

# Application regulations for examination and examiners in first and second-cycle studies

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## Introduction

In the present document, the Faculties of Humanities and Theology highlight the laws and regulations governing examination and assessment in the first and second cycles and clarify how they are to be applied within the framework of the rules of procedure at the Faculties of Humanities and Theology. In connection with this, the Faculties of Humanities and Theology formulate their own regulations and recommendations.

From an educational perspective, examination is part of a student's learning process; from a legal perspective, it is an exercise of public authority. Grading is regulated in both the Higher Education Ordinance and the Administrative Procedure Act. For the examination to be a fair exercise of public authority, clear regulations, delegations and documentation of decisions are required. The fourth edition of the Swedish Higher Education Authority's guidelines *Rättssäker examination [Fair examination]* (RE 2020), (henceforth RE), clarifies the regulations in the Higher Education Ordinance and the Administrative Procedure Act on examination and examiners.

The Higher Education Ordinance does not define what examination is. On the basis of various provisions in the Higher Education Ordinance, the Swedish Higher Education Authority (UKÄ) draws the conclusion that examination means "that an examiner determines a grade on the basis of the form or forms of assessment of student performance specified in the course syllabus" (RE, p. 26).

Grading entails exercising public authority over an individual and is regulated as a "case" in the Administrative Procedure Act. UKÄ uses the term "grading case" for examination and divides the management of the case into four stages: the initial stage (when the student is registered on the course), the preparatory stage (when evidence for the decision is gathered in various ways), the decision stage (when the decision on the grade is reached by the examiner) and the implementation stage (when the decision on grading is registered and the student notified).

Lund University regulates certain matters concerning examination in the *List of Rights – Lund University Students' Rights and Responsibilities* (reg. no STYR 2017/249). The List of Rights was approved on 10 September 2020 and applies as of the spring semester 2021. The List of Rights is mandatory, but the faculties can request exemptions from the list from the chair of the university-wide Education Board.

## Examination and course syllabus

A fundamental principle for examination is that the course learning outcomes are what is to be assessed. The course learning outcomes, as well as other conditions for the course, are regulated in the course syllabus. The provisions in the course syllabus form the basis for the assessment of the student's performance and regulate the conditions for the grading decision. Course syllabi are important policy documents for study programmes, as they contain binding instructions of the same character as laws and ordinances (cf. RE, p. 23).

### National rules

*All first and second-cycle programmes shall be offered in the form of courses.*

*A course shall have a course syllabus.*

*The course syllabus shall indicate the following: the cycle in which the course is given, the number of credits, objectives, specific entry requirements, how student performance is assessed and any other regulations required. (Higher Education Ordinance, Chapter 6, Sections 13-15).*

### Local application

At LU, the content and structure of course syllabi are regulated by the *Application regulations for first and second-cycle course syllabi at Lund University*. These regulations state that the course syllabus is to specify the applied forms of examination, whether the course is divided into different parts (exams/components), the grading scale and any limitations to the number of assessment opportunities. The template for course syllabi in LU's application regulations is implemented through the management of all course syllabi at Lund University in the Lubas course syllabi database (UBAS).

The Faculties of Humanities and Theology further specify principles for course syllabi content in the faculties' *Instructions for first and second-cycle course syllabi*. At the Faculties of Humanities and Theology, the forms of examination for each course module are to be specified in the course syllabus. The specific forms of examination stated in the course syllabus are to be used. In the event of changes, the course syllabus is to be revised. The course syllabus is to state how grades on parts of the course are weighted in the calculation of the grade for the whole course.

## **Appointment of examiners**

### National rules

*Unless otherwise prescribed by the higher education institution, a grade shall be awarded on completion of a course.*

*The grade shall be determined by a teacher specifically nominated by the higher education institution (the examiner).*

(Higher Education Ordinance, Chapter 6, Section 18).

The Swedish Higher Education Authority clarifies that the appointed examiner can be a person employed on the teaching staff. A person employed on the teaching staff at a Swedish higher education institution can be appointed as examiner at another Swedish higher education institution but must be employed by the other institution. The possibilities for fixed-term employment detailed in Chapter 4, Section 9 of the Higher Education Ordinance can be used (cf. RE, p. 38-39).

“A course can sometimes be divided into modules (equivalent) that are assessed and graded separately, while a summarising or overall weighted grade is given for the whole course. This means that examiners may have to be appointed for the course modules as well as for the whole course” (RE, p. 37).

### Local application

The appointment rules of each higher education institution regulate who is to be considered teaching staff, and thereby a potential appointed examiner. *Lund University's Appointment Rules* include the following categories of teaching staff: professor, visiting professor, adjunct professor, post-retirement professor, senior lecturer, adjunct senior lecturer, associate senior lecturer, postdoctoral fellow, lecturer and adjunct lecturer (p. 6). This entails that doctoral students cannot be appointed as examiners, but a teaching staff member employed on an intermittent basis can be appointed as an examiner.

According to the *List of Rights – Lund University Students’ Rights and Responsibilities* (reg. no STYR 2017/249), (henceforth List of Rights), the University is to ensure that the examiner and the supervisor are not one and the same person.

The Faculties of Humanities and Theology recommend that examiners for degree projects should have experience of supervising such projects. Examiners for degree projects at the Bachelor’s level should be PhD holders and, for degree projects at the Master’s level, they should be qualified for associate professorship.

Examiners are appointed for each course session. An examiner being appointed for a course session means that the appointment also applies for resits in the next semester and that an appointment for a course session over two semesters applies for both semesters. Different examiners may be appointed for modules and/or assessed components within the course session. If a single examiner is responsible for all grading decisions within a course session, the Faculties of Humanities and Theology recommend that a further member of teaching staff be appointed as backup. The purpose, according to the rules and regulations, is for the person appointed as backup to perform grading duties if the regular examiner falls ill or has some other serious impediment.

#### National rules

The vice-chancellor of the higher education institution has the authority to appoint examiners.

*The vice-chancellor may delegate their duties, unless otherwise specifically prescribed.* (Higher Education Ordinance, Chapter 2, Section 13).

The Swedish Higher Education Authority clarifies that no official within a higher education institution may appoint an examiner unless the relevant authority has been delegated to that person by the vice-chancellor. A person appointed as an examiner is not permitted to further delegate the assignment to someone else. The examiner should be appointed before the start of the course. The decision to appoint an examiner is to be documented in writing (cf. RE, p. 37).

#### Local application

In the current *Regulations on the allocation of decision-making powers and the authority to sign agreements at Lund University*, the Vice-Chancellor has delegated the authority to appoint examiners for courses to the faculty boards (p. 7).

In the *Rules of procedure and delegation for the Faculties of Humanities and Theology*, the Faculty Board has delegated the authority to appoint examiners for courses to the departments.

At the Faculties of Humanities and Theology, the departments appoint examiners pursuant to their own delegation rules.

The examiners are to be appointed for each course session (see above) before the start of the relevant semester. If possible, decisions on the appointment of examiners for summer courses are to be included in the decision on examiners for the spring semester. The decision, together with a list of the examiners for the forthcoming semester, is to be communicated to the Study Programmes Board via the board’s secretary.

### Student influence

Student influence is to be ensured regarding decisions on examiners. When decisions on examiners are taken in decision-making bodies (such as a department board), student influence is ensured through representation. If the decision on examiners has been delegated to a single official at the department (such as a director of studies), student influence must be ensured in another way. Regarding such decisions, the department is to contact the students’ union, which is

responsible for appointing a student representative. Student influence is to be documented by one of the student representatives signing a confirmation, which is enclosed with the decision.

## **The examiner's duties**

### National rules

The task of the examiner is to decide on the grade for a component and/or a course. The decision on the grade for each student is a public authority decision. In addition, the examiner is to take all preparatory decisions that may be necessary before the final decision, such as determining whether the student has passed compulsory components that constitute part of the assessment. In cases where the examiner has not made the assessment, the decision is taken after a report from the teaching staff member responsible for marking the student's work. The teaching staff member who marks a test makes the same type of assessments as the examiner, and the examiner normally relies on the teaching staff member's assessment and does not review the student's answers. The teaching staff member responsible for marking the student's work is to be specified in the grading decision.

The examiner is responsible for always ensuring that there is sufficient documentation to act impartially and objectively when managing a grading case, and to be in a position to take a fair decision. An examiner is to act impartially and objectively in the management of a grading case and is not to manage cases in which there may be a conflict of interest (see Section 16 of the Administrative Procedure Act) (cf. RE, p. 6, 54).

Several examiners can grade different students on one assessment, one course module or on a whole course, but similar cases are to be managed similarly. The grading decision regarding an individual student cannot be taken by several examiners together (cf. RE, p. 38).

### Local application

At the Faculties of Humanities and Theology, the person responsible for assessing student performance in graded components is also to take the formal grading decisions, unless exceptional reasons apply. Exceptional reasons can be, but are not restricted to, the person responsible for the assessment not being a teaching staff member according to Lund University's Appointment Rules, the examiner being prevented from attending, or major administrative difficulties.

## **Decisions before examination**

### **Grading scale and grading criteria**

#### National rules

*The higher education institution may determine which grading system is to be used. Successful completion of courses in programmes leading to the award of a qualification as a pre-school teacher, primary teacher, secondary or upper-secondary school teacher, or vocational teacher that either entirely or to some extent include placement must, however, always be graded at more than one level. This only applies if the placement element in the course comprises more than three higher education credits (Higher Education Ordinance, Chapter 6, Section 18).*

### Local application

At Lund University, the Vice-Chancellor establishes the grading scales that may be used. These are appended to the University's Local rules for first and second-cycle degrees and study programmes (reg. no I G 43 5518/2006). The grading scale applied to a course is stated in the course syllabus.

Pursuant to a decision in the working group of the Faculty Board (18 December 2013, item 354, reg. no HT 2013/556), the grading scale from Fail to Pass with Distinction is normally to be used at the Faculties of Humanities and Theology. If there are exceptional reasons to do so, the grading scales A-E+F or Pass-Fail (in cases where the internship part of the course is more than 50%) may be used. The course syllabus is to state how the grades on various parts of the course are weighted in the overall course grade.

Pursuant to a decision in the working group of the Faculty Board (6 May 2015, item 55, Reg. no STYR 2014/228), the grading criteria are to be specified for all courses. The grading criteria are the guidelines specific to each module that are based on the learning outcomes and express what the student needs to achieve in assessments in order to attain a particular grade. The documents containing the grading criteria are to be published on the course webpages before the start of the course.

Grades awarded for a course in accordance with the grading scale prescribed in the course syllabus cannot be translated into another grading scale.

## Forms of assessment

### National rules

*The course syllabus shall indicate how student performance is assessed.*

(Higher Education Ordinance, Chapter 6, Section 15).

### Local application

Pursuant to the Local regulations for first and second-cycle degrees and study programmes at Lund University (reg. no I G 43 5518/2006, last revised on 24 May 2017) examination is to be done in the form or forms stated in the course syllabus. However, the examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a student with a long-term disability with a form of examination equivalent to that of a student without a disability (p. 6).

In the *Instructions for first and second-cycle course syllabi*, the Faculties of Humanities and Theology observe that the forms of examination for each course module are to be specified.

## Anonymised exams

### National rules

The Swedish Higher Education Authority observes that there can be a value for both students and teaching staff in having written exams marked without the teaching staff member knowing whose paper they are marking. In the case of written examinations, a higher education institution should strive to organise anonymised exams. However, it is up to the higher education institution to determine whether or not it is possible and appropriate to arrange anonymised assessment for a course. On the basis of the rules on conflict of interest, the examiner must find out the names of the exam participants in the final stage of processing (cf. RE, p. 33).

### Local application

Pursuant to the *List of Rights*, if it is possible considering the form of assessment, students are to be anonymous in relation to the teaching staff member carrying out the assessment. Invigilated written exams are to be anonymous.

Pursuant to a decision in the working group of the Faculty Board (3 June 2015, item 59, reg. no STYR 2014/43), anonymised marking is to be applied at the Faculties of Humanities and Theology in the examinations where it is possible and can be implemented in an adequate and fair manner.

## Language of assessment

### National rules

There are no rules in Swedish higher education legislation about the language in which a course or programme of study is to be offered. The language of instruction for a course is specified in the course syllabus. The Swedish Higher Education Authority clarifies how higher education institutions are to relate to the Constitutional Act and the Language Act on the issue of the language of assessment. Decisions on grades and other decisions taken by a higher education institution in a grading case are always to be written in Swedish and the higher education institution cannot expect a student to be able to communicate with the institution on a grading case in languages other than Swedish. Special rules for students who speak one of the minority languages of Finnish, Meänkieli and Sami do not apply at Lund University as the institution is not located within the area of administration of the minority language.

For admission to first-cycle education, the applicant must have the requisite knowledge of Swedish (Higher Education Ordinance, Chapter 7, Section 6). Therefore, no student should normally be considered to need an interpreter when a course is offered in Swedish. The main rule is that all students are to be able to use Swedish, regardless of the language of instruction. With regard to courses taught in English or in other languages, the Swedish Higher Education Authority clarifies that a higher education institution cannot routinely require test answers to be given in languages other than Swedish. This also applies to courses which are taught and assessed in English. However, if the course learning outcomes specify that the student is to demonstrate knowledge of and an ability to communicate in a language other than Swedish, the students must provide their answers in the language stated.

Students who are speakers of one of the other Nordic languages do not automatically have the right to use these languages in examinations. But students who speak Danish or Norwegian should, as far as possible, be allowed to use their own language in examinations conducted in Swedish (cf. RE, p. 44-48).

### Local application

[Lund University's language policy](#) states that "by tradition, students from other countries within the Nordic area have been allowed to use Danish or Norwegian as their language of examination in Sweden, out of regard for Nordic cooperation. This is to be recognised as far as possible at Lund University." (p. 2).

## Limitation of the number of opportunities for assessment

### National rules



*If a higher education institution limits the number of sessions in which a student may take an examination in order to complete a course or part of a course, the number of sessions laid down shall be at least five. If satisfactory completion of a course or part of a course requires successful completion by the student of a placement or corresponding training, the number of prescribed periods of placement or corresponding training shall be at least two.*

(Higher Education Ordinance, Chapter 6, Section 21).

There are no provisions concerning the highest permitted number of examination sessions, but a higher education institution may limit the number of opportunities for examination if an unlimited number would lead to an unreasonably high engagement of resources. Decisions on the limitation of the number of examination sessions are to be taken restrictively and the number of examination sessions is to be stated in the course syllabus (cf. RE, p. 35-36).

## Resits

### National rules

Resits are not regulated by law. The former National Agency for Higher Education previously observed that the date for resits should normally be communicated at the latest at the time of the regular exam session, that the time between the notification of exam results and the resit must be at least ten working days or at least two weeks on condition that the marking period normally does not exceed three weeks, and that the time between examination opportunities is too long if the resit is held two months after the regular exam session (cf. RE, p. 96-97).

The Swedish Higher Education Authority observes that “the statements of the National Agency for Higher Education about resits mainly concerned traditional invigilated exams and similar forms of examination. The stated time limits for resits cannot be directly applied to other forms of assessment or to the assessment of practical components of a course such as internships or work placements. In these cases, it should be possible to make exceptions from the stated time limits if this would otherwise result in unreasonable financial costs or major practical difficulties for the higher education institution or for a third party.” (RE, p. 97).

### Local application

According to the *List of Rights*, for each course/module with the same course content, a regular exam session is to be organised, as well as a resit five to seven weeks after the regular exam session and one further opportunity for examination on courses completed during the past academic year (catch-up exam session).

At the Faculties of Humanities and Theology, if a resit for a certain form of examination cannot be implemented within the timeframe or if the form of examination for the resit needs to be changed, the conditions for the resit are to be communicated in the course syllabus.

## Resits for a course that has been changed or terminated

### National rules

“Guidelines should state what opportunities the students have to take part in resits when the required reading for the course has changed and when a course has been terminated. The students should be guaranteed at least three exam opportunities within a period of at least one year, and at least three resits within a period of at least one year after the change has taken place” (RE, p. 96).

### Local application

Pursuant to the *List of Rights*, the University is to offer examination opportunities according to the previous course content for at least one year after significant changes have been made to the course content or required reading.

## Grading

### Students' right to transparency

#### National rules

Based on the Administrative Procedure Act (Section 10), students are entitled to know what documents, if any, were involved in a grading case, e.g. marked exam papers or written comments from a supervisor in the case of an internship (cf. RE, p. 56).

### Lost exam papers

#### National rules

The Swedish Higher Education Authority observes that if it can be proven that the University is responsible for the loss of a student's written exam paper, or for a student having been given the wrong information about the date or time of an exam, the student is to be promptly offered the opportunity for a new exam, preferably within one week of the discovery of the error. The examiner cannot give a student a pass grade only on the basis of the loss of the student's exam paper (cf. RE, p. 66).

#### Local application

Pursuant to the *List of Rights*, if the University is responsible for the disappearance of a written exam paper and if the student does not request the exam to be scheduled at a later date, a new opportunity for examination is to be offered within one week. The student is not to be obliged to wait for the next scheduled exam session.

### Compulsory course components

#### National rules

Course syllabi can contain requirements that, besides various tests, students must complete certain compulsory components, such as participation in seminars. Sometimes, for various reasons, students are unable to complete the compulsory components specified in the course syllabus. In certain cases, compulsory components that form the basis for grading but are difficult to reproduce for a "resit" can be replaced by other assignments. The higher education institution's capacity to make exceptions from the requirements on compulsory components in the course syllabus and to offer replacement assignments must be supported in the relevant course syllabus. If, in the course syllabus, one chooses not to offer the opportunity for replacement assignments during a course, the only remaining option for the student is re-examination (see *Resits*, above) (cf. RE, p. 69).

If the department deems a student not to have completed a compulsory component, such as compulsory seminars or study visits, the student should nevertheless, according to the Swedish Higher Education Authority, normally be allowed to take part in subsequent examinations in the

same course. If not, it should be clarified in the course syllabus that the completion of the compulsory component is an absolute prerequisite for allowing the student to take part in subsequent examinations (cf. RE, p. 68).

According to the List of Rights, the University is responsible for ensuring that an alternative date or comparable assignment is offered to students who are not able to complete a compulsory component owing to circumstances beyond their control, e.g. accident, sudden illness or similar situation. This also applies to students carrying out activities in an elected position as a student representative.

## Withdrawal of a submitted assignment

### National rules

“A student does not have the right to withdraw an assignment submitted on a course and thereby avoid getting graded” (RE, p. 71).

### Local application

For the Faculties of Humanities and Theology, a student who attends an invigilated exam but hands in a blank paper is considered to have taken the exam and earned a Fail grade. This is reported in Ladok.

## Marking period

### National rules

Section 9 of the Administrative Procedure Act states that cases are to be managed as simply, swiftly and cost-effectively as possible without jeopardising legal security. The Swedish Higher Education Authority refers to the Parliamentary Ombudsmen’s statement on a particular case that a marking period of 15 working days (approx. 3 weeks) is acceptable (18 July 1991). The results should not be communicated later than at least two weeks before the exam resit (cf. RE, p. 73).

### Local application

The *List of Rights* states that the grade on an exam is to be communicated at the latest 15 working days after the exam. Reporting in Ladok is to be completed no later than ten working days before the exam resit.

## Documentation of the grading decision

### National rules

Each grading decision is to state the date of the decision, its content and who took the decision (see Section 21 of the Government Agency Ordinance). In cases where someone has had a reporting role or taken part in the final processing of the case without taking part in the decision, this person is also to be listed (cf. RE, p. 76).

## Measures after the grade has been communicated

### National rules

The grading decision enters into force once it has been communicated to the student. A decision is deemed to have been communicated once it has been dispatched or announced (cf. RE, p. 81). When the grade is entered in Ladok, the student receives a notification via email, which means that the decision has been communicated. However, the decision can also be made public in some other appropriate way.

According to *Fair examination* (p. 92), there shall be no rules or established practice which entail that a student who has picked up their test automatically loses their right to request a review. Nor is it permitted to set time limitations for when students must request a review at the latest.

## Appeals and grade review

### National rules

The Higher Education Ordinance Chapter 12, Sections 2, 4 state that grading decisions cannot be appealed. The provision in Sections 37-38 of the Administrative Procedure Act on correcting a decision is not applicable to grading decisions, as the Government has decided on special provisions in the Higher Education Ordinance that apply to correction and review of obviously incorrect grading decisions (see below).

For the examination to be considered fair, it is crucial that the examiners assess similar cases similarly. The examiner is to conduct the review (cf. RE, p. 88-89).

## Correction and review of an obviously incorrect grading decision

### National rules

*A decision pursuant to Section 36 of the Administrative Procedure Act (2017:900) on rectification of a typographical error or similar oversight concerning a grade shall be made by an examiner.*

(Higher Education Ordinance, Chapter 6, Section 23).

The Swedish Higher Education Authority clarifies that the correction of typographical errors, miscalculations or similar oversights are to be made by an examiner both when they are to the student's advantage and disadvantage. Corrections that are to the student's disadvantage must be made with extreme caution (cf. RE, p. 85).

*If an examiner finds that a decision on a grade is obviously incorrect owing to new circumstances or for some other reason, they shall change the decision if this can be done quickly and easily and if it does not mean lowering the grade.*

(Higher Education Ordinance, Chapter 6, Section 24).

The Swedish Higher Education Authority clarifies that both the examiner and the student can take the initiative for correction or review (cf. RE, p. 69).

A pass grade cannot be changed to a fail grade at the student's request (RE, p. 92).

## Change of examiner

### National rules

*A student who has taken two examinations in a course or a part of a course without obtaining a pass grade is entitled to the nomination of another examiner, unless there are special reasons to the contrary.*

(Higher Education Ordinance, Chapter 6, Section 22)

The Swedish Higher Education Authority clarifies that one possible special reason for not providing a change of examiner is the lack of another suitable examiner and that the decision on the change of examiner should be documented in writing (cf. RE, p. 97-98).

#### Local application

The Faculties of Humanities and Theology clarify that in the case of a change of examiner, the grading decision is to be taken at the re-examination.

### Additional assignments for a pass grade/grade improvement

#### National rules

The Swedish Higher Education Authority observes that “the examiner can decide that a student who has not passed a course can be given additional assignments if there is support for this in the higher education institution’s regulations” (RE, p. 95). The course syllabus regulates the conditions concerning additional assignments. It is important for the course syllabus to make it clear what opportunities exist for additional assignments on the course in question.

The Swedish Higher Education Authority observes that “higher education institutions are permitted to allow students who have passed a course to resit the exam to get a higher grade” (RE, p. 96).

#### Local application

At the Faculties of Humanities and Theology, students are not permitted to resit an exam to get a higher grade.

### Archiving and disclosure of exam answers

#### National rules

When examinations take place in the form of written questions to be answered by the students, the exam answers are considered to be an official document received by the University, in accordance with the Freedom of the Press Act (TF) Chapter 2, Section 4 (cf. RE, p. 99).

Official documents shall be disclosed to the person who requests them (TF Chapter 2, Section 15). When disclosure of exam answers is requested by a person other than the student themselves, a confidentiality assessment is to be carried out (see Chapter 21 of the Public Access to Information and Secrecy Act).

The Swedish National Archive’s regulations, (henceforth RAMS), state that written exam answers shall be returned following grading or disposed of 2 years after grading (RAMS 2017:39, appendix, p. 3). Written exam answers may be disclosed to the student following grading, once the grade has been registered in the study registry. Higher education institutions have the right to return a written exam to a student without keeping a copy for archiving. However, RAMS advises that if a student requests a review of the grade, the exam answers should be kept for two years after the final processing of the review.

### Local application

Lund University's Records Management Plan has the same regulations as RAMS (2017:39). The Records Management Plan also states that matters relating to changes in grade decisions shall be registered as a new case (see. p. 45, KS 35.16). The exam answers in such a case shall therefore be saved as a document in the case and shall not be destroyed.

At the Faculties of Humanities and Theology, the students shall be informed that their exam answers are considered to be official documents that may be disclosed to third parties, that prior to the disclosure of exam answers a confidentiality assessment is carried out and that exam answers that are not picked up are disposed of after two years.

Confidentiality assessments relating to a request for disclosure of exam answers from someone other than the student themselves shall be carried out by the examiner/teaching staff member responsible for the marking or the director of studies.