Crafting assessment regulations for first year students: stringency, academic alignment and equity

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and members of the Student Assessment & Classification Working Group

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The Student Assessment and Classification Working Group is an informal group of academics and administrators who have a shared interest in aspects of assessment, including assessment criteria, grading, and the honours degree classification.

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Part A: Introduction, Context and Methodology

Introduction

The Student Assessment and Classification Working Group (SACWG), a group of administrators and academics interested in assessment, has a long standing interest in academic regulations and assessment practices, and how variations between institutions and subject areas impact on student success and academic standards.[1] This latest research project of the SACWG has focused on institutional assessment regulations related to the first year of Honours undergraduate degree programmes. In reviewing a sample of institutional regulations related to assessment, reassessment and progression arrangements, we have sought to ascertain:

- key variations in institutional policy and practice related to assessment and progression regulations for first year full-time students
- the potential impact of variations on student 'success' measured in terms of progression/continuation at the end of the first year of study
- the rationales for different regulatory practices.

Our starting point is that academic standards, as framed by institutional assessment regulations, are socially constructed (Gipps, 1999, 2002; Shay, 2008; Leathwood, 2005, Sadler, 2011) in that they are the outcome of complex and political processes of negotiation, reflecting institutional histories and priorities, assumptions about the nature of learning and assessment, as well as adherence to the principles of validity, reliability and equity. Institutional assessment regulations are crafted and subject to continuous review and amendment. Changes will often have a direct impact on the number and proportion of students who are deemed successful and able to progress to the next year of study. Crafting assessment regulations involves taking account of many different interests, whilst ensuring that the outcomes are consistently fair. For those involved in developing regulatory frameworks the goal is to attain an optimal balance between often competing principles and interests. An important dimension of this is the extent to which individual Higher Education Institutions (HEIs) permit regulatory matters to be devolved – that is determined at the departmental or course level, and the scope for an examination board to exercise discretion with regard to outcomes for individual students. This means that pass and progression rates are not a simple reflection of student academic ability, and that a student with exactly the same set of assessment outcomes or grades may well have quite different opportunities for progression in different HEIs, or in some cases between different departments within the same HEI.

The research draws on our collective experience in student assessment and external examining and in institutional data analysis to review and compare a sample of HEI institutional regulatory frameworks relating to first year of Honours degree programmes, and to test the potential impact of the key variations we identified. These variations raise many questions, not least about the comparability of academic standards and equity for students. Our purpose is to describe the range of institutional differences rather than to make judgements about their legitimacy. We hope that this research will contribute to more informed discussion within HEIs about academic standards and the regulatory frameworks underpinning first year assessment policy and practice, and thus lead to more consistent and transparent practice.

For the purposes of this paper, 'assessment regulations' refers to the institutionally approved formal framework of rules and requirements governing decisions about student assessment outcomes, progression and awards. 'Progression' relates to the decision taken at the end of the first year study, as to whether a student may proceed in the following year to the next level or stage of the course – in this case to level 5 or stage 2. 'Stringency' signifies the severity or exacting nature of the regulations, whilst 'academic alignment'

1 For an overview of SACWG research see Assessment and Evaluation in Higher Education Vol 29 (4), August 2004, including Yorke M. et al (2004a).

denotes the logical consistency of the regulatory framework with the credit principles on which it is based. 'Equity' concerns fairness and impartiality in decisions as they relate to students. We know, from the research we have carried out over many years, that these are all important concerns for institutions in the formulation and ongoing review and development of assessment regulations.

The structure of the paper follows the stages of our methodology. Firstly, we explore the key variations in institutional assessment regulations and provide some insight into the ways in which colleagues are currently engaged in reviewing regulations and associated rationales. We then attempt to illustrate the impact of key variations in regulatory practice on student 'success'. The paper concludes with some analysis of the way in which key features of institutional regulatory frameworks – namely, stringency, academic alignment, devolution and discretion – interact.

Context for the research

Assessment has long been regarded as 'at the heart' of the student learning experience (see for example Brown and Knight, 1994; Boud, 1995; Gibbs and Dunbar-Goddet, 2007; Yorke, 2008, QAA, 2013), and in recent years we have seen considerable public debate in the UK about academic standards (Brown, 2010; IUSSC, 2009; QAA, 2009a), as well as a growing body of research and practice informed work on how to improve student assessment (Bloxham et al, 2011; HEA, 2012; Gibbs, 2012; Price et al, 2012; Sambell et al., 2012). Much of this literature raises important questions about the reliability and validity of current approaches to assessment (Rust, 2013), and argues that assessment decisions are socially constructed phenomena based on judgements which cannot be subject to precise measurement, save in some specific circumstances (Yorke, 2011). There is, however, very little in the research literature that focuses on assessment regulations and how they relate to academic standards and the student experience.

There are a few exceptions that draw some attention to the issues. There have been several surveys of UK higher education credit systems, that make reference to the impact of credit based regulations on assessment outcomes, particularly in relation to compensation/condonement issues (Johnson, 2004; QAA 2009b; Atlay et al., 2012; Bridges and Flinn, 2010; Souto-Otero, 2013), and also with regards to degree classification (Yorke et al., 2004b; Burgess, 2006; QAA, 2007; Yorke et al. 2008). Our research is very much in this tradition but attempts a more detailed review and discussion of how HEIs regulate the award of credit and its implication for student 'success' and potentially for 'academic standards'.

More fundamentally, Rust (2007; 2011) has argued that current practice in the use of numerical marks or grades as proxies for achievement, is 'intellectually and morally indefensible' (Rust, 2007, p 233). The principle of learning outcomes based assessment is now widely accepted in higher education. However, the practice of representing achievement in terms of single numbers, and moreover the processes of aggregation at module and programme level, means that the alignment, and thus the integrity, between assessment outcomes and achievement of learning outcomes is distorted. This raises questions about both validity and equity of assessment processes. It is clear from our research that there are significant tensions for those crafting assessment regulations in marrying grading systems with a learning outcomes based approach to assessment.

Turnbull et al (2008) have also drawn attention to the tensions that exist within an increasingly modularised higher education system which has demanded greater transparency to be mapped onto a culture grounded in flexibility and academic autonomy, and how this demands a repositioning of institutional regulatory frameworks. The analysis presented in our discussion of devolution and discretion bears witness to these tensions and the organisational cultures from which they derive.

Similarly a small number of studies have focused on reassessment and raised questions about its purpose and reliability, and whether it offers unfair advantages to students (Ricketts, 2010; Pell et al, 2009). Equity and assessment practice is a theme developed by some, particularly as it relates to the social construction of identities (Leathwood, 2005) and underpins discourses on standards (Stowell, 2004). Sadler (2009,

2010) raises a number of relevant issues about the extent to which assessment outcomes are authentic and comparable in his work on grade integrity and the representation of academic achievement. He also considers the ways in which assessment policies and practices are shaped by institutional tensions between academics and institutions and how this relates to the construction of academic standards (Sadler, 2011). The analysis of institutional assessment regulation frameworks presented here builds on this research and associated literature to articulate some of the tensions and difficulties that confront HEIs in developing and reviewing such regulatory frameworks.

Methodology

Institutional regulations pertaining to assessment and student progression were requested from a purposive sample of 60 HEIs. The sample was selected to represent a variety of institutions across the whole of the United Kingdom. Assessment regulations were obtained from 34 of the institutions that were contacted. 16 of the responding institutions were pre-1992 Universities, including 8 from the Russell Group, and 18 were post-1992; all parts of the UK were represented in the sample.

A list of questions structured the interpretation of the assessment regulations (Table 1). The questions addressed aspects of institutional regulatory frameworks that determine student progression from year 1 to year 2 of a full-time Honours degree programme.[2]

Table 1 Questions asked of the institutional assessment regulations

SECTION A	Requirements for credit and progression
	1. In order to gain credit for a module, must students pass all module assignments/exams or pass the module as a whole? 2. If each module assignment/exam must be passed, is it at normal pass rate (40%) or a different (lower) threshold level? 3. Do the regulations specify a minimum (ie below the usual 120) number of credits that must be achieved for students to progress from FHEQ level 4 to FHEQ level 5 (full-time study)?
SECTION B	Reassessment and retrieval of failure
	1. Where a student fails a module is there an automatic right to reassessment? 2. If not, then what minimum criteria does a student need to satisfy to be offered a reassessment? 3. If a student fails a module assignment/exam can they be reassessed in just that assignment/exam or the entire module? 4. How many reassessment attempts are normally permitted before a student is required to repeat a module? 5. May students substitute other modules for failed (non-mandatory) modules, rather than repeat the same module? 6. Is there a limit on the number of times a module may be repeated/retaken? 7. How many reassessment attempts per module are permitted in total (including resits and retakes)? 8. Can failed, repeated modules be reassessed? 9. Can failed FHEQ level 4 credits be made good alongside FHEQ level 5/6 full-time study? 10. If so, is there a limit on the number of credits that can be recovered in this way?

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2 Our interest focused on what happens to students at the end of the first year of a full-time programme of studies; that is, the point at which they are normally expected, if continuing to study full-time, to progress from studying level 4 modules to studying modules at level 5 in the Framework for higher education qualifications (FHEQ). We did not explore issues concerned with capping of marks for reassessment, since our concern was progression rather than classification, but we note that there are different practices in this respect.

SECTION C	Compensation and condonement[3]
	1. Do the regulations permit compensation for failed modules? 2. Do the regulations permit condonement of failed modules? 3. Do the regulations specify a limit on the number of failed credits that can be compensated for/condoned (for progression from FHEQ level 4 to level 5)? 4. Is there a threshold level of achievement that must be attained before compensation/condonement can be applied? 5. Is failure compensated/condoned for, before or after reassessment?

All participating institutions were sent a summary of our initial analysis of their regulations in relation to the key themes identified in Table 1, and asked to confirm accuracy;[4] they were also invited to take part in a telephone interview to discuss recent and planned changes to regulations.

In addition to the analysis of regulatory documents and telephone interviews, key variations in assessment rules were applied to an actual set of student assessment results in order to ascertain the potential impact on 'pass' and 'fail' rates.

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3 These items are discussed in detail on p12.
4 13 institutions did not confirm the accuracy of our interpretations of their regulations, so any inaccuracies are the responsibility of the authors.

Part B: Analysis of institutional regulatory frameworks

Setting threshold standards: key principles

How then do HEIs go about specifying the threshold standards for student success at the end of the first year of study? It is clear that a variety of principles and considerations come into operation; some of these are common across all HEIs, although we found that the extent to which such principles are made explicit and clearly explained for stakeholders varies. We are also aware that underpinning the implementation of formal written institutional regulatory frameworks are tacit working practices and principles that are not necessarily stated (O'Donovan et al., 2004; Price et al., 2011), but for the purposes of this research our focus is the formally stated institutional regulations governing progression from year 1 to year 2 for full-time students.

Formal institutional regulatory frameworks commonly set out principles/requirements relating to the following:

- requirements for 'passing' a module
- arrangements for retrieving an initial 'failure'
- requirements for progressing to the next stage or level of study
- provision for compensation and/or condonement.

As various surveys have shown (QAA, 2009b; Atlay et al., 2012) most HEIs in the UK now make use of modular credit based frameworks which take as axiomatic a learning outcomes approach to assessment. Student success comes from 'passing modules' – for a full-time student to the value of 120 credits for the first year of study. On this basis assessment would therefore seem to constitute a judgement as to whether a student has successfully met the learning outcomes for each module, and progression to the next stage or level of study is based on 'passing' all modules taken. The majority of students do 'pass' everything; yet, as both students and staff in higher education know, rules for 'passing' are not necessarily simply focused on learning outcomes and some students will be deemed to have failed at assignment and/or module level through failing to meet some other requirement for a 'pass' grade. It is in the requirements for passing, for progression, and the arrangements institutions make for dealing with initial student failure where significant variations of policy and practice are found.

For some HEIs the regulatory requirements are centrally and tightly defined, but many regulations make some provision for subject and course variations,[5] either by acknowledging differences in rules at course or even module level, or by operating through the decisions of the examination board in which discretionary power is vested. In such cases it is sometimes what is not specified in the institutional regulations, often through custom and practice in the interpretation and application of policy, that may be more significant.

Institutional variations in regulatory requirements

Passing a module

In working within credit based frameworks, all of the institutions in our sample took the module as the basic unit of assessment and all implicitly, even if not explicitly stated in the regulations, took 40% or equivalent grade as the threshold for a successful module pass. However, behind such apparent simplicity lie very different and often quite complex rules for how the 'pass' is to be achieved. For many institutions the requirements can vary from one subject or course to another, and in some cases there is provision for requirements to be determined at the level of the individual module. In addition, most institutions have rules

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5 We have excluded from our analysis reference to variations based on Professional, Statutory and Regulatory Body (PSRB) requirements, since all HEIs take such requirements into account.

regarding submission deadlines, with penalties for failing to meet these, and sometimes requirements for the format or mechanism for submitting assessments (eg requirements to submit on-line). These are what Sadler (2009, 2010) has called transactional or bestowed debits and credits, marks which he argues 'contaminate' the integrity of grades awarded.

In formulating regulations for passing a module, however, the main dilemma facing institutions is whether or not to permit compensation between individual assessment items within a module (see pp 12-13, 24-25 below).

The majority (29/34) of HEIs in the sample permit compensation between assessments within a module, in order to determine whether a student has achieved the pass mark/grade. Five permit individual departments or courses to define how modules must be passed or allow individual modules to determine whether or not there is internal compensation between assessments.

Seven of the HEIs in our sample permit total compensation between assessments within a module, ie there is no minimum mark required on an individual component of assessment. A further seven set at institutional level a minimum mark, ranging from 15-35%, to be achieved in each component of assessment, whilst over half (20/34), allow variation and permit threshold marks for individual assessments to be stipulated by some modules.

Table 2 Rules for passing modules on aggregate

Rule	Number of HEIs
No minimum mark required for each assessment	7
Minimum mark required for each assessment	7
No minimum mark required for each assessment unless specified at module level	20

In addition to the variations described above, our sample of institutional regulations also included examples where achieving the pass mark or grade might not be sufficient to be credited with the module e.g. where a student fails some aspect of placement or work-based learning practice, but passes academic assignments. Additionally, some regulations stipulated that students must have submitted all assignments associated with a module – thus even if a pass mark were achieved on aggregate from two or more assessments, if one of these had not been submitted the student would not pass the module. There were also examples of reference to attendance requirements as a necessary criterion for passing a module.

The differing positions taken by HEIs regarding the rules for passing a module may be regarded as the outcome of tensions between a number of different considerations, including alignment of learning outcome approaches to assessment, ensuring that regulations support positive student engagement with learning, and managing the perceived tendency of modular systems to impose multiple assessment (and reassessment) hurdles (see also Atlay et al, 2012), whilst also ensuring administrative efficiency. It also reflects a shift away from an approach to assessment in pre-modular times based on students being required to pass the coursework and examination elements of courses. It might be argued that where a module has two or more assessments that relate to different learning outcomes, then it should follow that the student is required to achieve a pass grade in each of these – thus demonstrating that the learning outcomes have been successfully met. However, where for example there are 8 modules each with 2 pieces of assessment this generates 16 assessment hurdles; failure on any one of these generates a need for reassessment. Reassessment, like all assessment processes, has resource implications, and we know that some institutions are concerned with the rising costs of administration of reassessment, especially where take-up rates for reassessment are relatively low.

In addition there are different positions with regard to the educational justification of reassessment. For some the requirement for students to retrieve an initial failure is a matter of ensuring that the student has met the threshold standard, and has achieved sufficient grasp of the module related learning in order to progress and be successful in the following year of study; reassessment offers the student an opportunity to clarify and confirm learning which may be fundamental or essential. For others, the educational value of reassessment is limited, and the administrative costs outweigh any educational benefit obtained. This may especially be the case for level 4 modules that are optional rather than mandatory. From this latter position, condonement of marginal fails, or condonement of fails in optional modules may be a pragmatic strategy in order to facilitate progression.[6]

There are several alternative positions that could be adopted: one is that a module has only one assessment designed to cover all learning outcomes, or alternatively there are two or more assessments each of which test all of the learning outcomes. The first of these positions, whilst initially attractive, sets some practical difficulties in designing assessments to cover all learning outcomes and also presents students with a 'high stakes' assessment regime – failure of the single assessment means failure of the module.[7] The second position, whilst offering some potential for students to recoup an initial failure by demonstrating that the learning outcomes have been met in the second or subsequent assessment, has similar practical problems regarding assessment design and also increases the volume of assessment for individual students, and leads to criticism of over assessment. Given these difficulties, it is perhaps not surprising that most HEIs permit some measure of internal compensation within modules or devolve the decision to course/module teams to determine in the light of the specific learning outcomes of the course/module. However, this raises questions about the alignment of the design of module assessment strategies with institutional regulatory frameworks, and there is now evidence of some growing dissatisfaction with a modular, learning outcomes based approach to assessment (see for example Knight, 2000; Price et al, 2011; PASS project, 2012).

Managing the consequences of failure

The provisions HEIs make in their regulations for the retrieval of failure in a module, like the requirements for passing a module, at first sight appear relatively straightforward. All of the institutions in our sample give students a right to be reassessed in order to retrieve an initial failure in a module[8] although this right was often conditional and may be subject to certain restrictions.

Over half (20/34) of the HEIs in our sample allow an automatic right of reassessment[9] in the same academic session for failed modules, with no conditions attached. Five HEIs permit reassessment only where engagement with the failed module has been demonstrated; three require students to achieve a minimum mark at the initial attempt, another requires that some work was submitted at first attempt, and one requires documentary evidence of attendance and engagement. Six limit the amount of reassessment in the same session to a specified number of modules or credits; this ranged from 40 to 80 credits in our sample. Two institutions appear to make decisions about the entitlement to reassessment discretionary for the examination board; whilst in another this matter is regulated at programme level.

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6 We are also aware that a number of institutions have in recent years been reconsidering both the timing of reassessment and the nature of reassessment tasks, in order to improve the take-up of reassessment opportunities and ensure efficiency and effectiveness of process.

7 Examinations are a classic example of high stakes assessment, but at the same time, since there is normally compensation between the different parts or questions within an examination, it does not necessarily ensure all learning outcomes have been met at the threshold level.

8 This is separately from the arrangements relating to mitigating circumstances, which were not considered as part of this study.

9 Reassessment includes the resubmission of assignments and resitting examinations, normally without repeating the module. More broadly, retrieval of failure can include multiple opportunities for reassessment, with and without attendance (ie repeating the module) or indeed substituting a new or alternative module.

Table 3 Retrieval of failure and reassessment

Availability of reassessment:

Reassessment Rules	Number of HEIs
Automatic right to reassessment	20
Reassessment conditional on engagement with module (attended, submitted, or achieved minimum mark)	5
Reassessment limited to 40-60 credits	6
Entitlement to reassessment varies	3

Nature of reassessment:

Reassessment Rules	Number of HEIs
Reassessment in failed assessment(s) only	22
Reassessment required in all assessments for failed module	1
Nature of reassessment varies	11

Whilst the majority of institutions (22/34) specify that reassessment relates to failed assessments only, and one institution requires all module assessments to be resubmitted in the event of an overall initial failure in a module, a good number (11/34) devolve this decision to the examination board or it is regulated at programme or departmental level.

In setting conditions for reassessment (or at the least indicating that the right may be removed if the student has not shown evidence of engagement), institutions appear to be taking steps to set a framework which seeks to maximise engagement with module learning and assessment activities. Variability in the rights and requirements for reassessment reflects not only institutional concerns about student engagement, but also the practicalities and costs of reassessment, and also institutional cultures about the locus for decision-making. Anecdotally, we know that there is concern on the part of staff in HEIs about 'strategic' students who make pragmatic decisions about when to undertake assessments, deferring the submission of some items to the reassessment period. Similar rationales apply where regulations restrict the volume of reassessment. The implication is that a heavy reassessment workload will in itself militate against the chances of student success, and thus restrictions, whether set at institutional level or a matter of discretion for the examination board, may be justified as 'in the best interests' of the student.

These variations in policy raise a number of questions about the approaches to the regulation of assessment. There is clearly a difference between those institutions that regard reassessment as an entitlement and those that consider it should be 'earned' and/or 'rationed'. In the latter cases, the question arises about who is best placed to make a judgement about how much reassessment a student can cope with, and whether tutor knowledge of individual students should be taken into account in such decisions. Does an unrestricted entitlement to reassessment within a single session have a negative effect on the engagement of some students? Our discussions with colleagues suggest these are real concerns within HEIs, indicating that assessment regulations may be as much about regulating student behavior and engagement as about achievement of learning outcomes.

Whilst all the HEIs in our sample provided students with an opportunity to retrieve a failed module (so long as they met any eligibility criteria) through reassessment, there was considerable variation between institutions in the number of opportunities available to students to retrieve failure following reassessment within the session. The majority of institutions (30/34) permitted students at least one further opportunity to retrieve a failure if reassessment did not result in success; normally this was in the form of retaking (or replacing) the module, that is attending all classes and submitting assessments as if afresh. Eleven of these institutions also

permitted reassessment of any failed assessments in a retaken module, making four attempts in total. In our sample there were four institutions that permitted students five or six attempts (including resits and repeats) to pass the module, or a substitute. There were, however, four HEIs (typically Russell Group), where just one attempt to retrieve a failed module was permitted.

Table 4 Maximum number of attempts to pass a module

Number of attempts permitted	Number of HEIs
2	4
3	15
4	11
5	1
6	3

It is important to view this variation in the number of attempts available to students to retrieve an initial failure in the context of the regulatory framework for an HEI in its totality. Where the regulations relating to the number of attempts are restricted, as in the case of the four HEIs who permit only one reassessment opportunity, this may be offset by provision for condonement or compensation, or carrying failed modules, and/or provision for transfer to a lower award. We found no HEI systematically providing more than two assessment opportunities in a given session or year, so further opportunities will take place in subsequent years. Where multiple opportunities for reassessment are available, compensation or condonement may not necessarily be used, and the student may be required to retrieve the failed module or modules by studying on a part-time basis with or without full attendance in order to redeem the failed credit.

Requirements for progression

We should start by distinguishing between 'progression', by which we mean advancing to the next level of study – in this case to level 5 of a full-time Honours degree programme, and 'continuation' which we use to refer to remaining registered for the programme of study in the year following initial enrolment and taking or retaking further modules on a part-time basis to accumulate the credits needed to advance to the next level of study, and resume the course studying on a full-time basis. Most institutions in our sample require students to pass a minimum number of level 4 credits in order to progress to level 5 study; one HEI in our sample currently operates with no progression requirement. In this instance students continue studying modules to accumulate credit towards a final award – this means they are permitted to continue studying full-time taking a mixture of level 4 and level 5 modules in the year following initial registration.

We found that most HEIs specify credit requirements for progression in their regulations; however, it is important to note that the credits specified may, or may not, include failed modules that have been passed by compensation and/or condonement. In reviewing institutional regulations, we found it difficult to distinguish easily between those institutions specifying a progression requirement of fewer than 120 credits and permitting conditional progression, from those specifying a progression requirement of fewer than 120 credits but permitting unconditional progression (ie there was no requirement for the student to redeem failed credit). Similarly some institutional regulations appear to require 120 credits, but these include some compensated or condoned modules.

These considerations make meaningful comparisons of HEIs in terms of their regulatory requirements for progression difficult. In order to explore variation in practice, it is perhaps more informative to quantify variability in the number of credits that students must pass at the usual 40% (or equivalent grade), ie not including failed credits passed by compensation/condonement (Table 5), since this has a clear bearing on what is expected in terms of student performance.

Table 5 Number of credits passed at 40% required for progression to Level 5 study

Credits passed at 40% required for progression	Number of HEIs
120	1
90/100	24
80	6
Devolved	2
No Minimum	1

In our sample, the majority (30/34) of the HEIs permit students to progress to level 5 if they have not gained 120 credits but have gained at least 80 credits or 90/100 credits at the usual pass mark. In other words, one or two failed modules may be condoned/compensated, or the credit deficit may be redeemed alongside level 5 study;[10] progression is conditional on the students making good the failed credits through retaking or studying additional modules. Seven HEIs did not permit conditional progression. Six of these seven provided for compensation/condonement of one or more failed modules. Only one of the HEIs sampled required students to pass 120 credits at the usual pass mark for progression to the next stage of an Honours programme; however, this provider allowed students with one failed module to transfer to an ordinary degree and, on the basis of strong performance in the next stage of their programme, such students may then be permitted to resume an Honours degree. Two institutions had devolved arrangements for determining progression regulations. One of these did not permit conditional progression, but permitted courses to condone failed modules and award credit; the other had recently moved to a position whereby programmes either did not permit conditional progression, or they permitted progression on the basis of trailing 20 credits of failure.

In some HEIs both conditional progression and compensation/condonement are permissible and the decision is a matter for the examination board. However, it is important to note that where both conditional progression and compensation/condonement are permitted, assessment regulations do not always make clear whether conditional progression may be permitted instead of, or as well as, compensation/condonement. That is, in some institutions it may be possible (though perhaps exceptionally) to progress to level 5 having passed fewer than 80 credits at 40% - the student having been compensated/condoned in failed modules to be credited with 80 credits and being permitted to progress to level 5 trailing 40 failed credits.

Compensation and condonement

A number of studies of credit practice (Atlay et al., 2012; Souto-Otero, 2013) have noted variations across the sector in relation to compensation and condonement. Such studies have alluded to some confusion in relation to terminology. Our survey confirmed this – we found institutions employing both terms to describe the same practice. In a small number of cases, the terminology of compensation/condonement was not used at all, but the practice was clearly in operation; one institution for example referred to 'tolerated failure'. We attempted to use consistent definitions in analysing the institutional regulations and follow up survey, drawing on the work of (Atlay et al. 2012, pp 34/5) as follows:

> *Compensation: credit is awarded for failed module/s in the light of the student's overall performance*
> *Condonement: credit is not awarded for failed module/s and student is not required to redeem failure*

However, the response to our survey confirmed that several institutions used the term and/or practised 'condonement', but also awarded credit. In the context of modular credit based systems, as is pointed out by Atlay et al (2012) it is doubtful whether the condonement of a failure should be followed by the award of credit, as this seems contrary to the principle that credit is awarded for positive achievement. Compensation,

10 This was the norm, although some institutions permitted outstanding credit to be studied alongside level 5 or 6, or in some cases through study of an additional semester or year.

however, is based on the principle that a marginal failure in one area or module may be offset by strength in achievement demonstrated in another area or module. We found the rules for compensation/condonement to be complex.

Our survey found the majority of HEIs (25/34) permitted 'compensation' or 'condonement' and a small number permitted both (as defined above). Nine out of thirteen HEIs award credit for the 'condoned' modules. Eight out of twenty four HEIs permit the rules relating to compensation/condonement to apply to all modules, whilst sixteen out of twenty four restrict its use to non-mandatory modules only, or at least, allow programmes to identify non-compensatable modules. In some (9/25) HEIs compensation/condonement is applied after the first assessment, and in others it is applied only after reassessment (6/25), whilst ten HEIs apply it at the point at which the student becomes eligible. There are normally clear rules about the amount of credit (or number of modules) that can be compensated/condoned – usually no more than 20/30 credits (a single module), although five institutions permitted up to 40 credits and one devolved the decision to examination boards for first year students.

For compensation/condonement to be applied, there are normally specified conditions that must be met, most commonly a minimum mark (ranging from 20% to 35% in the present sample) in the failed module that is to be compensated/condoned, and in the case of those practising compensation,[11] a minimum average performance (ranging from 40% to 50%) across all modules.

Table 6 Conditions for compensation/condonement to be applied

Compensation / condonement rules	Number of HEIs
No requirement	1
Discretionary	1
Achieve minimum mark in failed module and minimum average mark across all modules	12
Achieve minimum mark in failed module	1
Achieve minimum average mark across all modules	8
Submit first attempt at failed module	1
Pass all compulsory modules	1

Compensation/condonement are difficult issues for HEIs, and often poorly understood, hence the diversity and complexity of practice that exists. To some extent this is bound up with the tension that exists between centrally determined assessment regulations and the discretionary powers of examination boards, but it also reflects institutional engagement with credit principles and the extent to which an institution favours 'cohort progression' over individual student credit accumulation. HEIs differ in the degree to which there is tight and clearly defined central regulation, and how much potential discretion an examination board has to make use (or not) of certain regulatory provisions (see Stowell, 2004; Sadler 2011, for discussions of academic discretion and institutional regulation). For example, some institutional regulations make it clear that if a student meets the requirements for condonement/compensation then that is automatically applied, whilst others indicate that the examination board may apply compensation/condonement if the student meets the requirements, possibly indicating that the decision should be based on consideration of the assessment evidence of the student's overall performance profile that a marginal failure to meet learning outcomes in one area is 'compensated' by evidence that the same learning outcomes have been met elsewhere.

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11 In some institutional regulations this was referred to as 'condonement' but in practice it met our definition of compensation.

Crafting regulations: balancing and offsetting

The relationship between opportunities for retrieval of failure, requirements for progression, the award of credit, and provision for condonement and/or compensation is complex. In some HEIs the use of compensation/condonement appears to offset limited opportunities for retrieval of failure and acts as a 'safety net' (QAA, 2012). Where provision for condonement/compensation is more restricted this tends to be offset by more opportunities for retrieval of failure. There is, in other words, an attempt to balance the rigour of assessment regulations with appropriate flexibility. This can be illustrated by considering a number of examples of institutional regulations indicating the differences in opportunities for students to continue (or not) with their studies.

Table 7 Management of the consequences of failure: examples of different regulatory positions

Institution	Regulatory Position
Institution A	One reassessment opportunity per module. Total compensation within modules. Up to 30 marginally failed credits may be condoned. Students who fail more than 60 credits are required to take reassessment in the following year, rather than in the same session. Students who do not meet the progression requirements after reassessment may be required to withdraw, or to transfer to a different programme.
Institution B	One reassessment opportunity per module. Total compensation within modules. Compensation of up to 40 marginally failed credits permitted. Students may progress to level 5 with 100 credits, conditional on redeeming the failure alongside level 5 study. Regulations also provide scope for an assessment board to use discretion (to permit a student to repeat a failed module). Students who do not meet the progression requirements after reassessment normally required to discontinue, unless permitted to restart the stage.
Institution C	One reassessment opportunity per module. Total compensation within modules. No compensation for failed credits. Students must achieve 120 credits to progress to second year of Honours degree. A student who fails one module at resit can transfer to an ordinary degree in the second year. Students who fail more than one module at resit must withdraw.
Institution D	One reassessment opportunity per module. Total compensation within modules. No compensation for failed credits. Students may progress to level 5 with 100 credits, conditional on redeeming the failure alongside level 5 study. If the failure is not subsequently redeemed, students may be permitted to continue studying for a lower award.
Institution E	Up to 5 reassessment opportunities per module. Up to 30 credits may be repeated/replaced per level of study. To pass a module, a student must achieve ≥30% in all assignments. Students may progress to level 5 with 90 credits. Compensation of up to 30 marginally failed credits permitted. Up to 30 failed credits may be redeemed alongside level 5 study. If a student has exhausted the 30 credit limit for repeated/replaced modules, they must discontinue, or seek admission to another course/award.
Institution F	Up to 5 reassessment opportunities per module, for up to 80 credits. To pass a module, a student must achieve ≥35% in all assignments. Students may progress to level 5 with 100 credits, conditional on redeeming the failure alongside level 5 study. If a student fails more than 80 credits they must discontinue.

Institution G	Up to 5 reassessment opportunities per module. For resit in the same year, student must achieve at least 30% at first attempt. Total compensation within modules. No compensation for failed credits. Students may progress to level 5 with 90 credits, conditional on redeeming the failure alongside level 5 study, or continue studying for a lower award. If a student does not pass at least 45 credits in two successive semesters, they may be required to withdraw.

It seems difficult not to conclude from this review of institutional regulatory frameworks that there are considerable differences between institutions, and in some cases, within institutions, in the stringency of their assessment regulations for the first year of Honours degree programmes. A student who has failed some component or components of their programme at the end of year one will under some institutions' regulations have their programme of study discontinued, whilst under another institution's regulations the same student would have the failure compensated/condoned, credit awarded and progress to the next year of study with 120 credits. Under a third institution's regime, the student would be able to continue studying but may be required to make good, on a part-time basis, the credit deficit, whilst a fourth institution will permit progression, but require the student to take additional modules to make good the credit deficit. Where regulations are determined at departmental, course or even module level, and where examination boards have discretion over matters such as compensation and condonement, these variations impact on students within the same HEI.

Where institutional frameworks provide for variations in rules at departmental, course or module level, it is not clear what the rationale for such variation might be. Professional judgment as well as subject traditions and differences are often invoked, as are the differences between mandatory and optional modules. Our findings show that a significant number of HEIs devolve either the specification of pass and reassessment rules to departmental or programme level, or even to module level, and/or devolve decisions about reassessment requirements to examination boards. The nature and extent of such discretionary powers is not always made clear. For example, an examination board may have considerable discretion as to the nature of reassessment, whether condonement or compensation may be applied, or whether repeat study rather than a reassessment opportunity is offered. Whether such decisions are then governed by clear and consistent criteria, including objective judgements of student engagement or student potential, may be open to question. These differences raise questions about the consistency and transparency of regulations. The following examples of institutional regulations relating to the discretion afforded to examination boards illustrate this point.

Table 8 Examples of discretionary and non-discretionary regulatory positions relating to condonement/ compensation

Discretionary

Institution	Regulatory Position
Institution H[12]	Examination boards have discretion to: a. modify a student's mark in one or more modules in any session. b. award credit in no more than 3 failed single modules (ie 30 credits) in a session, taking account of overall performance in the session.
Institution I	Where a student, after all opportunities for reassessment, has failed, the examination board, at its discretion, may condone credit. There is no limit to the amount of credit that can be condoned, and no conditions that must be met before condonement can be applied.
Institution J	Examination boards have discretion to condone a fail in any module; in doing so, should be closely guided by the Dean, subject and programme leaders, and taking account of the student's overall performance profile. Credit is awarded for condoned fails and boards have the power to condone failure by a student in a maximum of two modules (40 credits) in any academic year. Discretion to permit a student to carry up to two modules to the next level of the programme without having satisfied the requirements for progression. The terms and conditions for such progression shall be determined by the board, but include: a. prerequisites to core modules in the next level may not be carried forward b. the requirement to satisfactorily complete any outstanding module within a timescale set by the board, and c. that the board is satisfied that the student is capable of completing the study within the required timescale.

Non-Discretionary

Institution	Regulatory Position
Institution K	Compensation is not discretionary, and is criterion based. If a student meets the following criteria, the board must compensate the failed module (a maximum of 30 credits) at the earliest point: • modules totalling at least 75 credits (including any credit awarded for prior learning) have been passed at the level for which compensation is being considered • the weighted mean result of the passed, fine graded modules, contained within the required 75 or more credits (but excluding any non-graded credit awarded for prior learning) is 45% or higher • the qualifying mark has been achieved in all items of assessment for the module(s) for which compensation is being considered.

12 This institution has recently changed its regulations to remove the discretionary nature of compensation.

Institution L	A student is awarded a compensated pass in a single module provided that: • the module is a 20 credit module • the student has been awarded 100 credits at the level (or higher) of the compensated module • the student has both attained at least 35% in the module to be compensated and attained the threshold (30%) in all components • the module is not specified as non-compensatable in the programme specification as an award-specific requirement.
Institution M	Candidates who accumulate 80 credits or more but fewer than 120 credits may qualify to proceed to the next Level of Study provided that: • the modules in which they have failed have not previously been identified as "core modules" for the particular programmes • the marks in such modules are not less than 30% and • the overall average for the level of study is 35% or over.

Of course the majority of students are successful after reassessment in meeting all requirements and in passing all modules, and so progress to level 5 with 120 credits achieved, so these variations in practice only relate to a relatively small proportion of students. However, these matters are of great significance to the individuals concerned, and for the institutions the cost and resource implications of the number of 'failing' students can be substantial.

Reviewing and making minor adjustments to assessment regulations is, in our experience, common. This is because those responsible for institutional regulations are constantly attempting to balance the principles of academic alignment (successful completion of assessments related to learning outcomes) with the demands of administrative efficiency, and consistency with what is assumed to be usual practice in the sector (ie being neither too harsh nor too forgiving). At the same time they are grappling with principles of fairness and consistency, whilst being mindful of the financial implications of student retention and completion and the need to uphold academic and professional standards. In order to try to understand the underlying rationales for these differences in regulatory practice we asked twelve of our respondents in a telephone interview whether they had recently or were considering any changes to their first year regulations and, if so, why.

All aspects of first year regulatory policy and practice identified above had been and were currently subject to review and adjustment in one or more HEIs. For some institutions there was a move in the direction of less stringency, particularly in the area of requirements for minimum marks for assessments or modules, but overall the shift was towards greater 'tightening up' of regulations, rationalised in relation to either increasing student engagement, efficiencies in administration, or bringing into line with (assumed) sector-wide practice and/or pedagogic principles, or a combination of these. Interestingly the rationales given for changes were primarily focused on assumed impact on student behaviour as opposed to academic 'standards' or alignment.

For example, in relation to the rules for passing modules, there is clearly an important debate in institutions about whether a minimum mark in individual assignments should be required, usually justified on grounds of ensuring all learning outcomes have been at least addressed, if not all met, at the threshold standard. However, our evidence also suggests that moves to greater stringency in these aspects of the regulations are not simply about requirements in relation to learning outcomes, but are also, and perhaps primarily, aimed at influencing student behaviour, in other words are intended to encourage appropriate student effort and engagement across the curriculum, with anticipated benefits in terms of student learning and success.

This is important to HEIs not only in relation to ensuring the best possible outcomes for students, but because of the financial and other costs associated with reassessment; from an institutional perspective, the more students who 'pass first time', the better. This was another rationale given for some regulatory changes – a move to greater simplicity and associated consistency in the application of regulations, and the removal of unnecessary administration. For example, one institution indicated that they were extending the rules regarding compensation to apply to all modules and not just non-mandatory modules. Another HEI had reduced the number of reassessment opportunities from two to one in the interests of administrative efficiency, and to align with what it perceived as sector norms.

A small number of our respondents indicated that planned changes to regulations had been adopted following some evidence based assessment – for example, the introduction of a requirement to attain 20% or more, to be eligible for reassessment in a module had been instigated because evidence showed those who achieved less than this were unlikely to succeed. However, reference to 'modelling' or testing the impact of planned changes to regulations was not commonly mentioned.

Part C: Assessing the impact of variations in regulation on student success

Regulatory variables

Regulatory changes are often driven by both practical and educational objectives, but such changes are not always informed by quantitative evidence of the potential impact of the change on student results and progression status. This part of our research is an attempt to demonstrate that generating such evidence can assist decision-making about regulatory changes.

The key regulatory variables observed in our sample of 34 HEIs, and the range of different positions on each one of these, from most to least stringent, are summarised in Table 9. The most usual regulatory position observed is indicated by the shaded cells. It is important to note that in practice HEIs in our sample tended to offset more stringent requirements for some variables with less stringent requirements for others, so that no HEI is aligned wholly with any one of the three overall positions indicated below.

Table 9 Summary of the range of positions, and most usual position (shaded) observed for key regulatory variables

Regulatory variable	Range of positions		
Requirement for passing modules	Achieve ≥40% in all assignments	Achieve ≥30% in all assignments	Total compensation within modules
Requirement for availability of reassessment	Pass ≥80 credits	Pass ≥60 credits	No requirement
Requirement for reassessment of individual modules	Achieve ≥20% in failed assignments	Submit work (achieve ≥0%) for failed assignments	No requirement
Restriction on number of attempts permitted per module	Up to 2 attempts	Up to 3 attempts	4 or more attempts
Requirement for progression	Achieve 120 credits	Achieve 90 credits	No requirement (credit accumulation model)
Availability of compensation/condonement	Not permitted	Up to maximum of 20/30 credits	Discretionary (unlimited)
Programme level requirement for eligibility for condonement/compensation	Achieve stage average ≥50%	Achieve stage average ≥40%	No requirement
Module level requirement for eligibility for compensation/condonement	Achieve ≥35%[13] at first attempt	Achieve ≥20% at first attempt	No requirement

In order to ascertain the potential impact of the regulatory variables outlined in Table 9, namely requirements for passing modules, requirements for availability of reassessment, restrictions on number of attempts permitted per module, requirements for progression, requirements for the availability of condonement/compensation, on student success, we applied different rules for each requirement to an actual data set of module results for a cohort of 2410 full-time first year undergraduates enrolled on Honours degree programmes in one HEI. The results are presented below in tabular format, with hyperlinks to graphical displays.[14]

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13 Module marks greater than or equal to 30% and 35% were required an equal number of times in the present sample.
14 The hyperlinks to the graphs are embedded within the table headings; to return to the original position in the report, hover and click on the graph.

The data set was obtained from an institution where each student attempted eight 15 credit modules (or equivalent) in the 2010/11 academic year, and where the number of assessments per module varied from 1 to 4. We are conscious that the data in terms of student results for individual assessments and for modules overall will have been influenced by the regulatory regime in operation at the time at which students undertook assessments. This was a framework in which modules may be passed on aggregate, there are no requirements for the availability of reassessment or the volume of reassessment permitted, up to 4 attempts are permitted per module, and students can progress to level 5 when they have achieved 90 or more level 4 credits. It is likely, for example, that some students at least may make decisions not to submit certain assessments in the knowledge that they can submit under reassessment, and/or may not take up reassessment opportunities aware that they are able to progress trailing some failed modules. The behaviour of both students and assessors in any institution is inevitably influenced by the regulatory framework in place at that time.

Requirements for passing modules

As noted above, a module is usually passed when the weighted average mark achieved across all assignments is greater than or equal to 40% (or equivalent grade). Individual assignments that have been failed may be compensated for by strong performance in other assignments within the same module. Students may additionally be required to achieve a minimum mark in each assignment in order to pass the module overall. This was the case for 7 of the 34 HEIs in our sample, where a minimum mark ranging from 15%-35% was required in every assessment component. The majority of HEIs (27/34) in our survey also allow module leaders to specify that some or all assignments must be passed at 40% in order to achieve an overall pass in a module. The extent to which module leaders exercise this right is unknown, and is likely to be an additional source of variability in practice.

Variable rules for passing modules were applied to the level 4 module results for the 2010/11 student cohort (N=2410). Students were required either to pass the module on aggregate, or to also achieve greater than, or equal to, a mark of 30%, and 40%, in each assessment component. Table 10 shows the effects of these different rules on the number of credits passed by students after first assessment, after one resit opportunity, and after all attempts to redeem an initial failure (including repeat and replacement modules) have been exhausted.

Table 10 Number of students (N=2410) achieving ≥120, 90-105, or <90 level 4 credits at three assessment points under different rules for passing modules [15]

		Rule for passing modules		
		Pass on aggregate	All assignments ≥30%	All assignments ≥40%
Credits passed at first attempt	≥120	1269 (53%)	1003 (42%)	741 (31%)
	90-105	666 (28%)	811 (34%)	872 (36%)
	<90	475 (20%)	596 (25%)	797 (33%)
	Total	2410	2410	2410
Credits passed after one resit	≥120	1552 (64%)	1184 (49%)	840 (35%)
	90-105	528 (22%)	780 (32%)	906 (38%)
	<90	330 (14%)	446 (19%)	664 (28%)
	Total	2410	2410	2410
Credits passed after all reassessment	≥120	1645 (68%)	1252 (52%)	884 (37%)
	90-105	512 (21%)	785 (33%)	927 (38%)
	<90	253 (10%)	373 (15%)	599 (25%)
	Total	2410	2410	2410

As one might expect, Table 10 demonstrates that the more stringent the requirements for passing a module, the lower the proportion of students who pass. For example, 53% of students achieve 120 credits at the first attempt if modules may be passed on aggregate; this drops to 31% if all assignments must be passed at 40% or equivalent. There is therefore a 22% difference in the proportion of students who obtain 120 credits at the first attempt, according to these different rules. The table also indicates the impact of the first reassessment opportunity on success rates, particularly where modules are passed on aggregate, whilst additional opportunities for reassessment (including repeated or substituted) modules increase pass rates only marginally. Clearly permitting compensation between items of assessment within a module generates higher success rates, whilst the use of minimum marks for individual assessments reduces the chances of student success. This analysis also appears to support the view that there are diminishing returns from multiple reassessment opportunities.

Requirements for availability of reassessment

Reassessment opportunities may be granted unconditionally (as was the case for 20 of the 34 HEIs in our sample), or may only be available to those students who achieve a specified level of attainment overall at the initial assessment attempt. Of the 34 HEIs surveyed, six required students to pass a specified volume of credits (ranging from 40-80) in order to be eligible for reassessment. Table 11 shows the number of students in the sample cohort who would not be eligible under variations of this rule.

Table 11 Number of students (N=2410) who would not be eligible for reassessment under different programme level rules

	Rule for availability of reassessment			
	No requirement	Pass ≥40 credits	Pass ≥60 credits	Pass ≥80 credits
Number of ineligible students	0 (0%)	156 (6%)	225 (9%)	475 (20%)

15 Percentages do not always sum to exactly 100 owing to rounding.

Students may also be required to achieve a specified level of attainment within individual modules in order to be eligible for reassessment. This was the case for 5 (15%) of the 34 HEIs in our sample. The requirement may be simply to have attended (1/34), and/or submitted work (2/34), or students may be required to achieve a threshold level of attainment (for example, 20%) in assignments at the first assessment attempt, in order to be offered a subsequent re-sit (3/34).

The sample cohort of students took 39111 assessment components (up to 4 assignments in each of 19184 modules), 6358 (16%) of which were failed at first attempt. A total of 3159 (16%) of all modules taken were failed at first attempt. If students were required to have submitted work at first attempt, 2562 (40% of 6358) of assignments that were failed at first attempt would not be eligible for a reassessment, and 1784 (56% of 3159) of the modules failed at first attempt would be ineligible for reassessment in at least one assessment component (Table 12).

Table 12 Number of failed assignments (N=6358), and failed modules (N=3159) that would not be eligible for reassessment under different module level rules

	Rule for availability of reassessment		
	No requirement	Submit work	Achieve ≥20%
Number of ineligible failed assignments	0 (0%)	2562 (40%)	3144 (49%)
Number of ineligible failed modules	0 (0%)	1784 (56%)	2218 (70%)

A further 582 of the assignments would not be eligible (making a total of 3144 (49%) of all failed assignments) if students were required to achieve a mark of at least 20% at first attempt, and 2218 (70%) of the 3159 failed modules would not be eligible for reassessment in one or more assessment components.

As indicated the data set used for this analysis was obtained from an institution where modules may be passed on aggregate and there are no restrictions on the availability of reassessment and where students can progress to level 5 on the basis of having achieved 90 or more level 4 credits. This may go some way to explaining why there appears to be a relatively high level of 'non-submission' of assignments.[16] Setting aside for the moment the relationship between regulations and student behaviour, a requirement to achieve a minimum mark of 20%, which might be justified on the grounds that it indicates some engagement with the module, as compared with the slightly less stringent requirement to have submitted assignments, makes 70% as opposed to 56% of failed modules ineligible for reassessment in this data set. Non-submission of assignments can, however, indicate a number of different behaviours by students. It may mean, as is often assumed, that the student has not engaged with the module, perhaps not attended, and thus is not in a position to be successful in the assessments. Alternatively it may indicate a strategic approach to managing assessment workloads by dividing the total number of assessments over two assessment periods. Even if reassessed assessments have marks capped at the pass level, it is relatively rare for level 4 work to count towards the final degree class. Similarly the use of minimum marks for individual assessments may impact on marking practices, and will also probably be influenced by different subject marking traditions, in that a mark of 20% or less may not be unusual in some subject areas, but difficult to differentiate in the range of fail marks for other subject areas.

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16 Although beyond the scope of the research presented here, there is anecdotal evidence from some other HEIs that if students are required to earn the right to reassessment – e.g. through a requirement to submit all assignments, or through a requirement to achieve a minimum mark, this has some impact on their behaviour.

Restrictions on the number of attempts permitted per module

Amongst the 34 HEIs responding to the present survey, the number of assessment attempts permitted per module ranged from 2 to 6. The effect of such variation on the achievement of level 4 credits that would be attained by the example student cohort (N=2410) is shown in Table 13.

Table 13 Level 4 credits attained by 2410 students for up to four assessment opportunities[17]

		Number of assessment opportunities permitted			
		1	2	3	4
Credits Passed	≥120	1269 (53%)	1552 (64%)	1627 (68%)	1645 (68%)
	90-105	666 (28%)	528 (22%)	517 (21%)	512 (21%)
	<90	475 (20%)	330 (14%)	266 (11%)	253 (10%)
Total number of students		2410	2410	2410	2410

Perhaps unsurprisingly, the greatest increases in credit achieved follow the first reassessment opportunity, and thereafter the increases are only marginal.

Requirements for progression from level 4 to level 5 study

University regulations often (though not always) require students to pass a specified volume of credit (ranging from 80-120 credits in the present sample) in order to progress from level 4 to level 5 study. As discussed above, students who do not meet this requirement may be allowed to continue with their programme, and either make good the credit deficit or repeat all level 4 modules by extending the length of their programme. Alternatively they may be required to transfer to another programme or award (e.g. non-Honours degree), or to terminate their study and withdraw.

If the 2410 students in the example data set were required to pass 120 credits, 1552 (64%) of them would be eligible to progress to level 5 study at the end of the first year (after up to 2 assessment attempts) of study. 2080 of them (86%) would qualify for progression if the requirement were lowered to 90 credits. After all (up to 4) assessment attempts have been exhausted, 1645 (68%) would achieve 120 credits, and 2157 (90%) would pass at least 90 credits (Table 14).

Table 14 Number of students able to progress from level 4 to level 5 study under different rules for progression

	Rule for progression		
	No requirement	Pass 90 credits	Pass 120 credits
After first year (up to two assessment attempts)	2410 (100%)	2080 (86%)	1552 (64%)
After all reassessment opportunities	2410 (100%)	2157 (90%)	1645 (68%)

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17 Percentages do not always sum to exactly 100 owing to rounding.

The data presented above suggests that there is a substantial difference (22%) in the proportion of students permitted to progress if all modules are required to be successfully passed as compared with tolerance of one or two failed modules, both following one reassessment and after all reassessment opportunities. The question, of course, is whether those students who progress with fewer than 120 credits and who are required to make good the credit deficit alongside level 5/6 studies, do as well as those who progress with 120 credits. This is an important issue that warrants further systematic study.

Requirements for availability of compensation/condonement

Students who do not achieve the number of credits required to progress from level 4 to level 5, may sometimes be permitted to progress in circumstances where the failed credit is condoned, or is compensated for by strong performance elsewhere. Compensation and/or condonement is practised in 25 of the 34 HEIs in our sample. The application of condonement/compensation may be entirely discretionary (1/34), or may be regulated for. Condonement/compensation is usually available for a limited volume of failed credit, ranging from 20-40 credits in the present sample. If up to 30 failed credits may be condoned/ compensated, 666 (28%) of the sample student cohort with failed modules could still pass 120 credits at the end of the first year of study.

As previously indicated, the application of compensation/condonement is usually conditional. Students may be required to achieve a minimum average mark across all level 4 modules (ranging from 35-50% in the present sample of HEIs), and/or may be required to achieve a threshold level of attainment (ranging from 20-35% in the present sample) in an individual module. The effects of variation in both programme level requirements and in the threshold level of attainment in individual modules required for the application of condonement/ compensation on the number of students able to progress from level 4 at the end of the first year of study with 120 credits are shown in Table 15.

Table 15 Number of students with up to 30 failed credits after one (N=666), and two (N=528) assessment opportunities who would pass 120 credits at the end of the first year of study when up to 30 credits are awarded by compensation/condonement under different programme and module level rules

After one assessment attempt:

Requirements for programme	Requirements for modules			
	No requirement	≥20% in module(s) to be compensated	≥30% in module(s) to be compensated	≥35% in module(s) to be compensated
No requirement	666 (100%)	509 (76%)	324 (49%)	172 (26%)
≥40% stage average	661 (99%)	508 (76%)	324 (49%)	172 (26%)
≥50% stage average	382 (57%)	335 (50%)	233 (35%)	130 (20%)

After one resit opportunity:

Requirements for programme	Requirements for modules			
	No requirement	≥20% in module(s) to be compensated	≥30% in module(s) to be compensated	≥35% in module(s) to be compensated
No requirement	528 (100%)	400 (76%)	261 (49%)	150 (28%)
≥40% stage average	507 (96%)	397 (75%)	261 (49%)	150 (28%)
≥50% stage average	252 (48%)	222 (42%)	151 (29%)	93 (18%)

The difference in the proportion of students eligible for compensation/condonement where the requirement is an average mark for the level of 40% as compared with a requirement for 50% as the average mark, is very different. Almost half as many students again are eligible for compensation/condonement if the lower mark is used. But there is virtually no difference between requiring an overall average mark of 40% and having no requirement at all. If a threshold mark is required in the module to be compensated, then similarly there are very different proportions of students eligible.

The results presented in Table 15 clearly show the extent of the impact of increasingly stringent requirements on the number of students who are eligible for compensation/condonement. In formulating their regulations, institutions must determine how much failure they will permit, both in terms of credit volume or number of modules, and in relation to the degree of failure. Clearly some HEIs are more forgiving than others in this respect. Additionally, they must decide to what extent, if any, students are required to demonstrate compensating strengths. Such decisions are not trivial. In the results presented above the difference between the most generous and the least generous position (assuming some requirement) at first assessment attempt is 56% or 379 students, and if compensation/condonement are applied after one reassessment opportunity, the difference is 58% or 307 students.

The analysis presented here is for an entire cohort of students across all subject groups. There may well be differences in the levels of attainment and in the pattern of results obtained for students in different subjects. The present analysis is also limited to level 4 module results. A more comprehensive model of the impact of regulatory variation at level 4 could be provided by examination of the subsequent performance at levels 5 and 6 of those students who would be affected by such variations. We know, for example, that some of the more stringent regulations are justified in terms of not setting up 'weaker' students to fail.

It is clear from the evidence presented here that seemingly minor changes to institutional policy can sometimes have a major and perhaps unintended impact on student success. We would argue that modeling the impact of regulatory change is important in the interests of transparency, consistency and equity. Such modeling and analysis yield quantitative data that can help institutions to make evidence based judgements when considering changes or modifications to their regulatory frameworks.

Part D: Some concluding thoughts

Our research demonstrates that there is considerable inter- and intra-institutional variability in the requirements for 'passing' the first year of Honours degree programmes, and the opportunities available to students to retrieve initial failure. In other words, it cannot be assumed that, irrespective of the course studied or the institution of study, the same or similar achievements are required of students to progress to the second year of study. Institutions vary in the extent to which they give emphasis to consistency across subjects and departments, or provide for 'flexibility' and variation to take account of subject norms and practices, and/or permit the application of 'professional judgement'. This variation in effect means that the rules for progression, or even continuation, can differ in terms of the requirements that must be met for the award of credit at module level, the volume of credit required, the conditions on which progression may be permitted, as well as the opportunities for retrieval of initial failure. This raises questions not only about comparability of standards, but also of equity for students.

Our research only scratches the surface of the complexity of institutional assessment regulations. The analysis is limited by what is made explicit or transparent in regulations, and all institutions operate within cultures of custom and practice. As indicated in the introduction, our purpose has been to describe something of the range of institutional variation in assessment regulations and to make some observations about the implications of different practices. We have attempted to make sense of these variations through the use of the concepts of 'stringency' and 'academic alignment'. In this concluding section we specify a parallel distinction based on the concepts of 'devolution' and 'discretion'.

Stringency and academic alignment

Regulatory frameworks that we have studied can be characterised as being more or less exacting in the demands made of students to 'pass' elements of assessment, and related to this, more or less severe in relation to the impact of 'failure'. We have used the term stringency to describe this dimension of regulations. However, most of the regulations we analysed tended to offset stringency in one aspect by providing for more flexibility in another aspect. For example, in some regulatory frameworks, relatively high levels of stringency are counterbalanced by provision for examination boards to use discretion to condone or compensate some aspects of failure. Regulatory frameworks that provide automatic and multiple opportunities to retrieve an initial failure and allow progression whilst trailing failed credit may be less stringent in this sense, but may offset this with greater stringency around meeting credit requirements without use of compensation or condonement, or have more stringent requirements for allowing reassessment rights to be activated.

Similarly, regulatory frameworks we have studied also vary in their degree of academic alignment, that is the extent to which student success is governed by achievement of learning outcomes and the extent to which non-academic factors influence award of credit. Academic alignment in this sense refers to the logical consistency of the regulatory framework with the credit principles on which it is based.

Our analysis has indicated that there is some tension for HEIs between the academic principles of modular, learning outcome based approaches to assessment, including ensuring that students obtain the necessary underpinning knowledge and skills to succeed at the next academic level, together with the pressures to retain students and the desire to promote student engagement and the requirements of administrative efficiency. Regulatory frameworks which provide for substantial condonement/compensation, and which link reassessment and progression opportunities to non-academic criteria can be characterised as having lower levels of academic alignment than those which are logically consistent with the principles of academic credit.

Assessment Regulations: stringency and academic alignment
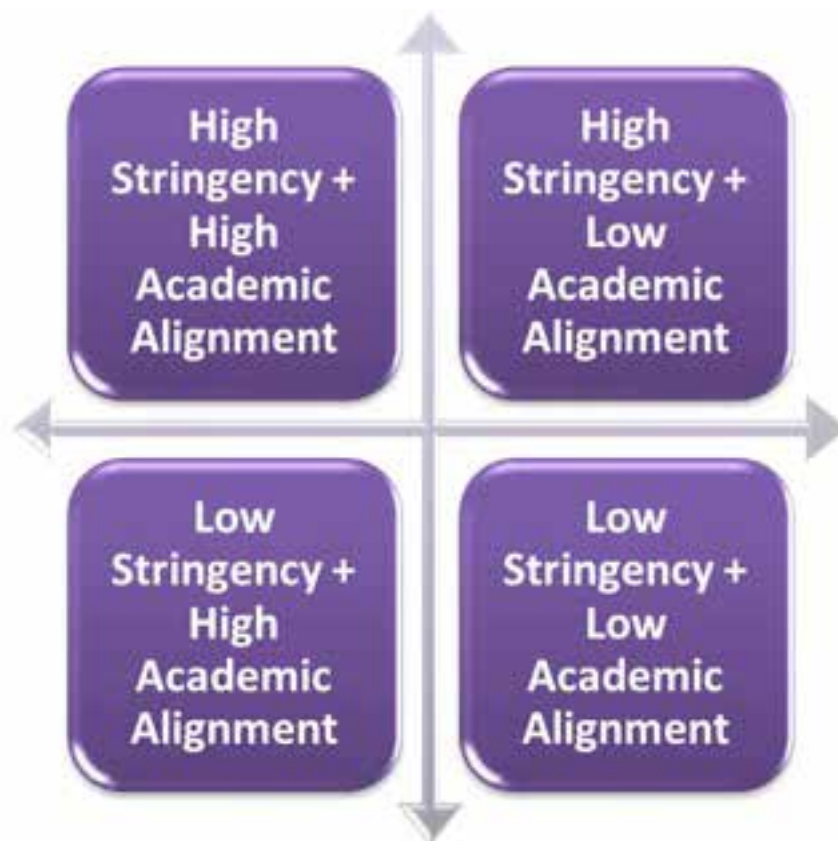
HS + HAA = exacting regulations clearly based on credit principles - students must achieve all learning outcomes, no compensation/condonement, clear progression requirements, limited opportunities for reassessment.

HS + LAA = exacting regulations, with significant provision for compensation/condonement and 'behavioural' criteria for reassessment/progression eligibility, limited opportunities for reassessment.

LS + HAA = credit and learning outcomes based regulations, which provide multiple opportunities to retrieve initial failure and make good credit deficits.

LS + LAA = regulations with multiple opportunities for retrieval of failure and/or compensation/condonement, often based on behavioural criteria for eligibility, such as attendance, submission of all assignments.

Devolution and discretion

Cutting across regulatory variations in terms of stringency and academic alignment are two additional features of regulatory frameworks: devolution and discretion. Our review of institutional regulations made it apparent to us that in some HEIs certain aspects of regulation are devolved to faculty/departmental or course level. For example, in a number of HEIs the requirements for passing a module may be determined at individual module level. Decisions about whether a module may be compensated or condoned may also be devolved to course level; it is common, for example, for mandatory modules to be deemed non-compensatable. Two institutions in our sample devolved decisions about the number of credits to be passed before progression to level 5, and nine provided for considerable flexibility in decisions about further reassessment opportunities, restart, transfer to a different programme, or discontinuing study, for individual students. In some cases this was devolved and presumably in such cases institutional regulations are supplemented by departmental or course based regulations made available to students through course handbooks or equivalent. In other cases it is a matter of discretion for the examination board, which may have established unpublished informal rules derived from custom and practice.

Discretion, as the above indicates, is closely related to devolution, since it involves delegating decision-making powers to departmental or course examination boards. Several of the regulatory frameworks we studied made provision for examination boards to use their 'discretion' in making decisions about the position of individual students. Discretion usually relates to decisions about compensation/condonement and opportunities for reassessment.

Although institutional regulations normally place clear limits on the extent of discretionary power available to an examination board, for example by reference to credit volume or number of reassessment opportunities, criteria for making decisions are not always made explicit. Extensive use of discretionary powers may militate against both the stringency and academic alignment of regulations, as well as undermine equity in the treatment of students.
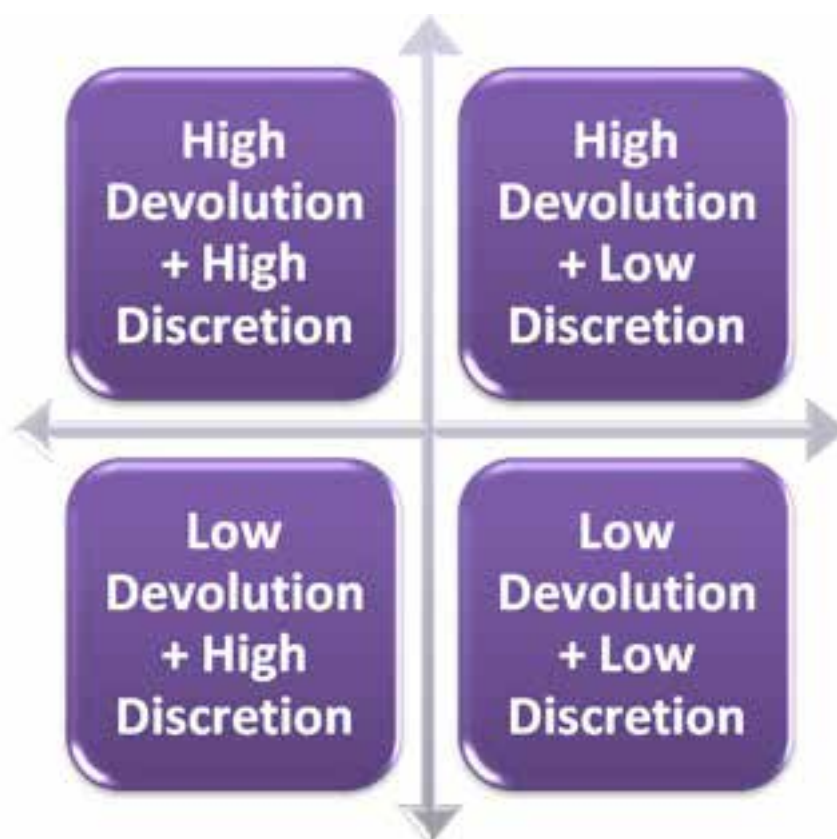
HDe + HDi = considerable variation at course/departmental level in determining aspects of regulations, together with significant examination board powers to operate discretion.
HDe + LDi = considerable variation at course/departmental level in determining aspects of regulations, but little scope for examination boards to operate discretion other than in exceptional circumstances.
LDe + HDi = most aspects of regulations determined at institutional level with little scope for departmental/ course variations, but examination boards have significant discretionary power (which may be framed by institution wide criteria).
LDe + LDi = institutionally determined regulations with little scope for departmental/course variations or for examinations boards to use discretion, unless in line with institutionally determined criteria/conditions.

Highly devolved regulations permitting substantial discretion are now relatively rare; concerns for consistency, transparency and fairness have tended towards more central oversight and management of regulatory frameworks (QAA, 2007, Turnbull et al, 2008). However, it can be argued that the differences between institutions in the extent to which they permit devolution of aspects of regulations (such as determining the requirements for passing a module) or allow examination boards discretion (for example in relation

to compensation/condonement) reflect in some part the tensions and negotiations between central administration and subject departments (Sadler, 2011). Institutional regulatory frameworks set the context for decision making in relation to academic standards. Such frameworks underpin fairness and consistency for students as well as comparability of standards. For those responsible for the review and maintenance of institutional regulatory frameworks there is a constant challenge of balancing degrees of stringency and academic alignment with internal pressures for devolved or discretionary powers – often justified in relation to securing comparability with subject norms and traditions – whilst also seeking to maintain fairness and taking note of sector-wide practice.

It might be considered that those HEIs with more stringent regulations have 'higher' academic standards than those with less stringent regulations. It is, however, difficult to categorise regulatory frameworks as overall more or less stringent, since what might appear as particularly strict or harsh regulations may be accompanied by considerable discretion to condone or compensate failure. Whatever the intentions of those who craft their institution's regulations, our data analysis makes it clear that relatively minor changes to regulations can have a significant impact on student success at module and course level and thus the numbers and proportions of students who progress from level 4 to level 5 in consecutive years. It is therefore difficult to escape the conclusion that for those students who at the end of their first year have not met all requirements for 'passing' may have quite different opportunities and pathways for continuing in higher education. This raises important issues about equity.

The evidence we have examined from HEI regulatory frameworks and the analysis of how different regulatory regimes impact on student 'success' rates demonstrate that those charged with the responsibility for maintaining the consistency and equity of regulations are challenged by considerable complexity. The analysis supports the argument that academic standards are socially constructed and cannot be taken as absolutes. Moreover, when there is considerable public debate regarding academic standards and about public and student funding of higher education, the importance of constructive discourse about assessment policies and practice to foster greater understanding is timely.

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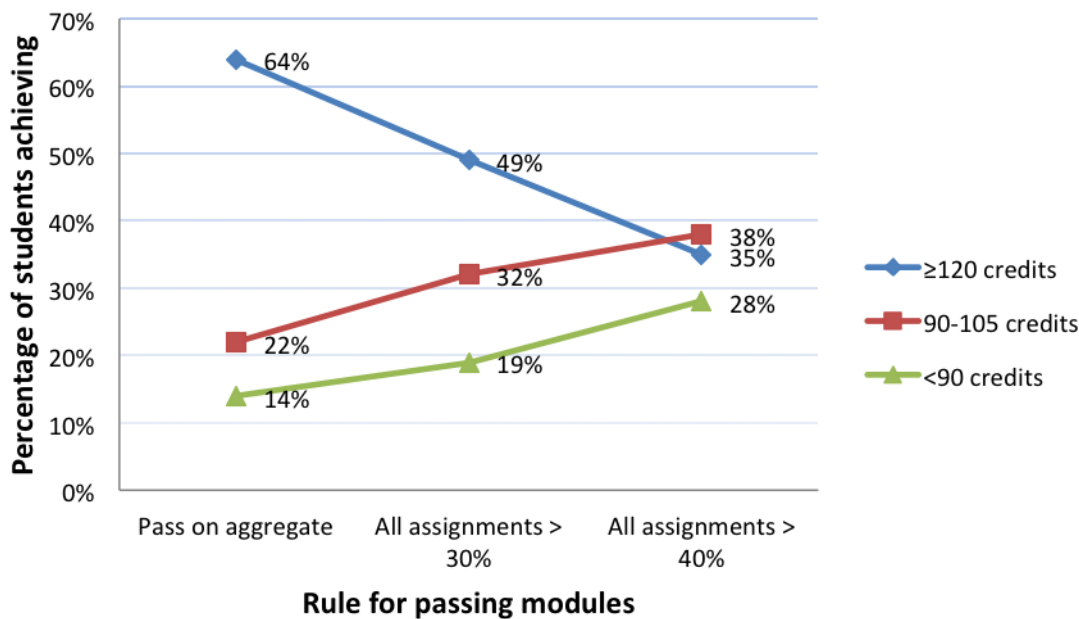
Appendix

Assessing the impact of variations in regulation on student success
Graphical representation of Part C of the report: Tables 10-15, pages 21-25

Percentage of students (N=2410) achieving ≥120, 90-105, or <90 level 4 credits at three assessment points under different rules for passing modules
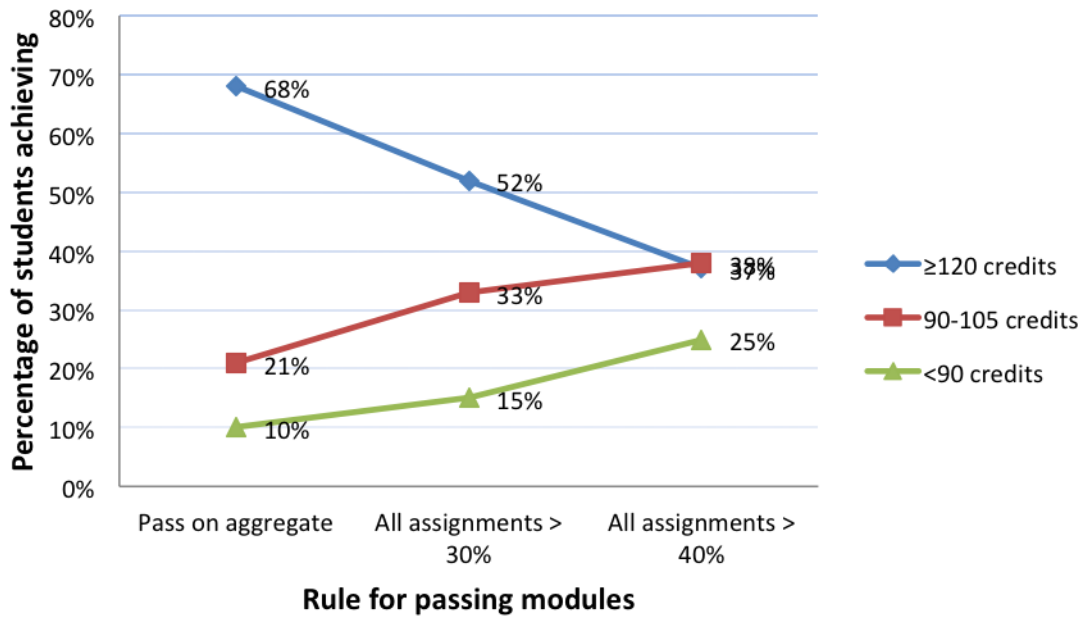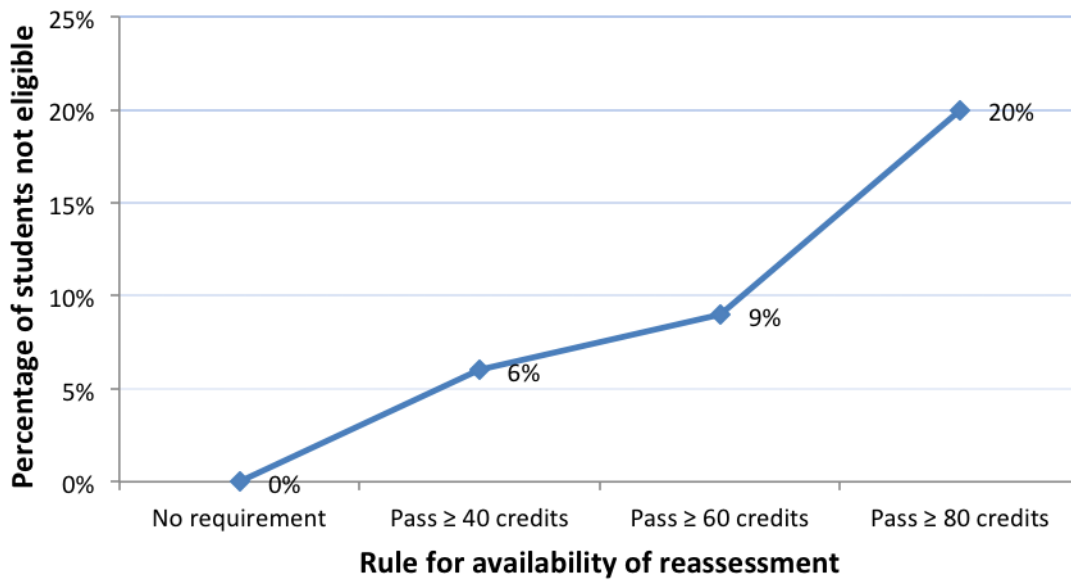
a) Credits passed at first attempt
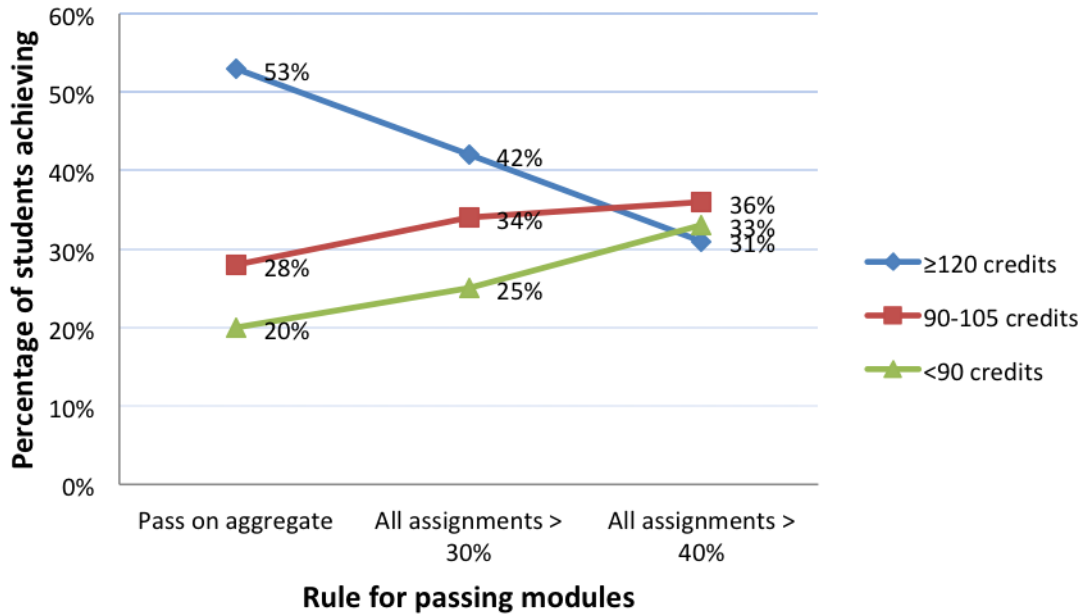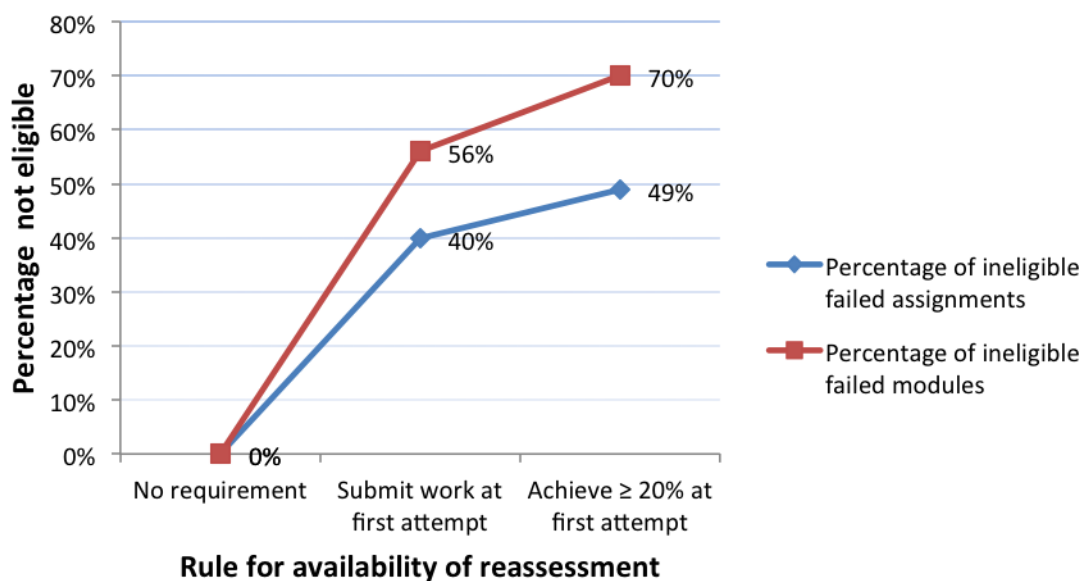

b) Credits passed after one resit

c) Credits passed after all reassessment

Percentage of students (N=2410) who would not be eligible for reassessment under different programme level rules

Percentage of failed assignments (N=6358), and failed modules (N=3159) that would not be eligible for reassessment under different module level rules

Percentage of students (N=2410) achieving ≥120, 90-105, or <90 level 4 credits for up to four assessment opportunities
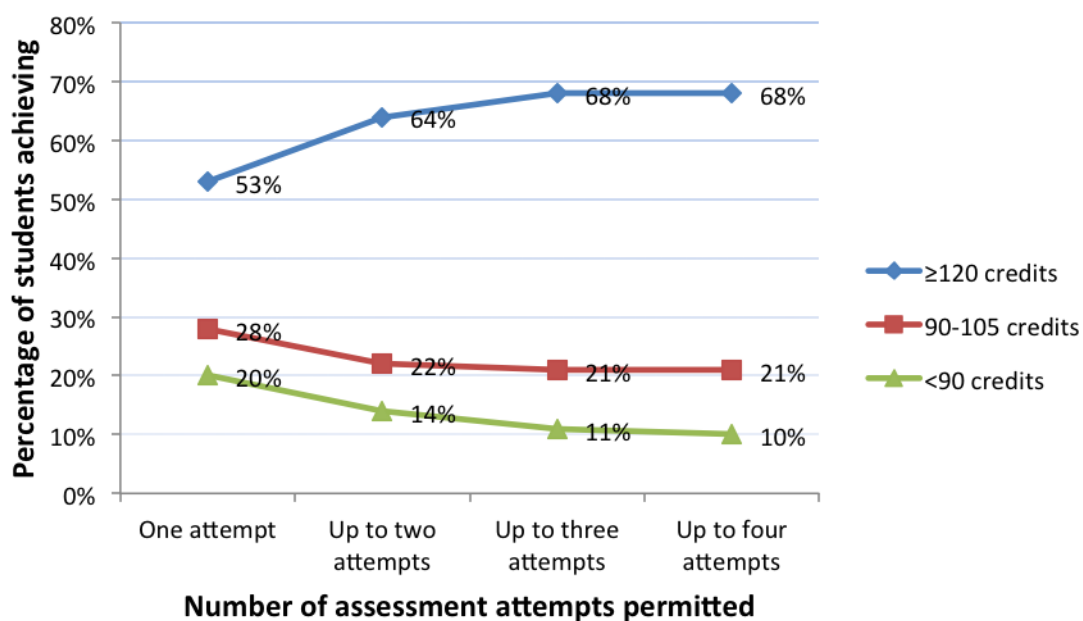
Percentage of students (N=2410) able to progress from level 4 to level 5 study under different rules for progression
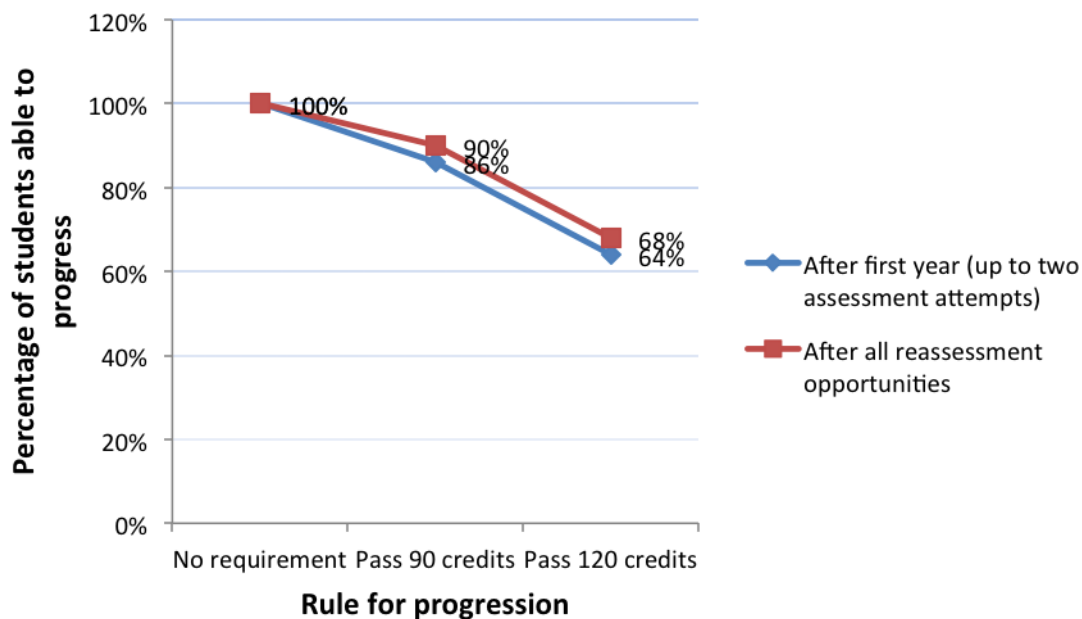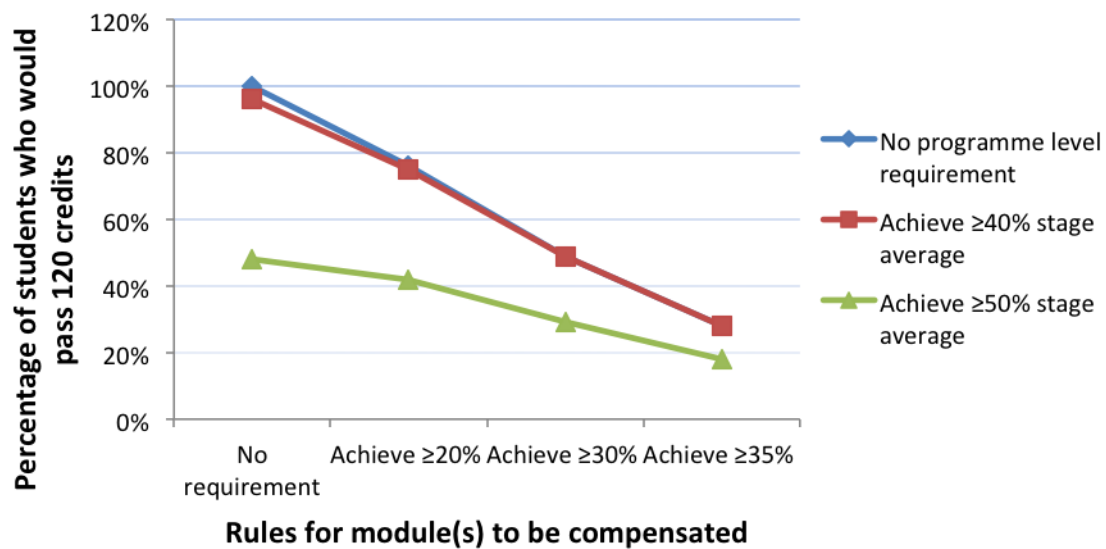

Percentage of students with up to 30 failed credits after one (N=666), and two (N=528) assessment opportunities, who would pass 120 credits at the end of the first year of study when up to 30 credits are awarded by compensation/condonement under different programme and module level rules

a) After one assessment attempt
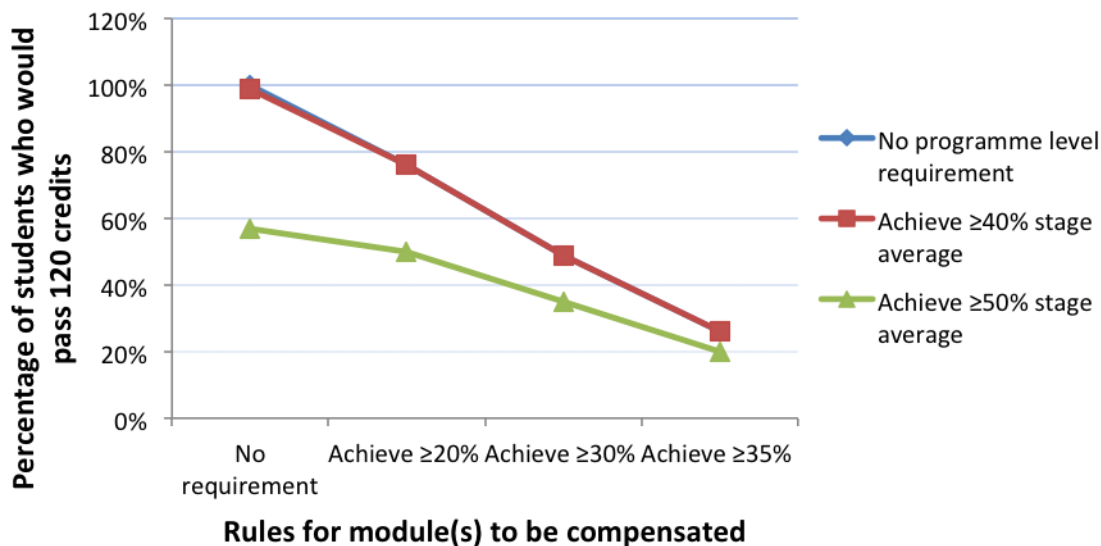
b) After one resit opportunity

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