in the decision other than the examiner (decision-maker). Normally, for internships/student placements/VFU and degree projects, supervisors and examiners must not be the same person.

A student has the right to change examiners for the next examination if two examinations have been completed and failed by the same examiner and there are no special reasons not to grant such a change (Chapter 6, Section 22 of the Higher Education Ordinance). A particular reason that speaks against a switch may be that there is no other suitable examiner at the university.

Requests for a change of examiner are to be made to the university. Approved decisions to change the examiner only apply to the next examination occasion. The same applies in the case of a failing grade for a degree project.

As the right to compulsory student placement/internship/VFU is limited to two occasions, a change of examiner may be requested after one occasion.

There is no corresponding national rule regulating the right to have another teacher (e.g. correcting teacher) appointed.

Examination language

The university is not obliged to offer examinations in a language other than the language specified for the course. In special circumstances, the examiner may decide that another language can be used at the time of the examination. If a course is to be taught in a language other than Swedish, this must be specified in the syllabus.

Students must also be informed well in advance of the start of the course that the course is given in another language.

Fair and legally certain identification

The examiner must be able to identify that the correct student has taken the examination, regardless of the type of examination.

Time for examination and equal treatment

Students must be informed of the dates of the examinations well in advance, but no later than in connection with the start of the course. If possible, examinations must take place during regular study hours, taking into account students who, for religious reasons, do not have the opportunity to participate in examinations on certain religious holidays.

A student may apply to the university for exemption from a compulsory educational component on the grounds of ethical or religious convictions. In the event that the university deems that a student can otherwise acquire equivalent knowledge for the current compulsory educational component, an exemption may be granted. Any rejection of a student's such request must be justified and can, in accordance with Chapter 12, Section 2, p. 5, be appealed to the Higher Education Appeals Board.

Students with a long-term disability documented by the university have the opportunity to apply to the university for an adapted examination. Adapted examination can be granted in the event that the examiner deems that the examination can be designed in such a way that it can test the performance of the student that it is intended to test. A decision of the university may, in accordance with Chapter 4, Section 18 of the Discrimination Act, be appealed to the Higher Education Appeals Board on the grounds that the decision violates the prohibition of discrimination in Chapter 1, Section 3 of the Discrimination Act.

The university decides which support measures to apply. Information about support measures and the application process can be found on the university's website.

Examination

It should be clear what is to be assessed in the exam and with what criteria the teacher will define the grades earned.

As a general rule, students have the right to complete unlimited re-take examinations of a course so long as the course is given. According to Chapter 6, Section 21 of the Higher Education Ordinance, it is possible for the university to limit the number of exam occasions for a course as long as the student is given at least five (5) exams occasions per course. In addition to what is regulated in Chapter 6, 21§ of the Higher Education Ordinance, the general rule at the university is that at least three (3) of these opportunities are to be given within the course of one year, unless specifically decided otherwise.

In the case of compulsory placements/internships, students are entitled to at least two placement/internship occasions. This also applies to courses that are no longer given in which affected students must have the opportunity to participate in re-take examinations or placement/internship occasions that follow the old syllabus during the two terms that follow after the course was given for the last time, unless otherwise stated in transitional rules in the syllabus.

It is therefore possible to limit the number of re-take examinations or placement/internship opportunities, but only in cases where an unlimited right would lead to an unreasonable waste of resources for the university. If the exam occasions are limited, this must be stated in the syllabus. This also applies in cases where it is deemed necessary to limit the number of occasions an exam is given within one year.

Registration for an exam does not count as a “used” examination occasion if the student does not participate in the examination (see the decision by the Swedish National Agency for Higher Education, Reg. no 31-1733). However, this does not automatically mean that the student has the same number of examination opportunities left, but rather that they can apply to the university for an additional opportunity. In that case, the application must be made in writing and the reasons for this application must be invoked by the student. The university then has to make a decision to reject the request or if special reasons exist to grant an extra opportunity. The decision is not appealable. (Chapter 12, Sections 2 and 4 of the Higher Education Ordinance)

Re-take examination

The opportunity re-take an examination should normally be offered within eight weeks of the date of the first examination. At the time of the regular exam occasion, at the latest, students must be informed as to when a new exam occasion will be.

Deviations from the time limits for re-take examinations set out above may be made provided given that the time limits would lead to exorbitant financial costs or great practical difficulties for the university or a third party. If other time limits are decided, the information about this must be clearly conveyed to the students concerned well in advance of the re-take examination.

The time between the announcement of the examination result and the re-take examination must be at least 10 working days.

The examination form may differ between examinations, but if a different form is to be used for a re-take examination than the one specified for the regular examination, this must be stated in the syllabus.

For courses that have changed, the re-take examination should be based on the current syllabus at the time of re-take examination, unless otherwise stated in the transitional rules in the syllabus.

If a course is no longer given, students are, in accordance with Chapter 1, Section 4 of the Higher Education Act, considered to be students in the programme in question, have the opportunity to re-take examinations according to the syllabus in force when they were adopted, unless otherwise stated in transitional rules in the syllabus. The students will then be offered three examination opportunities during the two terms that follow after the course was given for the last time. Clear information about these re-take examination occasions are to be communicated in an appropriate manner to the students concerned.

At least once per academic year, preferably in August, students are to be given the opportunity to carry out re-take exams on all courses that have been given and which the student has not passed during the previous academic year/term. However, this does not apply to courses that are no longer given and where the university has offered three examinations during the two term that follow after the course was given for the last time.

When is examination considered to have taken place

Students who have received the examination tasks and participated in the examination must be assessed and the grade decision must be registered in Ladok. In the case of examinations with digital aids, the examination is considered to have begun when the student has opened up the relevant examination task, after which the student cannot withdraw the examination task in order to avoid marking. If the student de facto submits material (even if it is blank), the examination is considered to have been initiated and the examiner has to assess, based on the material submitted, whether the course objectives have been achieved or not.

There may be occasions in examinations where a student is very close to a passing grade. An examiner may then decide that the student concerned may carry out supplementary tasks instead of a re-take exam, but only on condition that this is supported by the syllabus concerned.

It should be clear to students within what time frame and in what way the supplementary tasks should be carried out. This can be achieved through clear documentation in, for example, written instructions about the supplementary tasks.

A student who has passed an examination with a passing grade is not entitled to re-take examination to attempt to earn a higher grade. In cases where a student takes a re-take examination despite previously obtained a passing grade, this is not graded.

Marking time and notification of grading decisions

The marking period is, as a general rule, no longer than 15 working days after the examination. The marking period means the time between the examination day and the day when the grade decision is communicated to the student in Ladok, including time for administration. If the responsible decision-maker deems that grading decisions will be delayed (i.e. if the marking period as described above cannot be kept), the students concerned must be notified and informed of the reason for the delay.

Examination in another place/country

A student may, after a written application to the university and if there are considered to be special reasons, get permission from the university to write an examination elsewhere. Special reasons include, for example, military service, studies abroad or the situation when a foreign student has only one examination component left and has returned to their home country. It is only permitted to take examinations at Swedish established higher education institutions such as universities, colleges and study centres/learning centres.

Abroad, examination is normally only allowed at a Swedish embassy or equivalent. It is the university that decides which examination premises to use in such a case and this decision cannot be appealed.

Examination in another place may be permitted provided that the university, in an overall assessment, considers that the same examination requirements can be met as for examination on the university's premises. In order for the exam to be carried out elsewhere, it must be ensured that the guidelines will be complied with and that the exam occasion will maintain the same conditions as a regular exam regarding fair and legally certain exams. An additional condition for exams carried out elsewhere is that it takes place on the same date and time as the regular exam given at the University of Borås premises.

In addition, it is required that approved writing monitoring, premises or whatever else is required for the current examination can be arranged at a reasonable additional cost for the university.

In the event that the exam takes place elsewhere, it must also be possible to post the exam in a way that meets the requirement of fairness and legal certainty. If the university finds that this is not the case, examination in another place cannot be granted.

Guidelines regarding practical implementation can be found in "Routines - Examination in another place/country" (Reg. no. 673-08- 101).

Submission of examinations

The form prescribed by the examiner regarding the form of submission and review of exams/submissions must be followed.

Review of examination results

The examiner is not obliged to give reasons for a grading decision when it is made. However, a justification may, if possible, be provided afterwards, if the student so requests and it is necessary for the student to be able to exercise their rights (Chapter 1, Section 14 of the Higher Education Ordinance). The university determines the forms for this. When there is a decision to provide general feedback - examination review, written solution proposal, etc. - this opportunity must be offered no later than 10 working days before the re-take examination occasion. The date when examination results are reviewed should be stated already at the time of the examination. Otherwise, the rules of Section 32 of the Administrative Procedure Act apply.

Grading decisions

A grading decision can only be made by a single examiner. However, there are no formal obstacles to several examiners' marking different students at the same examination, but it is important to ensure that equal cases are treated equally.

A grading decision may always be changed before it has been notified to the student, after which legal support is required for the change of the decision (according to the Higher Education Ordinance, the Administrative Procedure Act or judicial practice).

A student has the right to see what has been added to the grading documentation if it has been added to the decision documentation from another e.g. another teacher.

Reassessment of grading decisions

Grading decisions cannot be appealed. However, the examiner can reconsider their decision and, under certain conditions, decide on a different grade.

A student who wishes to have a grade reassessed must justify what they consider to be incorrect assessment in relation to the course objectives in the syllabus.

The examiner will review the grade decision as soon as possible after the student's request.

The examiner's decision must be justified in writing. Reassessment is done by the decision-making examiner. A change of examiner may not be required for this.

Reassessment can take place given that the university has materials to review. Culling of documents may take place after a certain time specified by law.

Culling and preservation

The university's student-related documents are preserved or culled in accordance with the Archives Act (1990:782) and the Swedish National Archives' Constitutional Collection (RA-FS 2008:3). How the university applies the regulations is regulated in information management plans.

Disciplinary offences

Any well-founded suspicion of a disciplinary offence is to be promptly reported to the Vice-Chancellor for further investigation.

Handling and investigation of these cases is carried out in accordance with Chapter 10. of the Higher Education Ordinance and may result in the penalty of warning or suspension for the student.

Guidelines for the process can be found in the Rules of Procedure for Disciplinary Matters at the University of Borås (Reg. no. 406-17).

SPECIFIC GUIDANCE FOR CERTAIN FORMS OF EXAMINATION

Rules for written examinations held on campus

As a complement to these university-wide guidelines for legally secure examination, there are specific "Rules for written examinations held on campus" as well as particular models for on-campus e-examination with Zoom supervision.

Oral examination

In oral examinations, difficulties such as unclear grading criteria, different treatment, and difficulties in making reassessments of grading decisions may arise. To avoid these, the oral examinations must be documented in some way, for example through recordings or through the preparation of written documentation before grading assessment. Alternatively, an additional teacher may also participate in oral examination. However, this does not mean that deviations from documentation prior to grading may be made. The Faculty concerned is responsible for ensuring that the necessary documentation is available to enable it to consider any request for a review of a grading decision. Documentation can be solved by someone other than the examiner. The documentation must then be archived at the relevant department for at least two years after the grade is set.

Before oral examination, it is of particular importance that there are clearly expressed grading criteria that are known to the students concerned.

VFU/student placements/internships

As with other types of examinations, there must also be clearly designed guidelines for the assessment of students when it comes to VFU/student placements/internships, which must be known to all concerned. The main rule is that grades are awarded after the placement/internship has been completed; if a student interrupts their placement/internship prematurely, the main rule is that a grade is not awarded. However, the university may have the right to examine a student's placement/internship prematurely if there are special circumstances (such as safety reasons, for example, risk of patient safety deficiencies) and if support for it is prescribed in the relevant syllabus. A student has the right to take part in written comments between the supervisor and the examiner on the course, if these concern the student. It is always the examiner who makes the grading decision. The supervisor's role is to make recommendations based on the student's performance in the placement/internship.

Group examination

When group examinations occur at the university, it is important from a legal security perspective that these are designed so that it is possible to assess each individual student's performance. There should be clear information for the students that describes the forms under which the group examination is to be conducted and what the consequences may be of a student's inactivity in the group work, i.e. what assessment criteria apply to individual assessment.

Distance education

Students in a distance education programme may sometimes need to complete examinations or other compulsory components through physical attendance at the university. In such cases, the information about this should be stated in the relevant course syllabus/programme syllabus and the students should be clearly informed about attendance requirements for distance education.

Degree projects (academic papers)

It is important that there is a consensus between the supervisor and the examiner about what is required of the student in the work and continuous dialogue between these two is advocated during the course of the work. Clear assessment criteria are of great importance and should be communicated to students, supervisors, and examiners at the start of the course.

Usually, the examiner does not require very extensive revisions of a student's degree project when a supervisor has given the go-ahead. The go-ahead in these cases means that the supervisor has given the go-ahead for the student to take their thesis to the next step in the process, i.e. to the thesis being tested in an examination. This should not be interpreted as a clear signal for a passing grade; it is always the examiner alone who makes the final decision on the grade.

Students completing their degree project are entitled to supervision during the course. Information about the scope of the supervision must be clearly stated through, for example, the study guide. The offered supervision time that the student does not use within the course may be considered used up, unless otherwise agreed between the student and the supervisor.

If necessary, a decision on additional supervision time can be taken by the decision-maker concerned after consultation with the course coordinator. Grades should then be set after the extra supervision time has expired.

If a student does not complete the degree project during the course, it is customary to offer supervision, within reasonable limits, until it is completed. If, after the end of the course instance, supervision will not be offered on a particular course, clarification must be made in the syllabus as to how long the students should be entitled to supervision.

A student may have the right to a change of supervisor in cases where collaboration problems arise. Such a decision on the change of supervisor is made by the university in accordance with the relevant delegation of authority procedure. A student has the right to participate in examination of a degree project (final seminar, opposition or similar) even when/if the supervisor advises against this.

If co-writing of degree projects occurs, i.e. that students together write thesis work, then there must be clear guidelines for how assessment of the individual's performance should be ensured.

Examination with digital aids

Handling students' personal data when using digital tools is permitted if it is necessary for examination. It is normally the teacher, in consultation with others within the department or Faculty, who has to assess, motivate and document on a case-by-case basis what is necessary or not. As a general rule, it is permissible to conduct examinations that are not recorded and do not include elements of monitoring or checking students. This also applies when students participate via audio and video.

Recording is allowed in order to obtain the necessary documentation to support the examination and/or assessment of compulsory components. Recording that forms the basis for the student's own reflection or for discussion is allowed.

Real-time streaming, which refers to real-time audio and/or moving image that is not recorded, is permitted if there is a pre-specified purpose for monitoring, and that it is in fact an effective tool for achieving the purpose pursued – to prevent the possibility of attempted cheating and to check whether such attempts occur

during the examination. The same applies to the use of IP address logging, which can be done through, for example, a learning platform, or student activity during examination.

Identification during examination must be done individually and the students' personal data must not risk being disclosed to each other or other unauthorised persons. In the case of an anonymous examination, the identity check should be carried out by someone other than the examiner.

It is important to ensure that students know the scope and design of the examination in advance. Information about implementation, identification, permitted aids/programs, etc. must be available in such good time before the examination so that students who want to report support needs should have the opportunity to do so no later than 10 days before the examination.

Information on how personal data is processed must be made available to the students and must be clear and easy to understand. Before the examination, the students must be informed whether they will be recorded and how the recording will be used.

It is ultimately the students who are responsible for checking that the technology works before examination. In the event that the student experiences technical problems, which cannot be attributed to errors in the university's network, and the assessment is made that the examination cannot be accepted, the student may normally wait until the next re-take examination opportunity, but an assessment may be made on a case-by-case basis.

In the event of technical problems at the university (e.g. interruptions in the university's network or errors in the university's system) during ongoing examinations at a distance, which lead to the student not being able to complete the examination on time, the student must as soon as possible be offered a new examination opportunity.

If the guidelines are not followed

Students who believe that the guidelines for fair and legally certain examination are not being followed can turn to the responsible teacher or equivalent for help. The student can also contact the Student Union at the university directly.

The student also always has the right to submit a formal complaint directly to the university, which will then be investigated formally.

Information about contact channels can be accessed via this link:

https://www.hb.se/student/mina-studier/studiemiljo--_things/problem-in-the-study_situation/

In the event that the student finds that the complaint does not lead to the desired effect, the student has the opportunity to turn to the university's supervisory authorities, of which the Swedish Higher Education Authority and the Parliamentary Ombudsman (JO) can be specifically mentioned.