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Grade review

The purpose of this information is to clarify the rules and procedures that apply when grades are reviewed.

Grading decisions cannot be appealed.¹ However, there are provisions on the correction and review of decisions in the Swedish Administrative Procedure Act and Higher Education Ordinance.² Until a grade has been established in some form – e.g. registered in Ladok, sent by regular mail to the student's home address, posted on the course website, or displayed in a list of exam results – the examiner is free to change the grade. Any later changes will require support from the Higher Education Ordinance, the Administrative Procedure Act, established practice or legal literature.

Under the Higher Education Ordinance, the following rules apply:

Chapter 6, Section 23: A decision pursuant to Section 26 of the Administrative Procedure Act (1986:223) on rectification of a typographical error, miscalculation or similar oversight concerning a grade shall be made by an examiner.

Chapter 6, Section 24: If an examiner finds that a decision on a grade is obviously incorrect owing to new circumstances or for some other reason, he or she shall change the decision if this can be done quickly and easily and if it does not mean lowering the grade.

Chapter 6, Section 23 of the Higher Education Ordinance refers to Section 26 of the Administrative Procedure Act:

Section 26: A decision that contains a manifest error in writing, calculation or any other similar oversight by the authority or someone else may be corrected by the authority, which made the decision. Before a correction takes place the authority shall give the parties an opportunity to express themselves on the issue, provided that the matter concerns the exercise of public power in relation to someone and the measure is not unnecessary.

Correction of a grading decision is thus permissible if the decision is clearly incorrect as a result of an oversight, such as a writing or calculation error. The error is to be apparent to practically anyone reviewing the case in order to warrant a correction under the provision. Corrections in accordance

¹ Chapter 12 Section 4 of the Higher Education Ordinance (1993:10) compared with Section 2 of the same chapter.

² See Sections 26 and 27 of the Administrative Procedure Act and Chapter 6 Sections 23 and 24 of the Higher Education Ordinance.

with this provision can be made both to the benefit and detriment of students, i.e. grades can be both raised and lowered. The decision to lower a grade must be made very cautiously, and changes may only be made in obvious cases. Before making such a change, the student is normally to be given an opportunity to comment. A decision on a correction is to be made by the examiner. The University cannot give some other official the authority to correct a grading decision. In most cases, this means that the examiner who made the initial grading decision also has to decide on a possible correction of the decision.

If the examiner for any reason is unable to decide on a correction, the decision may be made by another teaching staff member, appointed by the University to be an examiner on the course.

The provision on the correction of grades applies also when the decision itself is correct, but has been reported in an incorrect way, e.g. in Ladok or on a list of exam results.

As for a grading decision that is clearly incorrect due to new circumstances, the examiner is obliged to change the grade, provided that it can be done quickly and easily, and without lowering the grade. The first condition for the *review obligation* to apply is that the decision is obviously incorrect. This means that the examiner does not need to conduct any thorough scrutiny of the previously established grading decision, unless there is a special reason to do so. The second condition is that the review can be performed quickly and easily, which means that there is generally no obligation to reassess the decision if it requires further investigation of the matter.³

Based on practice, it is possible to change a previously decided grade to the detriment of a student if the student has been found guilty of cheating in an exam or other assessment of study performance, i.e. when the student has obtained a grade through deception.⁴ The student shall be given an opportunity to comment before any changes are made.

There is also an opportunity to change a grade to benefit the student, i.e. raise the grade. Caution should be exercised. It is crucial to fair examination that the examiner assesses all cases equally.⁵

Note that a grade of Pass cannot be changed to a grade of Fail on a student's request.⁶

³ See the legislative history of the Administrative Procedure Act (1986:223), Government Bill 1985/86:80, p. 39 (in Swedish).

⁴ Government Bill 1985/86:80, p. 39 (in Swedish).

⁵ See the Higher Education Agency report 2008:36R Rättssäker examination, andra omarbetade upplagan (Fair examination, second revised edition), p. 67 (in Swedish).

⁶ Ibid., p. 68.

A student who has collected their exam does not automatically forfeit their right to request a review. Furthermore, it is not permitted to set deadlines for students to submit their requests for review. However, conducting a review can become more difficult the more time has elapsed since the initial grading decision, so students should not wait to request a review, even if they do not forfeit that right after a certain period of time.⁷

Procedures for grade review

A student who wants to request a grade review should do so in writing, and clearly specify anything that is “obviously incorrect”. The decision is to be made by the examiner on the course, and the student is to be notified of the decision in writing.

⁷ Ibid. p. 68 ff.