

## Section I: External Examiners

### 1 General

- 1.1 The Academic Board requires that at least one external examiner must be associated with all assessments contributing to an award, but need not be associated with any additional assessments which form part of the course, but play no role in the determination of the award.
- 1.2 These regulations take into account the expectation and indicators of the *UK Quality Code for Higher Education (March 2018)*.
- 1.3 The authority for appointing external examiners rests with the Academic Board which delegates this responsibility to the University Quality and Standards Committee. The University Quality and Standards Committee oversees the work of the Sub-Committee for External Examiner Nominations in relation to the appointment of external examiners for taught courses.

Guidance on the criteria and procedure for the appointment of external examiners can be found in **Section I3**. This includes a list of those categories of person (and related circumstances) who are unlikely to be approved as external examiners.

- 1.4 The University is responsible for ensuring that it satisfies the specific requirements of any PSRB associated with an award. This includes requirements for the appointment and role of external examiners and receipt of copies of external examiner reports in relation to courses with which PSRBs are associated. The University takes full account of such requirements in approving external examiners for these courses.
- 1.5 Although external examiners, as members of an Examination Board, must be fully associated with all appropriate decisions of that Examination Board, they have no legal responsibility for any subsequent action taken by the University in connection with a student's performance (such as the suspension or exclusion of a student from the University). Likewise, the external examiner may not be held responsible for any violation or variation of the approved assessment arrangements.

External examiners are asked to sign a Statement of Procedural Compliance (along with the Chair of the examination board) at the end of all Examination Boards. Where the external examiner is unwilling to sign the statement, they should follow the procedure in the [External Examiners' Handbook](#) which requires the external examiner to make a separate written report to the Vice-Chancellor as Chair of the Academic Board detailing their concerns. The matter will then be investigated by the University.

- 1.6 The name, position and institution of the external examiner(s) appointed to the University should be included in module or course information provided to students. Where the external examiner has been appointed to fulfil a role on behalf of a PSRB this will also be included in course information.

It is however inappropriate for students to make direct contact with external examiners. Where students have issues regarding academic performance in

assessments, they may use other appropriate University procedures such as the appeals procedure or complaints procedure or should contact the Student Union (SU) Advisory Service and/or their Course Leader. This should be made clear to students in course information.

1.7 External examiners have the right to the payment of fees (after the submission of an annual report) and travel and subsistence expenses as laid down by the University from time to time, subject to meeting any stated requirements. Details are given in the *External Examiners' Handbook*.

1.8 External examiner involvement in the assessment process (moderation of assessment, participation in examination boards) is a central tenet of the University's quality assurance system. University guidelines for the engagement of and with external examiners are set out in the *External Examiners' Handbook*.

## 2 The role of the external examiner

2.1 External examiners are appointed to 'provide the University with impartial and independent advice, as well as informative comment on the University's academic standards and on the achievement of students in relation to these standards'<sup>97</sup>.

2.2 It is not the role of external examiners to adjudicate between internal examiners who have arrived at different marks or grades for the same piece of assessed work. Such differences should be resolved by the School. External examiners have an auditing role to check marking standards and make judgements separately from internal examiners.

2.3 The University deems that in confirming the academic standards of a final award an external examiner confirms that they endorse the level and standards of its component parts as appropriate to the structure of the award.

2.4 The specific roles and responsibilities of external examiners for courses and the duties of Chief External Examiners, as well as guidance as to the information to which they should have access, are included in the *External Examiners' Handbook*.

2.5 There is no formal University requirement for external examiners to meet with students. However providing external examiners with an opportunity to meet with students may be deemed appropriate by the course team depending on the nature of the discipline and/or assessment method. External examiners may also find it useful to have a more general meeting with groups of students in order to help form a view about the course(s)/subject area(s), the assessment process, the overall quality and standards of the course and to obtain feedback on the student experience.

Where the course team provides an opportunity for the external examiner to meet and to talk to students, clear guidance should be provided to students about the purpose of the meeting. Students should be advised that the meeting is to help the external examiner gather evidence of the students' learning and assessment experience as part of the University's quality assurance processes but that it has no impact on an individual student's marks and no student is required to attend.

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<sup>97</sup> UK Quality Code for Higher Education (March 2018)

- 2.6 External examiners should not be involved in the assessment of any student except where this role is required of the examiner by a PSRB and this is justified and agreed at the time of validation.

In particular, external examiners do not normally have the right to request to conduct a *viva voce* or oral examination of any student on a course unless agreed at the time of validation of the course, e.g. there is a PSRB requirement. An external examiner may be invited to be involved in interviewing a student for the purpose of providing an alternative or additional assessment where valid reasons for poor performance have been established.

- 2.7 New external examiners should be briefed on their task as soon as possible after appointment, preferably by visiting the institution to meet staff and students.

- 2.7.1 Academic Services is responsible for the annual induction workshop for new external examiners. The date of the induction workshop is published on the external examiners' homepage and all external examiners new to the University are invited to this event. The workshop covers generic information on:

- i. the role and responsibilities of the external examiner at the University;
- ii. the University's GEAR for Taught Courses (GEAR);
- iii. examination boards and decisions;
- iv. administrative arrangements including; submission of reports, claims for fees and expenses and contact information.

Materials for the event are published on the external examiners' homepage.

- 2.7.2 Schools (typically Course teams) are responsible for providing external examiners with access to course-specific information, including:

- i. the programme specification for the course for which the external examiner has responsibility;
- ii. course and module handbooks (as appropriate);
- iii. any course-specific regulations, including any PSRB requirements and relevant professional issues, such as Fitness to Practise;
- iv. the external examiner's role in relation to the overall external examining team (where appropriate);
- v. mentoring arrangements (where appropriate);
- vi. assessment information/schedule and marking/grading criteria;
- vii. arrangements for commenting on final draft examination papers;
- viii. marking and internal moderation procedures;
- ix. the dates of examination board meetings at which attendance is required.

### 3 Appointment of external examiners

#### 3.1 Appointment criteria

3.1.1 The University applies the following UK-wide set of criteria for appointing individuals, drawn from academia, industry, business and the professions, as external examiners. This ensures that only those with appropriate academic standing, examining experience and expertise are appointed to act as external examiners.

The University appoints external examiners who can show appropriate evidence of the following:

- i. knowledge and understanding of UK sector agreed reference points for the maintenance of academic standards and assurance and enhancement of quality;
- ii. competence and experience in the fields covered by the programme of study, or parts thereof;
- iii. relevant academic and/or professional qualifications to at least the level of the qualification being externally examined, and/or extensive practitioner experience where appropriate;
- iv. competence and experience relating to designing and operating a variety of assessment tasks appropriate to the subject and operating assessment procedures;
- v. sufficient standing, credibility and breadth of experience within the discipline to be able to command the respect of academic peers and, where appropriate, professional peers;
- vi. familiarity with the standard to be expected of students to achieve the award that is to be assessed;
- vii. fluency in English, and where programmes are delivered and assessed in languages other than English, fluency in the relevant language(s) (unless other secure arrangements are in place to ensure that external examiners are provided with the information to make their judgement(s));
- viii. meeting applicable criteria set by professional, statutory or regulatory bodies;
- ix. awareness of current developments in the design and delivery of relevant curricula;
- x. competence and experience relating to the enhancement of the student learning experience.

3.1.2 It is important that the University should be assured that all criteria have been met when nominations are made. Where there are exceptional circumstances appropriate arguments must be put forward. If a School Academic Scrutiny Committee is unsure of a nominee's acceptability, Academic Services should be consulted in the first instance.

3.1.3 The University, through careful consideration and approval by the Sub-Committee for External Examiner Nominations, may make appropriate use of exceptions and special cases to the full criteria in **Section I3.1.1** when considering:

- i. nominees who have considerable professional experience relevant to a professional or vocational programme (from business, industry or the professions);
- ii. nominees who have no previous experience as an external examiner for an institution;
- iii. nominations for external examiners in disciplines which are very small and specialist and where the pool of potential external examiners is therefore restricted.

Nominees who have professional experience may be unable to fulfil all the criteria in **Section I3.1.1** and appointment would only be approved where appropriate support in relation to academic expectations is provided. Normally the nominee would be appointed as part of an experienced external examining team (i.e. not the sole external examiner for the award and only where the proposed external examiner's expertise is complemented by that of others who do satisfy the criteria). Schools should provide details on the nomination form.

Where the nominee has no previous experience as an external examiner for any institution, appointment would only be approved where the appointment was made to a team of external examiners and/or with mentoring arrangements (refer to guidance on nomination form). Schools should provide details on the nomination form. First-time external examiners are expected to attend the University's external examiners' workshop within their first year of appointment. Where the external examiner is unable to attend, the Course Leader should make alternative arrangements to meet the external examiner and brief him/her.

3.1.4 The University encourages external examiner nominations to be drawn from a wide variety of institutional/professional contexts and traditions in order that the course benefits from wide-ranging external scrutiny. There should be an appropriate balance and expertise in any team of external examiners whose remit requires them to attend any common examination board, including examining experience, academic and professional practitioners and a range of academic perspectives.

An analysis of external examiner institutional/professional backgrounds is considered annually by the Sub-Committee for External Examiner Nominations.

3.1.5 The University may agree to the appointment of a Chief External Examiner from within a team of approved external examiners. The approval of the appointment of a Chief External Examiner who is to act in this capacity will be subject to the normal criteria and the person will be expected to have subject and/or course responsibilities within the team.

## 3.2 Conflicts of interest

3.2.1 To avoid conflicts of interest and to ensure that external examiners are sufficiently independent to fulfil their role, the University should not appoint as external examiners anyone in the following categories or circumstances:

- i. a member of the Board of Governors of the University of Brighton or member of a governing body of one of its collaborative partners, or a current employee of the appointing institution or one of its collaborative partners;
- ii. anyone with a close professional, contractual or personal relationship with a member of staff or student involved with the programme of study;
- iii. anyone required to assess colleagues who are recruited as students to the programme of study;
- iv. anyone who is, or knows they will be, in a position to influence significantly the future of students on the programme of study;
- v. anyone significantly involved in recent or current substantive collaborative research activities with a member of staff closely involved in the delivery, management or assessment of the programme(s) or modules in question;
- vi. former staff or students of the institution unless a period of five years has elapsed and all students taught by or with the external examiner have completed their programme(s);
- vii. a reciprocal arrangement involving cognate programmes at another institution;
- viii. the succession of an external examiner by a colleague from the examiner's home department and institution;
- ix. the appointment of more than one external examiner from the same department of the same institution<sup>98</sup>.

3.2.2 The University uses the criteria in **Section I3.2.1** to ensure that potential conflicts of interest are identified and resolved prior to nomination and appointment or as soon as they arise.

3.2.3 Former members of validation panels are rarely appropriate as first external examiners for a course, as they are not well placed to comment on course structure and outcomes (having already been part of the process which approved the course). Members of the validation panel should be nominated only in exceptional cases, with a clear statement in the rationale for why it is appropriate in this case.

3.2.4 Members of staff of the University of Sussex and the University of Brighton's Partner Institutions have agreed that it would be inappropriate for their members of staff to be used as external examiners for each other's courses.

Members of staff associated with courses in other institutions and for which the University has primary responsibility for quality assurance may not be appointed as external examiners to the University.

3.2.5 In order to protect their independence, external examiners should not act as consultants to a course team on course design or be members of any panel(s)

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<sup>98</sup> Where necessary seek advice from Academic Services. The Sub-Committee for External Examiner Nominations retains final judgement for the appointment of external examiners where potential conflicts of interest are identified.

established to review the course(s) they examine during the period of their appointment, although they may be consulted on proposed changes to the existing module(s) or course(s) for which they have responsibility.

3.2.6 Once appointed, where a potential conflict of interest arises the external examiner should declare this to the Chair of the Examination Board as soon as possible. Where this cannot be resolved the external examiner should resign their appointment.

### 3.3 Terms of office

3.3.1 The duration of an external examiner's appointment will normally be for four years, with an exceptional extension of one year to ensure continuity. Any reallocation of duties i.e. to include further or new modules within the existing term of office must be considered and approved by the Sub-Committee for External Examiner Nominations.

3.3.2 An external examiner may be reappointed in exceptional circumstances but only after a period of five years or more has elapsed since their last appointment.

3.3.3 An external examiner should normally hold no more than two external examiner appointments for taught programmes at any point in time.

3.3.4 External examiners who retire during their period of appointment may normally be permitted to continue at the University provided there is sufficient evidence of continuing involvement in their academic area.

### 3.4 Appointment procedure (including extension and reallocation of appointments)

3.4.1 The early appointment of external examiners is vital, both for newly approved courses and for replacement external examiners. Where practicable, external examiner appointments should be approved twelve months before the first assessments for which the external examiner is to be associated.

Where an external examiner's tenure ends unexpectedly and an unavoidable gap between external examiner tenures has occurred, the School should provide an explanation on the nomination form of the replacement external examiner along with a statement explaining the arrangements which had been in place to cover any interim period.

3.4.2 All nominations (including extensions and reallocation of duties) should be submitted on the appropriate University form.

3.4.3 Where more than one external examiner is appointed to a course or programme, Schools should consider phasing external examiner appointments to enable and encourage mentoring of new external examiners. Where one external examiner is appointed to a course, Schools should consider any handover arrangements.

3.4.4 The appointment of external examiners is managed by Academic Services in liaison with Schools. External examiner nominations are considered at the School Academic Scrutiny Committee before presentation to the Sub-Committee for External Examiner Nominations. On rare occasions, it may be necessary for Chair's action to be taken on behalf of one or more of these committees, but that should be the exception not the rule.

The Sub-Committee for External Examiner Nominations receives an annual

report on the number of nominations, reallocations and extensions approved and on the number, by School, rejected.

- 3.4.5 Where a significant change to the duties of an external examiner is proposed (for example additional or new modules, a Chief External Examiner responsibility), or where an exceptional extension for a further year is requested, the approval of the Sub-Committee for External Examiner Nominations is required. A *Reallocation and extension to tenure request* form should be completed by the School and considered by the School Academic Scrutiny Committee.
- 3.4.6 Once a course has been approved at validation, Academic Services in liaison with Schools should ensure that a nomination for an external examiner is sought from the course team. The course team should be made aware of the appointment criteria and ensure that any proposed external examiner meets these.
- 3.4.7 The formal point of contact between the University and an external examiner for the notification of appointment and for submission of external examiner's reports is Quality and Standards, Academic Services.
- 3.4.8 Normally, where assessments take place in the summer term, appointments will run from the October before the first assessments to the September after the last normal assessments. External examiners should remain available until after the last assessment with which they are to be involved in order to deal with any subsequent reviews of decisions.
- 3.4.9 Course teams are asked to bear in mind that the only information available to the Sub-Committee for External Examiner Nominations is that which is contained on the external examiner nomination form, and that the appropriateness of a nominee cannot be taken 'on trust'.

#### **4 External examiners' reports**

- 4.1 External examiners' reports are an essential part of the University's internal monitoring and evaluation procedures. All external examiners must submit reports annually, normally within one month of the final/main examination board of the academic year, to the Vice-Chancellor of the University as Chair of Academic Board. The University uses a standard report proforma, available electronically, together with guidance on its completion. Details of how to submit reports are provided in the appointment letter and *External Examiners' Handbook*.
- 4.2 The essential role of the external examiner is to assist the University to maintain the academic standards of its awards and to ensure that the University's examination and assessment regulations are fair and fairly applied.

The University expects its external examiners to provide informative comment and recommendations upon whether or not:

- i. the University is maintaining the threshold academic standards set for its awards in accordance with the frameworks for higher education qualifications and applicable subject benchmark statements;
- ii. the assessment process measures student achievement rigorously and fairly against the intended outcomes of the programme(s) and is conducted in line

with the institution's policies and regulations;

- iii. the academic standards and the achievements of students are comparable with those in other UK higher education institutions of which the external examiners have experience.

4.3 The University also expects its external examiners to provide informative comment and recommendations on:

- i. good practice and innovation relating to learning, teaching and assessment observed;
- ii. opportunities to enhance the quality of the learning opportunities provided to students.

The University draws on this feedback in the development of its provision.

4.4 The report proforma asks external examiners to provide clear, informative and constructive comments, including supporting evidence, on those areas defined for the role in **Sections 14.2** and **14.3** (core content). In addition, external examiners are asked to:

- i. confirm that sufficient evidence was received to enable the role to be fulfilled (including adequate time to consider samples of work and contribute to examination boards). Where evidence was insufficient, external examiners are asked to give details;
- ii. state whether issues raised in their previous report(s) have been, or are being addressed to their satisfaction;
- iii. address any issues as specifically required by any relevant professional body;
- iv. give an overview of their term of office (when concluded).

4.5 External examiners are informed that as reports are made available to students, individual staff and students must not be identified in their report.

4.6 Schools should make external examiner reports available, together with any action plan or response from the course where there is a PSRB requirement.

4.7 The University makes its external examiners' annual reports available in full (with the sole exception of any confidential report made directly, and separately, to the Vice-Chancellor) to course representatives at Course Boards<sup>99</sup> which meet as part of the annual Academic Health process. Reports are also available to students on request from the School Office.

Reports should only be redacted where an external examiner:

- i. has contravened the requirement not to identify individuals;
- ii. has included something intended to cause harm to the institution or to bring it into disrepute.

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<sup>99</sup> Or staff/student consultative committee as appropriate.

- 4.8 External examiners are informed at the beginning of their term of office, through their appointment letter and induction workshop, that they have a right to raise any matter of serious concern with the Vice-Chancellor, if necessary by means of a separate confidential written report.

The University's [Procedure for dealing with matters of serious concern raised by external examiners](#) (available from staffcentral). This ensures that the University provides a considered and timely response to any matter of serious concern raised in an external examiner report or a confidential report to the Vice-Chancellor, including any actions that the University will be taking as a result.

If the University's internal mechanisms for addressing such concerns have been exhausted without a satisfactory resolution, external examiners may wish to use the Quality Assurance Agency for Higher Education's concerns scheme (which relates to systemic failings in an institution's management of standards and quality rather than isolated cases of practice or personal grievance) or to contact the relevant PSRB. Further information about how the concerns scheme applies to external examining is provided in the *External Examiners' Handbook*.

- 4.9 Details of the procedures for the scrutiny of and response to external examiners' reports are provided in the *External Examiners' Handbook*.

- 4.10 The Academic Board has agreed a procedure to secure the submission of external examiner reports. Details of this can be found in the *External Examiners' Handbook*.

## 5 Early termination of external examiner appointments

- 5.1 External examiners have an important role in contributing to the University's management of standards and quality. Any failure to fulfil the role is viewed seriously and action taken, including early termination of the appointment, where appropriate.
- 5.2 The Academic Board may terminate the appointment of an external examiner at any time before the completion of the period of appointment for the following circumstances:
- i. failure to comply with the University academic regulations relevant to their appointment as set out in the University's GEAR for Taught Courses and where the appropriate Head of School or Pro-Vice-Chancellor (Education and Student Experience) are unable to resolve the matter with the external examiner;
  - ii. failure to attend examination board(s) (where attendance is required) without good cause and without the prior agreement of the Chair of Examination Board;
  - iii. failure to submit an annual report within the specified time, or the provision of an incomplete report;
  - iv. where there has been a change in the personal circumstances of the external examiner and where a potential conflict of interest arises which cannot be satisfactorily resolved;
  - v. where there has been a significant change in the circumstances related to

the course/programme of study to which the external examiner has been appointed e.g. discontinuation of the course/modules.

- 5.3 Where circumstances arise which meet the criteria for early termination of an external examiner's appointment, the following procedure should be used:
- i. the Course Leader provides details of the external examiner and the circumstance(s) under which they wish to terminate the appointment to the Head of School;
  - ii. the Head of School should consider the matter and where appropriate refer the matter in writing to the Pro-Vice-Chancellor (Education and Student Experience) giving reasons for the request;
  - iii. the Pro-Vice-Chancellor (Education and Student Experience) will write to the external examiner on behalf of the Academic Board. The letter will outline the circumstances and ask for a response from the external examiner. If a satisfactory solution cannot be found, the appointment will be terminated;
  - iv. the early termination of an external examiner's appointment will be noted at the Sub-Committee for External Examiner Nominations.

## **6 Resignation and interruption of appointments**

- 6.1 Where an external examiner is unable to continue to the end of their period of appointment, or where the external examiner is likely to be unavailable for an extended period of time during their appointment, the external examiner should resign and, where possible, give the University reasonable notice so that a replacement can be found and appointed in good time.

The procedure for resignation of an external examiner is provided in the *External Examiners' Handbook*. Resignations of external examiners are reported to the Sub-Committee for External Examiner Nominations.