



# Exceptional Regulations Force Majeure

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## **Exceptional Regulations – Force Majeure**

### **Introduction**

1. The Examination and Assessment regulations set out the University's regulations and procedural requirements for the assessment of students. Very occasionally, the academic business of the University may be disrupted by unforeseeable circumstances beyond its control preventing the University from providing academic and other services to students for a period of time. These unforeseen circumstances are known as 'force majeure'. These Exceptional Regulations – Force Majeure provide the framework through which the University will limit the impact of unforeseeable circumstances on the assessment of students and the Institution's capacity to take decisions about progression and awards.

### **Key Principles**

2. These regulations are consistent with the following principles:
  - Academic standards and professional requirements will remain paramount.
  - Students will be treated in a fair and equitable manner.
  - Where courses are governed by Professional, Statutory or Regulatory Body (PSRB) requirements, permitted derogations to enable compliance with PRSB requirements may be permitted with the approval of the Pro Vice-Chancellor (Education and Students).
  - Assessment processes will be applied consistently and equitably, with reliability, validity and fairness.
3. When invoked, these regulations take precedence over other regulations including, but not limited to those relating to assessment, progression and student classification and, over regulations governing the quoracy of and external representation at assessment boards.
4. Regulations relating to appeals and complaints processes remain in force during periods of disruption caused by force majeure. The grounds for appeal will continue to apply including the prohibition against appeals against the academic judgement exercised by an Assessment Board.
5. The administration of these procedures may be impacted by force majeure. For example, there may be delays to the time periods within which students can expect to receive outcomes to submitted academic appeals or complaints. Students will be informed of any variance to the point which a procedure is invoked if possible. Any variance must not be to the detriment of the student.

### **Use of the Exceptional Regulations**

6. These force majeure regulations will only come into force if they have been formally invoked by Senate. The Chair of Senate (or nominee if the Chair of Senate is unavailable) has the authority to invoke these regulations if in their reasonable opinion the circumstances do not allow a meeting of Senate to be convened for this purpose. Such action will be recorded at the next available meeting of Senate.

7. In circumstances in which the University's academic business is significantly disrupted by reasons of force majeure the Pro Vice-Chancellor (Education and Students) will request that the Exceptional Regulations are invoked
8. These regulations will continue to be in effect until 31st July 2024 unless otherwise earlier revoked by Senate upon recommendation by the University Education Committee.

### **Definition**

9. For the purpose of these regulations, the term force majeure refers to any cause of significant disruption to the academic business of the University which is outside the University's reasonable control. This will include but is not limited to a major outbreak of communicable disease; natural disaster; fire; acts of terrorism; war and conflict.
10. For the purpose of these regulations 'present' is defined as either online or in person, with the ability to fully participate in the event or activity.

### **Recording Disruption**

11. Schools will keep a record of all usual teaching, assessment and other education activities disrupted as a consequence of force majeure for which these regulations are invoked.
12. This record will subsequently be used to inform decision-making by assessment boards in relation to student progression and award.

### **Changes to Modes of Assessment**

13. Where students' preparedness for teaching, learning and assessments is impacted by disruption, Schools should take steps to ensure that student achievement is assessed as reliably as possible and consider whether it is necessary to:
  - Extend deadlines to enable students to catch-up through re-scheduled teaching activities or other structured academic activities.
  - Remove an element of assessment altogether, providing that the end-of-year assessment enables all module learning outcomes to be tested.
  - Provided that an appropriate standard is maintained, and academic standards are upheld, make minor modifications to module learning outcomes to reflect the revised learning experience.
  - Revisit learning outcomes at module level and for clarity remove any learning outcomes which are in any event redundant, unrelated to the disruption.
  - Amend the assessment task so that it only tests material that has been delivered, for example by omitting certain questions on an in-class test or reducing the range of available essay titles.
  - Amend examination papers to reflect material taught to students.
  - Amend the assessment type to an alternative methodology.
14. For modes of assessment such as presentations or work based on laboratories that may take place at different times, Schools should sequentially consider:
  - An alternative way of delivering the assessment i.e. in the case of a presentation submission of the slide pack, or submission of a video – however where this is

considered care must be taken to ensure that the module learning outcomes can still be met where for example this includes a verbal presentation and then questions and answers.

- Rescheduling the assessment.
  - Removing the element of assessment i.e. give it a 0 weighting.
15. For modes of assessment such as major projects or dissertations where the research phase (i.e. laboratory tests, fieldwork, visits or placement) is significantly disrupted or is unable to take place, Schools should sequentially consider:
- Reframing the focus of the project/dissertation so that if only tests material that has been covered.
  - Amending assessment types to remove those elements that are dependent on for example placements (reflective journal).
  - Modifying the module learning outcomes to better reflect the revised learning experience of students.
16. In making modifications to individual assessment types, Schools may give consideration to whether students have been able to demonstrate specific learning outcomes either within the same module or other module(s) of the course which have equivalent learning outcomes. If there is sufficient evidence of satisfaction of learning outcomes further demonstration is not required.
17. Any such amendments should ideally be made with the approval of the External Examiners or, in the absence of an External Examiner, with formal notification to the PVC (Education and Students).
18. Where decisions are taken to make changes to either assessment methods or submission dates these changes should usually be applied to the whole cohort. Changes which are only applicable to individuals or groups of individuals who would otherwise be materially adversely affected do not need to be applied to the whole cohort
19. Where alternative assessment modes are put in place, alternative arrangements for students with a disability or specific learning difficulty must be considered and put in place as appropriate.
20. In circumstances where formal unseen examinations cannot be held (unavailability of venues, loss of papers, sickness etc.), these Exceptional Regulations allow for the replacement of examinations with alternative methods of assessment (see accompanying guidance).

### **Approval Process**

21. Authority to approve changes to module assessments as described above will be delegated to Directors of Teaching and Learning, as Chair of the School Education Committee, or Head of School. Those approving changes should assure themselves that where changes are made, the alternative assessments continue to enable the module learning outcomes to be appropriately tested and met.
22. Any changes to assessment (method, weighting, submission date) should be reported to Academic Services.

23. All approved changes must be clearly communicated to students at the earliest possible opportunity. Students must be told of approved changes
- a. In advance of them taking effect
  - b. The reasons for the changes
  - c. The likely impact of the changes
  - d. Options reasonably available to students in order for them to avoid the changes without being adversely affected
24. Students must be given clear information on how to raise a concern or complaint if they consider that the changes will adversely affect them.

### **Other Major Changes to Courses**

25. Where other major changes to courses are required as a consequence of the disruption, (i.e. changes to the sequencing of modules, rescheduling placement learning), proposals from the School Education Committee should be submitted to the Pro Vice-Chancellor (Education and Students) for consideration and approval on behalf of the University Education Committee and reported to the next scheduled meeting of the University Education Committee.

### **Quoracy of Assessment Boards**

26. Following a decision to invoke these Exceptional Regulations emergency quoracy requirements for assessment boards will be put in place. The minimum requirements will be as follows:

#### **Module Assessment Boards (MAB)**

27. A MAB is considered quorate when the Chair, Deputy Chair and two other examiners are present. External Examiners are not required to attend meetings but should be available for consultation if necessary.

#### **Progression and Award Boards (PABs)**

28. A PAB is considered quorate when the Chair, Deputy Chair and at least one third of the appointed members of the Board is present. At least one External Examiner should be present at each PAB where awards are being made. Attendance at a PAB where a final award is not to be made may be reduced to a minimum of the Chair and Deputy Chair and at least one-member representative of the internal markers.'

#### **External Examiners (PAB)**

29. In the case of no External Examiner being present, the PAB may confirm awards. Such awards would be provisional until such time that an External Examiner is available to confirm.
30. If in the event of non-attendance or absences, that mean an assessment board is no longer quorate, this should be notified to Academic Services in advance or on the day of the meeting. Academic Services will, on behalf of the PVC (Education and Students), approve alternate assessment board membership for a single meeting. Any membership changes should be recorded in the minutes of the meeting.

## **Moderation**

### **Incomplete, or no, moderation of marks**

31. The University will exceptionally allow results which are the outcome of single marking and which have not undergone the moderation process to be considered by boards. These grades are provisional, and some may be changed at a later stage following internal moderation.

### **External Examiner audit of work**

32. If no External Examiners are available to undertake an audit of work for a module which leads to classification, ADQE will check the most recent External Examiner reports related to the provision in order to determine whether there have been any quality concerns associated with the module(s) in question.
33. If no issues are identified, the MAB will receive confirmation of this together with confirmation that the University's internal moderation processes have been scrupulously applied so that this can be recorded in the minutes of the MAB. The MAB will accept these exceptional circumstances and the assurances given and consider the marks as they are presented.
34. If issues are identified, then the decision will go forward to the Pro Vice-Chancellor (Education and Students) for determination. Marks for these modules will remain provisional, and some may be changed at a later stage following external examination.

## **Marking is incomplete**

35. Following the decision to invoke these Exceptional Regulations, the circumstances arise that marking is delayed or incomplete because of the disruption the University will apply the following arrangements.

### **Progression**

36. Assessment boards will be guided by the principle that students should usually be allowed to progress, except where there is evidence that this would not be in the best interests of the student. That is, on the partial evidence, it is clear that the student is not capable academically to progress to the next stage of the course. In cases of doubt, the assessment board should decide in the favour of the student progressing.

### **Undergraduate**

37. Where marks are missing for up to 30 credits as a result of force majeure a student should be considered as eligible to progress if at least 60 credits have been passed.
38. Once marks become available, student progress should be reviewed with a view to offering additional options or support where modules have not been passed. This may include the following:
- Provision of additional retake opportunities if possible, in Semester 1
  - The option to repeat

### **Postgraduate**

39. There are usually no postgraduate taught progression points.

### **Finalists**

40. The University will issue predicted classifications where a maximum amount of credit is missing as a result of *force majeure* (as set out below for undergraduate and postgraduate awards) on the basis of the modules passed with grades.

### **Predicted classifications**

41. The predicted classification would be subject to alteration following the receipt of actual grades (moderated, externally examined and ratified by an assessment board). This prediction would take the form of a letter which would also outline that if a module(s) were not passed or passed at a lower than predicted grade, a lower award of classification may result. A transcript would not be issued/finalised until the outcome of the module(s) and award had been finalised.

### **Undergraduate**

42. Where up to 60 credits of marks are missing as a result of *force majeure* a predicted classification will be based on the remaining credit contributing to the award. A letter will indicate that the classification is conditional on the remaining 60 credits achieving on average the same class.

### **Postgraduate**

43. Masters – where up to 60 credits of marks are missing as a result of *force majeure* a predicted classification will be based on 120 credits. A letter will indicate that the classification is conditional on the remaining 60 credits achieving on average the same class.
44. Postgraduate diploma - where up to 60 credits of marks are missing as a result of *force majeure* a predicted classification will be based on 90 credits. A letter will indicate that the classification is conditional on the remaining 30 credits achieving on average the same class.

### **Assessment in Semester 2 is incomplete**

45. Following the decision to invoke these Exceptional Regulations, and the circumstances arise that it is not possible for Semester 2 assessments to be taken because of disruption, the University will apply the following arrangements where complete marks for Semester 1 are available.
46. Following the initial decision, standard University regulations regarding pass marks, the application of reassessment opportunities, repeat years will apply.

### **Foundation Year (FHEQ level 3)**

47. Where a student has the following Semester 1 profile, an assessment board may apply the following decisions:

<b>Profile for Semester 1</b>	<b>Decision</b>
All modules passed	Progress to next stage
All modules passed in the 'compensatable' range (35-39%)	Progress to next stage
Mix of pass and fail grades	Student retakes failed modules in reassessment period



All modules failed	Student retakes failed modules in reassessment period
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**Stage 1 and 2 and stage 3 of an integrated Masters course (FHEQ levels 4, 5 and 6)**

48. Where a student has the following Semester 1 profile, an assessment board may apply the following decisions unless the requirements of a Professional, Statutory or Regulatory Body (PSRB) take precedence:

Profile for Semester 1	Decision
All modules passed	Progress to next stage
All modules passed in the 'compensatable' range (35-39%)	Progress to next stage
Mix of pass and fail grades	Student retakes failed modules in reassessment period
All modules failed	Student retakes failed modules in reassessment period

49. Following the period of disruption, students will be offered the opportunity during semester 1 to retrieve the additional 60 credits to gain the missing credit.

**Finalists – Undergraduate (FHEQ level 6)**

50. Where a student has the following Semester 1 profile, an assessment board may apply the following decisions unless the requirements of a Professional, Statutory or Regulatory Body (PSRB) take precedence:

Profile for Semester 1	Decision
All modules passed and no trailed credit from a previous stage	Award ordinary degree
All modules passed in the 'compensatable' range (35-39%) and no trailed credit from a previous stage	Award ordinary degree
Mix of pass and fail grades	Student retakes failed modules in reassessment period
All modules failed	Student retakes failed modules in reassessment period

51. Following the period of disruption, students will be offered the opportunity during semester 1 to retrieve the additional 60 credits to gain an honours degree.

**Finalists – Integrated Masters (FHEQ level 7)**

52. Where a student has the following Semester 1 profile, an assessment board may apply the following decisions unless the requirements of a Professional, Statutory or Regulatory Body (PSRB) take precedence:

Profile for Semester 1	Decision
All modules passed and no trailed credit from a previous stage	Award honours degree
All modules passed in the 'compensatable' range (35-39%)	Award honours degree

and no trailed credit from a previous stage	
Mix of pass and fail grades	Student retakes failed modules in reassessment period
All modules failed	Student retakes failed modules in reassessment period

53. Following the period of disruption, students will be offered the opportunity during semester 1 to retrieve the additional 60 credits to gain the Integrated Masters degree.

#### **Postgraduate Taught (FHEQ level 7)**

54. Where a student has the following Semester 1 profile, an assessment board may apply the following decisions unless the requirements of a Professional, Statutory or Regulatory Body (PSRB) take precedence:

<b>Profile for Semester 1</b>	<b>Decision</b>
All modules passed	Award PgCert where course structures permit
All modules passed in the 'compensatable' range (35-39%)	Award PgCert where course structures permit
Mix of pass and fail grades	Student retakes failed modules in reassessment period
All modules failed	Student retakes failed modules in reassessment period

55. Following the period of disruption, students will be offered the opportunity during semester 1 to retrieve the additional 60 credits to gain the Masters degree.

#### **The 'No Detriment' Principle**

56. The University will take all reasonable efforts to enable students to complete their studies, that student achievement will be reliably assessed, and qualifications will be awarded securely.

#### **No Detriment Policy in the event that Semester 1 and Semester 2 2020-21 assessments are impacted**

57. Following the decision to invoke these Exceptional Regulations at a point that impacts on semester 1 and/or semester 2 assessments, the University will take steps to ensure that where possible, students will not encounter detriment in the awarding of grades.
58. The University will put in place a revised Exceptional Circumstances scheme that waives the requirement for evidence and permits students to make a self-declaration and reinstates 'impairment' within their assessment as grounds for an Exceptional Circumstances claim. Where Exceptional Circumstances claims are approved, the PAB may offer a first sit to be taken in the resit period.
59. Module Assessment Boards (MABs) will be provided with statistical data to enable it to review current student performance against the three-year historical mean for the module. Where there is evidence that current student cohort performance is 5% above or below the

three-year mean average for the module, the MAB must consider one of the following strategies (extracted from existing guidance on Scaling) to mitigate the impact:

- Reweight questions within an individual examination paper
- Zero weight a question
- Reweight the different assessment modes for the module
- Scaling of module marks<sup>1</sup>

60. Where the MAB agrees to propose implementation of one of these strategies, the Chair of the MAB will consult with the relevant external examiner before making a recommendation to the Pro Vice-Chancellor (Education and Students) for approval.
61. Standard University regulations including those relating to pass marks, the application of reassessment opportunities, thresholds for progression and approved degree classification algorithms will apply throughout.

### **Placement Activity**

62. In the event of major disruption or non-completion of placement activity, Schools should:
- Determine that sufficient learning in the placement environment has taken place and students are able to demonstrate that the placement learning outcomes can be met. In this regard students will complete the assessment associated with the placement experience. If a student fails the assessment, they will be eligible for a retake in the reassessment period.
  - Determine that the placement is no longer required because students can demonstrate the relevant learning outcomes by other means. This may be in those circumstances where the placement repeats achievement demonstrated on previous placement activity or in other assessments that have already taken place.
  - Determine that insufficient learning has taken place in the placement environment and offer the student the opportunity to Temporarily Withdraw (TWD) and re-join the placement at the next opportunity.
  - Determine that insufficient learning has taken place in the placement environment and the student temporarily withdraws and re-joins the next stage of the course at the next opportunity and reverts to the 'non-placement' award title.
63. Where a Professional, Statutory or Regulatory Body (PSRB) mandates the requirements for placement learning, these requirements will take precedence.
64. If a situation arises where a student is unable to achieve a qualification because of PSRB requirement, the University will use all reasonable endeavours to liaise with the PSRB to seek a resolution and adhere to any guidance they may provide. Where possible, the University shall put in place flexible arrangements.
65. If a PSRB considers that any alternative arrangements proposed by the University are not sufficient to uphold professional standards the University shall use reasonable endeavours to defer the affected aspects of the course until these can be delivered as required.

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<sup>1</sup> The Scaling Policy permits scaling down, as well as up, where there is evidence that the overall marks distribution on the module for the cohort is out of line with previous performance. This capacity is retained.

66. In the event that a PSRB decides it will no longer accredit a course due to changes made in disruptive circumstances, the University shall report this to the Office for Students (OfS)

### **Study Abroad**

67. The 'No Detriment' Policy described in paragraphs 62 to 67 (that relates to where semester 2 assessments are impacted, but marks are available for semester 1) will apply in full to students studying on a programme 'with a study abroad year' suffix. The following additional caveats will apply:
- Where the host institution has moved to a pass/fail threshold for Semester 2, the student must achieve an overall pass grade.
  - If, because of the disruption, there are no marks available for Semester 2 from the host institution, the University will put in place an opportunity for the missing credit to be achieved through a reflective essay, and/or an oral examination, for those students on a BA languages degree. These assessments must be passed for the Safety Net to apply.
  - In cases where there are no marks for Semester 1, the Safety Net cannot be applied. The expectation is that the host institution will provide the student with resit/first sit opportunities as appropriate.
68. In the event of major disruption or non-completion of a year or semester abroad for students registered on an award that includes either an integrated or voluntary period of study abroad, the University will consider the circumstances of each student on a case-by-case basis to determine the best course of action to ensure that students are, where possible, able to progress and graduate as planned from the award on which they are registered,

#### **Integrated study abroad year (contributes 20% to classification)**

69. In those instances where the award includes a mandatory year abroad which comprises 120 credits at level 5 which are academically coherent to the Sussex award, and where the host institution is not able to provide the opportunity for the student to be assessed and achieve the requisite credit, Schools may consider the following options:
- Provision of a reflective assessment to enable the student to complete the credits to retain the study abroad award
  - Temporary withdrawal from the study abroad year and return to the final stage of the degree at the next available point. The degree title would not include the suffix 'with study abroad year'.
  - A retrospective semester 1 variation.

#### **Voluntary year abroad (does not contribute to classification)**

70. In those instances where the award includes a voluntary year abroad which comprises 120 credits at level 5 (50% of which are associated with the course title), and where the host institution is not able to provide the opportunity for the student to be assessed and achieve the requisite credit, Schools may consider the following options:
- Provision of a reflective assessment to enable the student to complete the credits to retain the study abroad award
  - Temporary withdrawal from the study abroad year and return to the final stage of the degree at the next available point. The degree title would not include the suffix 'with study abroad year'

- A retrospective semester 1 variation

**Semester variation (credit from semester abroad contributes to overall stage 2 mean average which contributes 40% to classification)**

71. In those instances where the award includes 60 credits at level 5 (which are academically coherent to the course title and mapped to any missed core modules), and where the host institution is not able to provide the opportunity for the student to be assessed and achieve the requisite credit, Schools may consider the following options:
- Provision of a reflective assessment to enable the student to complete the credits to retain the study abroad award
  - Temporary withdrawal from study abroad variation, return to Sussex at the next available point to restart Semester 2.

**Postgraduate Taught Students**

72. Following a decision to invoke these Exceptional Regulations, the University will permit students, who for no fault of their own<sup>2</sup>, are unable to complete the Masters degree for which they are registered, to exit with an intermediate award (which will be determined by the quantity of credit accrued). Students in this position will be permitted to re-register with the University to 'top-up' to the full Masters award. Re-registration must be within three years of accepting the intermediate award.

**Postgraduate Research Students**

73. Following a decision to invoke these Exceptional Regulations, the University will consider the position of all registered postgraduate research students, taking account of the availability of training, equipment, facilities, resources or specialist research staff to ensure continued provision of the intended research programme.
74. Following consideration on a case-by-case basis, the University will consider options to reorganise or reschedule planned activities and agree with each individual research student how they will progress their research during the period of disruption, or the arrangements where this is not possible.
75. Where it is not possible for a research student to continue their programme of research, this will be reported to the Office for Students, where this is a requirement.

**Variants to the standard University Examination and Assessment regulations**

Discretionary condoned credit

76. A PAB may consider a student's overall performance and condone up to 30 credits at the final award stage (UG and PGT). Following a decision to invoke these exceptional regulations the requirement for a student to have achieved a fail mark on the module of at least 1 will be removed, where the PAB is satisfied that the student has engaged with the module but because of the disruption has been unable to submit or take part in the assessment. All other qualifying requirements for the application of condoned credit as set out in the Examination and Assessment Regulations will apply.

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<sup>2</sup> This may include limited or no access to specialist equipment or resources, inability to undertake fieldwork, no access to laboratory facilities.

### **Temporary Withdrawal**

77. Following a decision to invoke these Exceptional Regulations, the University reserves the right to suspend the option to grant a request for Temporary Withdrawal solely on the grounds of force majeure. The University will continue to consider requests which relate to circumstances specific to the individual.

### **Exceptional Circumstances**

78. At the University's discretion and depending on the force majeure event, the University may instigate a simplified and/or accelerated process for cases of Exceptional Circumstances, including for particular groups of affected students if applicable.

### **Partnership Arrangements**

79. The University of Sussex is responsible for maintaining the quality of the courses delivered by its collaborative partners, regardless of whether the partner is registered with the Office for Students. Following the decision to invoke these Exceptional Regulations, the University will work with each partner on a case-by-case basis to consider and approve such proposals put forward by the partner to minimise the disruption and to ensure the maintenance of quality and standards.

