**Examination appeals procedure**

*Legal basis: Ministerial Order No. 666 of 1 July 2012 on University Examinations and Grading (the Examination Order)[[1]](#footnote-1)*

***1. Appeals concerning academic issues***

Appeals about tests or other forms of assessment forming part of the examination must be submitted to the university (Dean/Director of Studies) by the student. Appeals must be submitted in writing and include an explanation of the reasons for the appeal. The appeal must be submitted within two weeks of the assessment being published except in special circumstances.

Appeals may be submitted about the following aspects of the examination: 1) legal issues, 2) the basis for examination (questions, assignments etc.), 3) the examination process or 4) the assessment.

***1.1 Consideration of appeals***

If the appeal concerns the assessment or other issues relating to the assessors, the university immediately submits the appeal to the assessors, who then have two weeks to submit an opinion (the month of July is not included when calculating the assessors’ deadline). Under special circumstances, the university may decide to extend the assessors’ deadline. The complainant must be given the opportunity to comment on the assessors’ opinion within a deadline of at least one week. The university makes a decision based on the appeal, the assessors’ opinion and the complainant’s comments on the opinion, if any. In its decision, which must be in writing and reasoned, the university may decide 1) to make an offer of a new assessment (however, not in oral examinations), 2) to make an offer of a new examination, 3) not to find in favour of the complainant. The university notifies the complainant and the assessors of the decision as soon as possible.

**1.1.1 Errors/irregularities during an examination**

If the university becomes aware of errors or irregularities during an examination in connection with the processing of an appeal – or in general – the university decides how the error or irregularity may be rectified. For this purpose, the university may choose to obtain the opinion of the person(s) responsible for the examination.

1. In the event of significant errors or irregularities: The university may offer the opportunity of an extraordinary re-examination to all students whose examinations are affected by the same error or irregularity. Students who have participated in the extraordinary re-examination are entitled to insist on accepting the original assessment.
2. In the event of serious errors or irregularities: The university may annul the examination and arrange an extraordinary re-examination.
3. In the event of 'other' errors or irregularities: The university can rectify the error in the way deemed by the univerity to be the most appropriate. The university may, for example, decide to leave erroneous examination questions out of the assessment or to arrange for a re-assessment of all the examinees' papers if the assessment has taken place.

Students can only be given a lower grade if a decision is made to annul the entire examination and arrange for an extraordinary re-examination. In other situations, the rectification of the error cannot result in the student being awarded a lower grade.

Complaints concerning errors or irregulatiries during an examination may be submitted at any time. Based on a concrete assessment, the university may thus decide to rectify any errors/irregularities observed at a later date.

***1.2. Decision***

***1.2.1. University finding in favour of complainant***

The complainant must accept the offer for a re-assessment or re-examination within two weeks of having been notified of the university’s decision. Such re-assessment or re-examination must be held as soon as possible thereafter. New examiners are appointed by the university, and new external examiners are appointed by the chairperson of the external examiners. The assessors must be provided with the case files, including the assignment, the appeal, the original assessors’ opinion, the complainant’s comments, if any, and the university’s decision. The assessors notify the university of their assessment (which may result in a lower grade than the original grade). In connection with the re-assessment of written examinations, the assessors enclose a written justification for their assessment. The assessment after re-assessments and re-examinations cannot be referred to any other administrative authority, except where the appeal concerns legal issues (cf. section 2.1).

***1.2.2. University not finding in favour of complainant – board of appeals***

If the university has not found in favour of the complainant, the complainant may refer the university’s decision to a board of appeals. Appeals must be submitted in writing and include an explanation of the reasons for the appeal. The appeal must be submitted within two weeks of the university’s decision being announced to the complainant. Under special circumstances, the university may grant exemptions from this deadline.

The university sets up a board of appeals as soon as possible after an appeal has been submitted. A permanent board of appeals may be established. The board of appeals consists of two appointed external examiners, a teacher entitled to conduct examinations and a student from the subject area. The chairperson of the external examiners appoints the external examiners and the chairperson of the board of appeals. The university appoints the teacher and the student.

For the board of appeals to form a quorum, all the members must participate in its discussions, and all relevant papers on which the university based its decision must be sent to all the members. The deliberations may be in writing, including electronic, if the board members agree to a written procedure and provided that the complainant’s personal data can be protected.

***Decision by board of appeals***

In its decision, which must be in writing and reasoned, the board of appeals can decide: 1) to make an offer of a new assessment of the written examination by new assessors, 2) to make an offer for a new examination by new assessors or 3) not to find in favour of the complainant. If agreement is not reached by the board of appeals, all members of the board of appeals must vote on the decision. In the event of an equality of votes, the chairperson has the casting vote.

The board of appeals’ decision must be announced to the university as soon as possible and at the latest within two months of the appeal being submitted (the month of July is not included when calculating the two-month deadline). If the appeal cannot be processed within the two-month deadline, the deadline may be disregarded. In such case, the university must inform the student of when the decision is expected to be made, providing details on the reason for the delay.

The university informs the student of the board of appeals’ decision as soon as possible. The board of appeals’ decision cannot be referred to any other administrative authority unless the appeal concerns legal issues (cf. section 2.1.).

***2. Appeals concerning legal issues***

***2.1 Appeals about decisions concerning legal issues in examination appeals***

An appeal concerning legal issues in connection with: 1) the university's decision to make an offer of a new assessment or a re-examination or to reject the appeal, 2) the assessment in connection with a new assessment or re-examination, can be submitted to the Educational Legislation Advisory Service, which will consider and decide the matter on behalf of the Rector. The deadline for submission of an appeal is two weeks from the day the decision is announced to the student.

Appeals must be submitted to the person(s) having made the decision in the first case. Appeals are then forwarded to the Educational Legislation Advisory Service.

The decision made by the Educational Legislation Advisory Service can be brought before the Danish Agency for Universities and Internationalisation (UI). The deadline is two weeks from the decision being announced to the student. The appeal must be submitted to the Educational Legislation Advisory Service, which issues an opinion. The complainant must be given the opportunity to comment on this opinion within a deadline of at least one week. If the decision is upheld, the Educational Legislation Advisory Service submits the appeal, enclosing the opinion and any comments made by the complainant, to the UI.

***2.2. Appeals about decisions concerning legal issues which are not examination appeals***

*(for example in connection with errors and irregularities at the examination or in decisions made by the board of studies)*

Students may submit appeals to the Educational Legislation Advisory Service about legal issues in connection with decisions made by the university. The deadline is two weeks from the decision being announced to the student. The appeal must be submitted to the university (the person(s) having made the decision in the first case), who issues an opinion. The complainant must be given the opportunity to comment on this opinion within a deadline of at least one week. If the decision is upheld, the appeal is forwarded, enclosing the opinion and any comments made by the complainant, to the Educational Legislation Advisory Service which considers the case on behalf of the Rector. Appeals against decisions made by the Educational Legislation Advisory Service may subsequently be lodged with the UI.

**If you have any queries concerning examination appeals, please contact the members of the Examination Appeals Group:**

ARTS: Vibeke Kjær Nielsen

ST: Mette Kofod Erichsen

BSS: Tina Lindhardt

HE: Lene Marie Ehrhorn

AU Studies Administration: Louise Hauptmann

For questions which cannot be answered by your main academic area, please contact Louise Hauptmann

Educational Legislation Advisory Service, AU Studies Administration, by email at ilh@adm.au.dk or telephone: +45 89 42 67 98

1. The provision can be found in Aarhus University's rules and regulations at: <http://www.au.dk/om/organisation/index/5/56/2010-au9/> [↑](#footnote-ref-1)