University Ordinance 6 - University Examiners and Examinations

6.1 Every examination for a Degree, Diploma or Certificate of the University of York shall be conducted by Boards of Examiners, one for each subject, or in the case of combined degrees, for each group of subjects. Each Board of Examiners shall appoint a Chair. The members of the Board shall be jointly responsible for the setting and marking of papers.

6.2 Every Board of Examiners shall consist of at least three members, at least one of whom shall not be a member of the academic and related staff of the University of York or of an institution offering programmes of study validated by the University of York. In the cases of programmes of study validated by the University but offered wholly by other institutions, the Board of Examiners may in addition include members of the academic staff of the institution concerned.

6.3 The quorum for a Board of Examiners is a minimum of three for undergraduate and taught postgraduate qualifications, at least one of whom must be an external and one an internal examiner. For joint programmes, the quorum must also include at least one representative of each department involved in offering the joint programme.

6.4 The Internal Examiners of the University shall be appointed annually from the academic staff of the University by the Senate on the recommendation of the Boards of Studies.

6.5 The External Examiners of the University shall be appointed by the Senate on the recommendation of Boards of Studies. In the case of first degrees, taught higher degrees and postgraduate diplomas or certificates, appointments shall be made for a period of up to three years which may be extended for a further year in exceptional circumstances. An examiner may not normally be appointed for a further period until an intervening period of at least five years has elapsed. Former members of the University may not normally be nominated for appointment unless a period of five or more years has elapsed since they left the University.

6.6 No candidate shall be admitted to any examination unless he/she has satisfied the requirements laid down in Statutes, Ordinances and Regulations or has been exempted from any special requirements by the Senate on the recommendation of the Board of Studies concerned and has paid the fees prescribed.

6.7 In the case of qualifying examinations, a list of names of candidates who have passed, arranged in alphabetical order, shall be prepared by the Board of Examiners concerned and signed by the Chair and an External Examiner, subject, where appropriate, to approval by the Board of Studies concerned. The list shall then be forwarded to the Registrar and Secretary for publication and for submission to the Senate for ratification. In the case of Final Examinations or examinations which are classified, or in which distinctions are awarded in individual subjects, lists of names in alphabetical order in each class or other category shall be similarly drawn up, signed and communicated. The Registrar and Secretary will notify Boards of Studies of those candidates whose names should be listed separately and whose results should neither be published nor divulged to the student until satisfactory financial arrangements have been made.
for the settlement of outstanding debts to the University. Where classes or divisions are awarded on the results of examination in more than one subject it shall be the responsibility of the Joint Board of Examiners to assess the class or division.
At its meeting of February 2002 the Graduate and Undergraduate Studies Committee considered the University's Data Protection Policy guidelines on teaching and examining (section 3 of the DP Policy), and advice from the HEFCE Good Management Practice Data Protection project on annotation of examination scripts. The Committee noted that, under the Policy, students have access to the comments of examiners written on their examination scripts, but not to the scripts themselves, and decided that this should be drawn to the attention of all the University’s examiners. Attention is drawn to the implications of section 3.1 of the DP Policy, although the Committee did not recommend that comments should not be made on scripts, only that examiners should be aware of the possible consequences and that all comments should be defensible. Attention is also drawn to the application of these principles to comments made in informal e-mails and memos relating to the examination process.

3. TEACHING AND EXAMINING

3.1. **Exam scripts and comments on scripts.** Examination scripts are exempt from data subject access because they are statements from the students, not data about them. Hence a student could not use the Act to obtain a copy of an exam script they had produced. But examiner's comments on the content of scripts are disclosable, whether recorded on the script or held separately. This applies to external as well as internal examiners, and is true even of material marked 'blind' (because codes must exist somewhere that allow the identity of the student to be determined). Students have the right of access to data consisting of the marks given, and any comments on which they were based.

All comments committed to writing should therefore be fair and defensible. It is recommended that they should relate to the script rather than the student. Thus it is reasonable to write "good argument" or "weak argument" (provided those judgements can be defended if challenged) but not advisable to write "good student" or "weak student". Departments should be aware that Minutes of Examinations Meetings are also disclosable under the Act where they mention individual students by name or candidate number.

The period of compliance for subject access requests in this category is 5 months, or 40 days from the announcement of the results, if earlier. During that time a student has the right to request that a copy or summary "in intelligible form" is provided. Departments may wish to consider introducing procedures that simplify the production of comments on request (e.g., recording them on a separate sheet). As a minimum, examination scripts and examiner's comments on assessed work should be kept until the period in which academic appeal may be submitted has elapsed. It is University policy that all material relating to assessment contributing to an award of the University should be kept for at least one year after the relevant examinations have been completed, that is to say, after the meeting of the Senate or GUSC at which the results were confirmed.

3.2. **Theses and dissertations.** The disclosability of internal and external examiners' comments also relates to comments produced by the examiners of theses and dissertations. This includes comments written on the forms that make recommendations regarding the award of higher degrees based on the examination of theses in vivas. Any comments held by the University are disclosable under the Act and must therefore be fair and defensible.

3.3. **Publishing examination results.** The practice of publishing degree or other qualification results and classifications and interim pass/fail assessment lists via posting on notice boards or inclusion in the local press is permissible if consent is obtained from the candidates. This is now done centrally. Students have the right to withhold such consent. Departments will be informed if this right has been exercised. Consent will not be sought for publication of individuals' assessment marks against their names and these should not be posted publicly without a student's consent. If Departments wish to publish examination marks
against exam candidate numbers, at no time may they post in a public place the list of student names and exam candidate numbers.

If a student wishes to obtain results by telephone, then a procedure should be established to ensure that the caller is indeed the individual concerned (e.g., a password, or quoting the student's examination number). The University reserves the right to confirm to third parties the type and level of any academic award conferred by the University upon an individual, to avoid fraudulent claims.

3.4. **Feedback on teaching and training.** The contents of feedback relating to individual teachers constitute personal data relating to the teacher and is therefore disclosable to the teacher under the Act. This applies to feedback on lectures, practicals and tutorials, as well as to feedback concerning a staff member's performance as a supervisor etc. As always, any disclosure of such information would need to be done with the permission of the individual(s) who provided it, or in such a way that it was not possible to determine their identity.