

13.2 Extenuating Circumstances for Taught Provision

13.2.1 Definitions and principles

(1) A student who believes that his/her performance in or ability to complete an assessment has been adversely affected by extenuating circumstances may request that those circumstances are recognised by the University. Claims for extenuating circumstances are judged on clear and transparent criteria as set out in the regulations and where necessary are considered by a cross-University Extenuating Circumstances Panel.

(2) For the purposes of this regulation, extenuating circumstances refer to immobilising ill health during the assessment period, bereavement of a close relative or friend during the assessment period, or other similarly profound experience or difficulty that is outside the control of the student. In respect of students in employment, where study is subsidiary to the employment, pressure from employment may also be considered as extenuating circumstances.

(3) The following are not normally recognised to be extenuating circumstances:

a) Minor, non-immobilising health problems with a duration of less than one week including, but not limited to: colds, sore throat, sprains (other than in the writing hand/arm). 273
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b) Loss of work including, but not limited to: as a result of theft, the breakdown of a computer or other electronic equipment, mislaying an electronic storage device or hard copy.

c) Difficulties in submitting for assessment due to technical problems (not caused by a failure of the University's systems).

d) Difficulty in gaining access to available materials such as books or videos. Students should guard against such difficulties by keeping electronic back-ups of work, together with hard copies; keeping drafts of work in progress; and managing the time allocated for completing the assessment.

e) Non serious domestic or personal disruptions including, but not limited to: moving house, change of job, holidays, weddings, oversleeping, cultural and/or educational adjustment, normal stress and anxiety experienced in relation to assessment. Students are expected to be able to take reasonable steps to ensure that non serious domestic or personal disruptions do not affect assessments.

f) The normal financial difficulties which may be experienced by students, unless there has been a sudden and unforeseen change in financial circumstances. Students experiencing short-term financial difficulties should seek advice and support from Student Services.

g) Long standing impairments or medical conditions, unless it can be demonstrated through evidence that there has been an increase in severity at the time of the assessment, such that the student's academic performance may have been adversely affected. Students should report long standing impairments and conditions to Student Services to ensure that, where appropriate, adjustments are made to the assessment regime and support arrangements are put in place well before assessment commences.

(4) The University's approach to considering claims for extenuating circumstances is based on two principles:

a) The object of an assessment is to measure achievement, not potential; what a student has done, not what he/she might have the potential to do.

b) Each student is responsible for submitting assessed coursework on time, for presenting him/herself for written examinations at the appropriate time and place, and for submitting information on extenuating circumstances.

(5) As a result:

a) Members of staff of the University may not grant extensions. In the event that work is submitted late, the work is marked in the normal way and then penalised in accordance with the regulations i.e. the mark is capped at the minimum pass mark (40% for Levels 4, 5 and 6 and 50% for Level 7) if the work is up to 1 week late for first attempts or a mark of 0% is recorded if the work is late for re-assessments (see paragraph 7.5 (5)). Both the initial mark and the penalised mark are recorded in the first instance. Any decision to lift the late submission penalty is made in accordance with the regulations for extenuating circumstances. 274 Academic Quality Handbook 2016/17

b) Work will not be accepted more than 1 week after the original date for submission. In such cases, where extenuating circumstances are approved, the relevant Programme Team will inform the student that the work is to be submitted at the next appropriate assessment point.

c) Extenuating circumstances must not be taken into account in the marking of a student's work.

d) Academic staff, Examining Boards and the Extenuating Circumstances Panel are not permitted to modify or adjust marks to compensate for extenuating circumstances.

(6) It is a student's responsibility to ensure that they have read and understood the University's procedures for Extenuating Circumstances for Taught Programmes. Further information and guidance is available from the Academic Office. A student's misinterpretation or lack of awareness of the procedures will not be considered a valid reason for non-compliance.

13.2.2 Role of the Extenuating Circumstances Procedures

(1) The role of the procedures is to:

a) ensure consistency in the consideration of claims for extenuating circumstances across the University;

b) determine whether a claim for extenuating circumstances can be upheld or should be rejected; c) determine the action to be taken in the event that the claim is upheld – either the lifting of a late submission penalty or the opportunity to be re-assessed without incurring an additional penalty.

13.2.3 Extenuating Circumstances Procedures

(1) All claims for extenuating circumstances should be submitted to the Academic Office by the student as soon as possible and must be received by the Academic Office no more than 15 clear working days after the original date for submission of an assessment or the scheduled date of an examination. Claims submitted outside of this timeframe will not be considered unless there is independent evidence to show compelling reasons as to why the claim was not received in a timely manner. All claims must be made using the Extenuating Circumstances Form (Appendix GA1). Claims

made by staff or other students on behalf of a student who is not aware of the claim him/herself cannot be accepted.

(2) All claims must be supported by verifiable independent documentary evidence. All claims must be accompanied by evidence of the actual date of submission of an assessment in the form of an official submission receipt or confirmation from a member of staff that the assessment has been submitted. Where evidence is awaited, the student must provide an indication of the likely evidence and associated timescale for providing the evidence.

(3) It is not possible to provide a definitive list of all acceptable independent documentary evidence, but the following are typical examples of what may be acceptable, depending on the exact individual circumstances:

- a Statement of Fitness for Work or Medical Certificate which clearly indicates the duration of the illness;
- a signed and dated letter from a medical practitioner confirming the illness and the dates covered by the illness; 275 Academic Quality Handbook 2016/17
- a University Confirmation of Extenuating Circumstances Form signed by an authorised signatory from Student Services which clearly indicates the duration of the extenuating circumstances;
- a copy of a Death Certificate;
- a copy of a Birth Certificate;
- a signed and dated letter from an employer;
- a signed and dated letter from a coroner, legal practitioner, police officer, court official, minister of religion or other professional. All letters must be on the official headed notepaper of the individual or organisation concerned (with full contact details) and must clearly describe the extenuating circumstances and their duration.

(4) Where a student is reluctant to disclose evidence of a particularly personal nature, the evidence may be submitted in a sealed envelope. Evidence presented in this way will only be made available to the Chair and the Secretary of the Extenuating Circumstances Panel.

(5) In cases of ill health, non-diagnostic letters from medical practitioners (that is letters which state “the student informed me that he/she was ill...”) and letters from non-traditional health practitioners will not be accepted as independent evidence. In cases where the extenuating circumstances relate to ill-health of a third party, independent evidence of the impact of the third party’s illness on the student must be provided.

(6) Claims for extenuating circumstances made following formal or informal notification of the result of the assessment will only be considered if the student can provide independent evidence to show compelling reasons as to why the claim was not made prior to the notification of results. Retrospective claims made for assessments undertaken in the previous Semester where the outcome has been considered by an Examining Board and where the student has subsequently engaged with studies in the current Semester will not be eligible for consideration.

(7) The Academic Office shall acknowledge receipt of a claim for extenuating circumstances normally within 5 clear working days. If a student makes a claim which is not acknowledged within 5 clear

working days, the student should contact the Academic Office to ensure that the claim was actually received.

(8) The Academic Office will return to a student any claim that is received more than 15 clear working days after the original date for submission of an assessment or the scheduled date of an examination or after formal/informal notification of results which does not include independent evidence to explain the delay in receiving the claim, is incomplete, lacks evidence or does not meet the criteria, without the claim being considered further. In such cases, the Academic Office will notify the student formally in writing of the reasons why the claim has been returned.

(9) Following return of a claim by the Academic Office under paragraph 13.2.3 (8), where a student can directly address the reason for return (by providing independent evidence to explain the late submission of a claim or by providing a fully completed application or by providing independent evidence to support the claim), the student may request that the claim be fully considered.

(10) The Academic Office has authority to uphold any claim which has been received in a timely manner and is appropriately supported by verifiable independent documentary evidence which clearly relates to the assessment in the claim. Where a claim is upheld by the Academic Office, the procedures outlined in paragraph 13.2.3 (15) to (17) will apply. Where Academic Office is unable to make a decision, the claim will be referred to the Extenuating Circumstances Panel. 276 Academic Quality Handbook 2016/17

(11) Membership of the Extenuating Circumstances Panel is drawn from a standing group comprising two representatives from each Faculty. The membership may be increased at the discretion of the Academic Office. A standing group of alternate chairs will be established and, where appropriate, the Academic Office will identify the chair for meetings from this standing group of alternate chairs.

(12) All claims for extenuating circumstances referred to the Extenuating Circumstances Panel will be considered by members representing at least three Faculties. Consideration of claims will take place twice a month and more frequently if necessary.

(13) Where a claim for extenuating circumstances is referred to an Extenuating Circumstances Panel, the Academic Office will inform the student of the timescale for notification of the decision.

(14) The Extenuating Circumstances Panel will consider each claim and decide whether or not to uphold the request on the basis of the appropriateness of the evidence provided. In the event that a claim is upheld, appropriate action will be taken - either the lifting of a late submission penalty or the opportunity to be re-assessed without incurring an additional penalty. For every claim, both the decision and the reason(s) for arriving at the decision must be documented and reported to the Academic Office.

(15) The Academic Office is responsible for informing the student, the relevant Programme Director and the relevant Faculty of the extenuating circumstances decision normally within 5 clear working days of the decision being made. The student shall be informed of his/her right of appeal against the extenuating circumstances decision. The Academic Office will ensure that the relevant Examining Board is informed of the extenuating circumstances decision.

(16) Where a claim for extenuating circumstances is pending at the time of the meeting of the Examining Board, the Board's decision in respect of the student's overall outcome is provisional pending receipt of the extenuating circumstances decision.

(17) Where necessary, an Examining Board will be reconvened to take the necessary action(s) to implement the extenuating circumstances decision. This may include, where appropriate, the determination of any new submission deadlines. The Examining Board may not re-open the discussion of any case of individual extenuating circumstances and may not overturn an extenuating circumstances decision.

13.2.4 Appeals against extenuating circumstances decisions

(1) The University is only prepared to consider appeals which are based on the following grounds:

a) There were irregularities in the conduct of the extenuating circumstances procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;

b) that the decision failed to take proper account of the circumstances reported in the claim or that not all the details relating to particular circumstances were provided in the claim and there is a compelling reason for the omission. Students should note the expectation to report such circumstances and provide all relevant details of such circumstances to the Academic Office in accordance with the University's Extenuating Circumstances Procedures for Taught Provision.

(2) Any appeal against an extenuating circumstances decision must be sent to the Academic Office on the Extenuating Circumstances Appeal Form (Appendix GA12) and received no later than 15 clear working days after official notification of the decision. Simple notice of 277 Academic Quality Handbook 2016/17 appeal given in writing by a student within the above deadline shall not be deemed to constitute an appeal and shall not be accepted.

(3) The Academic Office shall acknowledge receipt of an appeal normally within 5 clear working days. If a student submits an appeal which is not acknowledged within 5 clear working days, the student should contact the Academic Office to ensure that the appeal was actually received. Where appropriate to the circumstances of the case, the appeal shall be referred to one of the alternate Chairs.

(4) The Academic Office or alternate Chair shall ensure that the facts are verified and shall recommend an alternative decision if it is evident that one or more of the following has occurred: a) there were irregularities in the conduct of the extenuating circumstances procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred; b) the decision failed to take proper account of circumstances reported in the claim or there were compelling reasons why not all the details relating to particular circumstances were provided in the claim and had these details been provided, the claim would have been upheld.

(5) The appellant shall be informed of any alternative decision within 10 clear working days of receipt of the appeal by the Academic Office. The appellant shall be asked to either accept or reject such alternative decision within 5 clear working days of being informed of the alternative outcome by the Academic Office.

(6) If the Academic Office or alternate Chair decides that no error has occurred or the appellant does not accept the alternative decision, the Academic Office shall determine whether a clear case for appeal exists.

(7) The Academic Office will disallow any appeal, normally within 10 clear working days of its receipt, which is based on factors which were known when the decision was reached. The appellant shall be

informed, in writing, by means of a Completion of Procedures letter that the appeal has been disallowed and will be advised that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.2.4 (24)).

(8) If it is decided that there is a case to be considered, the appeal shall be referred to an Extenuating Circumstances Appeal Panel consisting of up to three persons:

- 1) A Dean or Assistant Dean of Faculty (not from the Faculty in which the appellant is studying or has studied).
- 2) A member of staff with previous experience of the extenuating circumstances procedures (not from the Faculty in which the appellant is studying or has studied).
- 3) Where appropriate, a suitably qualified external representative with appropriate experience of working within a Higher Education Institution.

(9) The Extenuating Circumstances Appeal Panel shall normally meet within 20 clear working days of the appeal being referred to it. In the event that it takes longer to verify the facts to which the appeal refers, this period may be extended.

(10) The Extenuating Circumstances Appeal Panel shall have delegated powers to act on behalf of the Senate.

(11) An appellant shall be offered a personal hearing by the Extenuating Circumstances Appeal Panel. The appellant shall accordingly be informed in advance of the time and date of the 278 Academic Quality Handbook 2016/17 meeting and that he/she shall have the right to be accompanied, to hear all the evidence, and to call and question witnesses. The appellant may be accompanied by a person of his/her choosing, and is required to inform the Secretary in writing in advance of the meeting whether he/she intends to be accompanied. The accompanying person shall not normally contribute to the discussions, but the Extenuating Circumstances Appeal Panel shall have the discretion to invite their contribution if it believes that this will assist them in reaching a decision. Legal representation is not allowed. The appellant may nominate relevant witnesses to provide evidence which relates directly to the grounds of the appeal. Such witnesses shall be informed of the date, time and place that have been set for the appeal hearing but cannot be compelled to attend.

(12) If for reasons of distance or other significant matters (to be agreed by the Academic Office), physical attendance in person is not possible, the appellant may be invited to contribute via video-link or to make an additional written submission. The appellant may not send another person to an Extenuating Circumstances Appeal Panel in his/her stead. Should the appellant not attend the meeting of the Extenuating Circumstances Appeal Panel and provided that all reasonable means have been taken to contact the appellant, the meeting shall proceed in his/her absence.

(13) The Chair shall, at an Extenuating Circumstances Appeal Panel meeting, have discretion to declare inadmissible any matter introduced by the appellant, or by any witness or person accompanying the appellant, if he/she deems it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline.

(14) The Chair of the Extenuating Circumstances Appeal Panel may require the Chair of the relevant Extenuating Circumstances Panel or any other member of staff to contribute to the hearing as witnesses and should ensure that any such individuals are informed of the date, time and place that have been set for the appeal hearing.

(15) The Extenuating Circumstances Appeal Panel shall base its decisions on the evidence of the appellant's submission and the testimony of any witnesses, together with any further evidence which it considers relevant. The Extenuating Circumstances Appeal Panel, when considering its decision, shall meet in private session.

(16) The Extenuating Circumstances Appeal Panel shall be empowered to take one of the following decisions:

- a) to reject the appeal and uphold the original extenuating circumstances decision;
- b) to uphold the appeal and to refer the case back to an Extenuating Circumstances Panel for a review of the decision.

(17) The decision of the Extenuating Circumstances Appeal Panel shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Extenuating Circumstances Appeal Panel with the appellant or any other person.

(18) The Extenuating Circumstances Appeal Panel may make recommendations for consideration by the Academic Quality and Standards Committee or the Senate as appropriate on any matters arising from the consideration of appeals.

(19) A full report of the decisions of the Extenuating Circumstances Appeal Panel shall be produced.

(20) In the case of paragraph 13.2.4 (16) a), the outcome of the appeal shall be communicated to the appellant, in writing, by means of a Completion of Procedures letter, normally within 10 clear working days of the meeting of the Extenuating Circumstances Appeal Panel and 279 Academic Quality Handbook 2016/17 the appellant will be advised that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.2.4 (24)).

(21) In the case of paragraph 13.2.4 (16) b), the appellant shall be informed that the case has been referred back to an Extenuating Circumstances Panel and that he/she will be informed of the decision of the Extenuating Circumstances Panel in due course. The full report, including recommendations or advice where appropriate to the circumstances of the case, along with all supporting documentation, shall be sent to the next appropriate Extenuating Circumstances Panel for consideration. The subsequent decision of the Extenuating Circumstances Panel, together with a copy of a relevant extract from its minutes, shall be sent to the Academic Office, normally within 5 clear working days of the conclusion of the Extenuating Circumstances Panel's deliberations.

(22) The appellant shall be informed of the decision of the Extenuating Circumstances Panel, in writing normally within 5 clear working days of the meeting of the Extenuating Circumstances Panel. There shall be no right of appeal under the University's internal procedures against the decision of an Extenuating Circumstances Panel where the case has been referred back by an Extenuating Circumstances Appeal Panel and if the student is dissatisfied with the outcome, a Completion of Procedures letter shall be issued and the appellant will be advised that he/she may be able to take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education (see paragraph 13.2.4 (24)).

(23) Where an appeal has been submitted, the original extenuating circumstances decision shall stand until the outcome of the Extenuating Circumstances Appeal Procedure is known.

(24) Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure will be available from the Academic Office or from the OIA website: www.oiahe.org.uk.