

# Extenuating Circumstances

## Regulations for Partners

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# Extenuating Circumstances

## 1 Preamble

1.1 It is recognised that a student may experience temporary personal difficulties outside of their control which may have a detrimental effect on their ability to study for and/or complete an assessment<sup>1</sup> by the set deadline. Such situations are referred to as “extenuating circumstances” (ECs).

1.2 These Regulations are designed to ensure that, as far as possible, no student subject to ECs is unfairly disadvantaged whilst maintaining the academic standards of the University. The Regulations specify the core principles relating to ECs (§2), a definition of “extenuating circumstances” (§§3 and 5), potential remedial outcomes for students experiencing ECs (§6) and the procedural framework within which ECs are managed (§§4 and 7).

1.3 These Regulations apply to Undergraduate and Post-Graduate Taught summative assessment.

1.4 The Regulations do not cover ongoing medical conditions/disabilities (including learning disabilities or mental health conditions) for which the student is already receiving formally approved adjustments.

1.5 The Regulations are consistent with the precepts and expectations contained in the Quality Assurance Agency’s (QAA) *Chapter B6 – Assessment of Students and the Recognition of Prior Learning* of the UK Quality Code for Higher Education (2013) and the recommendations and guidance contained in the Academic Registrars’ Council’s (ARC) *A Reference Document on Academic Appeals and Extenuating Circumstances for University Practitioners* (2011).<sup>2</sup>

## 2 Principles

2.1 The following principles underpin the Regulations on and management of extenuating circumstances (ECs):

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<sup>1</sup> The Regulations only apply to summative and not formative assessments. A summative assessment is defined as work that is taken into account by a Board of Examiners for the purposes of progression and/or for an award. Formative coursework is defined as work that is not taken into account by a Board of Examiners for the purposes of progression and/or for an award. Extension requests for formative assessments are at the discretion of the Module Organiser.

<sup>2</sup> <https://arc.ac.uk/uploadedfiles/documents/ARCAppealsExtCircs.pdf>

- (a) That any student who has properly demonstrated ECs relating to either Deadline or Event summative assessments<sup>3</sup> should not be unfairly disadvantaged;
- (b) That the remedies associated with ECs maintain the institution's integrity and academic standards and do not disproportionately advantage the affected student over the rest of the student body;
- (c) That the treatment of ECs across the institution should be equitable and consistent, with the use of discretionary powers kept to a minimum;
- (d) That, notwithstanding (c), a degree of discretion is preserved in the management of ECs since similar circumstances may have different impacts on individual students;
- (e) That where discretion is used, it should be applied (i) consistently as a form of established precedent and (ii) only in exceptional cases;
- (f) That it is the responsibility of the student to apply for a remedy or adjustment based on an EC (including the provision of supporting evidence) at the earliest opportunity possible and no later than the EC reporting deadline;
- (g) That students seeking to gain an advantage or benefit through the provision of false or misleading information relating to ECs are liable to action being taken against them under the institution's Disciplinary Procedures;
- (h) That the recognition of ECs cannot be used to change a received mark or remove the need to complete the assessment since students still need to demonstrate that they have achieved the required learning outcomes of the module(s);
- (i) That consideration of ECs will be treated confidentially with disclosure of details only made to the smallest number of people necessary to progress the application;
- (j) That all EC processes will be expedited as quickly as possible;

### **3 Extenuating Circumstances**

3.1 For the purposes of these Regulations, an extenuating circumstance (EC) is narrowly characterised by the negative impact of the reported event or state of affairs on the student's capacity to perform to the best of their ability with respect to an individual assessment or assessments rather than the effect on other aspects of the student's life.

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<sup>3</sup> 'Deadline' assessments include Coursework, Written Assignments, Dissertations, and Projects. 'Event' assessments include Laboratory Demonstrations and other forms of practical, Objective Structured Clinical Examinations (OSCE), Objective Structured Pharmacy Examinations (OSPE), Presentations, Course Tests and Examinations.

3.2 To qualify as an EC each of the following conditions must be met:

(a) The situation must have been unforeseeable, i.e. untypical of customary day-to-day experience, and/or beyond the student's control;

(b) The situation must have been such as to be reasonably judged to have had a significant negative impact on the student's ability to undertake the assessment(s) to the best of their capabilities;

(c) The situation should or normally have occurred at a time close enough to the assessment(s) submission deadline or Event date such that there was insufficient time to resolve the impact of the experienced difficulties. The precise length of this time will depend upon the nature and severity of the ECs and the type of assessment but would usually be expected to be no longer than 3 weeks before the assessment submission deadline or Event date;

(d) The reporting of the situation must, where it can be reasonably acquired, be corroborated by independent evidence provided by appropriately qualified individuals.

3.3 The following non-exhaustive list of examples provides a guide as to the type of cases that are likely to satisfactorily meet each of the criteria listed in §3.2:

(a) Bereavement – the recent death of a close relative or significant other (of a nature which, in the employment context, would permit compassionate leave). The following relatives are understood as 'close': partner, child, parent, sibling, grandparent and grandchild. At the institution's discretion, more distant relatives and significant friends may also be considered 'close' upon the receipt of appropriate evidence;

(b) A serious short-term illness, accident or mental health crisis (of a nature which, in an employment context, would have permitted a sick-leave absence);

(c) A long-term health condition (for which adjustments may already be formally in place) worsening either temporarily or on a more enduring basis;

(d) A long-term health condition where reasonable adjustments have been applied for but are not yet in place and where the responsibility for the delay lies with the institution;

(e) Being a recent victim of a serious crime;

(f) Situations of the type where a student might be granted an authorised leave of absence and where the date cannot be changed. These may include:

(i) involvement in legal processes (e.g. jury service, court summons);

(ii) health appointments (not covered by (b) or (c) above);

(iii) an interview for a graduate-level job or further academic studies.

These circumstances should be assessed with caution since they must be of such a nature as to significantly detract from the student's ability to fulfil the assessment to the best of their ability. It should be noted that applications for authorised leave of absence are not automatically granted.

- (g) Representative participation in a national or international cultural or sports event;
- (h) Exceptional and unforeseeable transport difficulties, e.g. major transport incidents, cancelled flights or other forms of long distance public transport without adequate notice, dangerous weather conditions where official advice was not to travel;
- (i) Significant adverse personal/family circumstances for which there is evidence of undue stress caused or the need to assume extra responsibilities.

3.4 The following non-exhaustive list of examples illustrates instances of the type of circumstance that are unlikely to meet each of the criteria in §3.2:

- (a) A long term health condition for which the student is already formally receiving reasonable and appropriate adjustments;
- (b) Claim of any event or state of affairs having a negative impact on the student which could reasonably be viewed as foreseeable or preventable;
- (c) Claim of an event or state of affairs having a negative impact on the student:
  - (i) without corroborating evidence from an appropriate professional source, e.g. doctor or other health professional, police, legal communication, etc., where such evidence may be reasonably assumed to be available. Supportive letters from family and friends will not typically constitute acceptable evidence; AND/OR
  - (ii) only supported by unsubstantiated evidence, e.g. a doctor's note which states that the student was seen after the illness occurred and that the student had only self reported the illness; AND/OR
  - (iii) the evidence does not relate to the time when the student claims to have been affected by the declared ECs.
- (d) Claim of an event or state of affairs, the impact of which occurred normally more than three weeks previous to the relevant assessment event or submission deadline unless it can be reasonably argued that this longer period was insufficient time to resolve the impact of the experienced difficulties;
- (e) A minor illness or ailment which in a work situation would be unlikely to lead to absence from work;
- (f) Pregnancy except:

(i) where there are complications relating to the pregnancy which medical evidence can substantiate; and

(ii) for a period of two weeks immediately following the delivery.

(g) Normal levels of coursework and/or examination stress;

(h) Lack of knowledge of Academic Regulations including claims that the student was unaware of (or misread) the dates or times of coursework submission or examination sittings;

(i) Financial issues (other than exceptional hardship);

(j) Commitments related to paid employment or other non-course related activities.

For part-time students, whose primary commitment is not limited to studies, employment related activities which are unavoidable or cannot be rescheduled will be considered if third party evidence is provided by the employer/work-based supervisor confirming that the work related activity is impacting on the student's studies. A supporting statement from the Course/Programme Leader will be accepted on the basis that they can verify the work-related circumstance and is in contact with the employer/work-place supervisor about the students' progress. Examples include:

(i) inability to accrue required work-place hours that contribute to assessment (for professional courses);

(ii) unplanned change in work requirements (e.g. shift changes for professional courses);

(iii) an unexpected business trip.

(k) Planned appointments including health and legal appointments which can be rescheduled;

(l) Moving house;

(m) Observance of a religious festival (including pilgrimage) or holy day. With regards to Deadline assessments submission dates are typically set early enough for the student to be able to work around religious observance. If the observance conflicts with an Event assessment, the institution will take all reasonable measures to accommodate the student but where this is not possible, the student will be expected to attend at the set time and will not be permitted a Delayed Assessment;

(n) Holidays and/or other social occasions and commitments (including weddings and baptisms);

(o) Instances of common every-day travel problems, such as traffic congestion;

(p) Inadequate academic practice (unless accounted for by ECs) such as:

- (i) poor time management and planning, especially in relation to bunched deadlines;
  - (ii) personal computer/printer problems;
  - (iii) failure to backup electronic documents;
  - (iv) late submission of work (on the grounds that the submission deadline is a maximum and not a target);
  - (v) accidental submission of an incorrect document, e.g. an assignment for another module or an incomplete earlier draft of the assignment.
- (q) The language of assessment was not the student's main language.

## **4 Extenuating Circumstances Requests and Supporting Evidence**

4.1 Students should report any extenuating circumstances (ECs) by submitting an Extenuating Circumstances Request (ECR). The request should include supporting evidence as well as an indication of what consideration or adjustment the student is seeking (e.g. an extension to a submission date or a Delayed Assessment opportunity). If the ECR is not complete, the request will not be considered.

4.2 The ECR should be submitted as soon as possible by the student. For both Extension and Delayed Assessment requests the normal ECR deadline will be 2 working days after the Deadline submission date or Event date.

4.3 If an ECR is submitted more than 2 working days after the Deadline submission date or Event date, the ECR must provide an explanation for the lateness of the application. For all late ECRs the request may be considered by the relevant Extenuating Circumstances Panel. The decision should be guided by a positive assessment of each of the following conditions:

- (a) there is a satisfactory explanation for the late submission;
- (b) the claimed ECs may be judged to be covered by the definition in §3.2 and consistent with the examples in §3.3;
- (c) the ECR is supported by appropriate evidence.

Borderline or problematic cases should normally be referred to the Academic Director of Partnerships (ADP) to make the final decision as to whether the ECR may be considered by the Extenuating Circumstances Panel.



In the case of rejection of a late ECR, the student should be advised that they may challenge the decision through the University's Appeals and Complaints Procedure although not on the basis of the originally submitted ECR and supporting documentation.

4.4 An ECR must be supported, wherever reasonably possible, by appropriate documentary evidence. This evidence must be relevant to the event or state of affairs claimed and to the appropriate time period. It is important that the evidence should, where reasonably possible, speak to the negative impact on the student's ability to work to the best of their capabilities and not just record that a certain set of circumstances occurred.

4.5 The evidence supporting the ECR ought, wherever reasonably possible, be provided by independent, professional third party sources; self-reporting or statements provided by family or friends are likely to count as "evidence" in only limited situations. Evidence from Academic Advisers/Personal Tutors may be useful but should be treated with caution.

4.6 Due to professional and legal requirements relating to the protection of patient confidentiality, evidence from a counselling service (or similar services) may only be able to report that a student is either currently in or about to start counselling without supplying details of the nature of the student's condition (although there is an expectation that relevant dates (including referral) will be reported to ensure that they correlate with the claimed ECs). This should be taken as appropriate supporting evidence of the student's claims.

4.7 Where a student believes that the relevant circumstances are of a highly confidential nature, they may report the circumstances to Student Services or equivalent. Student Services shall either:

(a) Confirm the confidential nature of the circumstances and provide the Extenuating Circumstances Panel with a statement of their severity and the date(s) of their likely impact. The substantive detail of the circumstances shall remain confidential to Student Services; OR

(b) Determine that the nature of the circumstances does not merit confidentiality of treatment and advise the student that they should report their ECs in the normal way.

4.8 In the case that appropriate supporting evidence cannot be realistically provided, that which is supplied should be detailed enough that relevant institution role holders (e.g. Extenuating Circumstances Panel or the Academic Director of Partnerships (ADP), etc.) are able to reasonably infer the ECs' likely detrimental effects.

4.9 The type and amount of supporting evidence should be proportionate and appropriate to the nature of the adjustment being requested by the student, i.e. the greater the adjustment, the more comprehensive the evidence required.

4.10 Any submitted evidence written in a language other than English must be provided with a certified translation.

4.11 It is expected that the student will provide all relevant evidence at the time of their EC application or within 5 working days of its submission. Where there is good reason that the

evidence cannot be supplied within the 5 working days extension, the Chair of the Extenuating Circumstances Panel may grant further time. Since consideration of the ECR cannot take place until all documentation is supplied, care should be taken when granting such extensions in the light of §5.4.

4.12 The following non-exhaustive grid provides an indication of the types of evidence which are likely to be supportive for various types of EC.

| Extenuating Circumstance   | Examples of the type of evidence that are likely to support an EC request  |
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| Bereavement  | <p>An obituary; order of service; death certificate; legal or medical letters; letter from undertaker.</p> <p>The EC application must also state the student's relationship to the deceased. It is unlikely that further professional evidence detailing the effects on the student will be required.</p>  |
| A serious short-term illness, accident or mental health crisis               | <p>Letter from a health professional such as a GP, psychiatrist or mental health counsellor confirming the diagnosis and stating an opinion as to the nature and duration of any impact on the student; medical certificate; prescription; hospital admissions record; photographs of injuries (ideally identifying the student with the photograph).</p> <p>Since evidence such as a photograph, prescription or admissions record, does not constitute a qualified medical opinion, evidence from a relevant health professional should also be submitted.</p> <p>Any evidence that only records the student's self-reporting of the health problems will be normally deemed insufficient.</p> |
| Unforeseen recent illness of dependents or close family members              | <p>Medical certificate or GP's letter relating to the dependent/family member confirming the recent sudden or severe nature of the illness. If this evidence does not also confirm the impact on the student, then independent professional third party evidence should also be submitted.</p>   |
| A long-term health condition worsening                                       | <p>Medical certificate or GP's letter reporting the specific deterioration or sudden change and the time period it applies to. The evidence should refer to how the change in conditions has impacted on the student.</p> <p>Evidence simply confirming the long-term condition without mentioning the recent deterioration will be normally deemed insufficient.</p>  |
| Long-term health condition where reasonable adjustments are not yet in place | <p>Letter or e-mail from the institution's Student Support Services (or equivalent) confirming that the delay in support was beyond the student's control.</p>   |
| Victim of a serious crime  | <p>Police crime number, legal letters, crime report from the police or other investigating authority; an insurance claim.</p> <p>Since such evidence does not refer to the impact of the event on the student, further evidence may also be required for ECs claimed to have affected the student <i>for more than a week</i>.</p>   |

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|  | Claims relating to injuries or trauma suffered as a result of a motor traffic accident would normally be considered as a medical circumstance and require suitable medical evidence as outlined above.   |
| Legal proceedings requiring court attendance   | Letter from a solicitor/legal officer or official court communication.   |
| Representative participation in a national or international cultural or sports event | Formal notification from the relevant official body or bodies involved. Although independent professional third party evidence outlining the impact on the student's preparation and completion of the assessment may be supplied, it is likely that impact on the student may be reasonably inferred. |
| Exceptional and unforeseeable transport difficulties                                 | Evidence of a major transportation incident from a relevant and appropriate source (including media reports). Evidence will also need to demonstrate that the student was both affected and that there was no reasonable means of foreseeing or overcoming the difficulties.                           |
| Significant adverse recent personal/family circumstances                             | Independent professional third party evidence describing the circumstances, the time period affected and the impact on the student. Where this is not possible, sufficient detail should be submitted so that the likely effects can be reasonably inferred.   |

## 5 Mitigating Adjustments for Extenuating Circumstances

5.1 When submitting an Extenuating Circumstances Request (ECR), the student is required to state what adjustments are being requested to mitigate the effects of the extenuating circumstances (ECs).

5.2 The permitted mitigating adjustments allowed are:

(a) An Extension to the submission date (including Reassessment) for those items of assessment classified as 'Deadline' (i.e. Coursework, Written Assignment, Dissertation, Project);

(b) A Delayed Assessment (including Reassessment) opportunity for those items of assessment classified as 'Event' (i.e. Examination, Course Test, Objective Structured Clinical Examination, Objective Structured Pharmacy Examination, Practical, Presentation).

(c) Request for special consideration by the Board of Examiners regarding decisions relating to progression and/or final classification;

(d) A repeat of a period of study or an interruption to studies.

5.3 When an Extension is granted, the submission time is no later than 3pm on the day of the new deadline.

5.4 When an Extension request takes the new submission date beyond the return of the marked assessment to the rest of the module cohort, consideration should be given as to whether a new assessment task should be set in order that the student does not gain a significant advantage over the rest of the cohort (cf. §2.1(b)). In those cases where a revised assessment is thought appropriate, consideration should be given as to whether the task requires a significant amount of new study and whether this is appropriately reflected in the new deadline date.

5.5 A Delayed Assessment (including Reassessment) may be considered for those event assessments where:

(a) the student failed to attend the original Event;

(b) the student attended the Event but believes that they did not have a fair attempt due to the effects of their ECs;

(c) the delivery of the module hampered the ability of students to be assessed fairly.

5.6 Where the request for a Delayed Assessment (including Reassessment) rests on medical circumstances, the student must seek medical evidence on the day of the assessment, unless

reasonably prevented from doing so.

5.7 A Delayed Assessment cancels the assessment that it replaces and the mark, if any, originally awarded. The recorded mark shall be the mark received for the Delayed Assessment and not the better of the 2 marks achieved.

5.8 Where an application for a Delayed Assessment is approved, the student may choose to accept to sit the Delayed Assessment or not. If not, the original mark, if any, will be recorded.

5.9 Once a Delayed Assessment has been taken, the student cannot void the attempt and request to record the original mark.

5.10 An approved Delayed Assessment (including Reassessment) will normally take place during the next assessment period.

## **6 Approval of Extenuating Circumstances Requests and Extenuating Circumstance Panels**

6.1 The decision to approve an Extenuating Circumstances Request (ECR), where required, will be determined by Extenuating Circumstances Panel. Approval depends upon:

(a) the ECR meeting the extenuating circumstances criteria outlined in §3.2 (and consistent with the types of example in §3.3);

(b) the requested mitigating adjustment being permitted under §5.2; and

(c) the requested mitigating adjustment being reasonable.

6.2 Where an ECR clearly meets the criteria in §3.2 (and is consistent with the examples in §3.3) and the mitigating adjustment is permitted by §5.2 and is reasonable (i.e. a request where no discretion in the decision making is required), the Chair of the ECP may approve the ECR.

6.3 In the case that:

(a) the ECR does not clearly meet the criteria in §3.2; OR

(b) where the submitted evidence, if any, does not clearly support the application; OR

(c) where the requested mitigating adjustment appears unreasonable (including an extension request of more than 10 working days); OR

(d) the request is complex or borderline for approval; OR

(e) the ECR has been submitted after the deadline;

approval will be determined by the Extenuating Circumstances Panel.

6.4 Each institution shall have an Extenuating Circumstances Panel (ECP) appointed by the Principal (or equivalent) which will consist of a pool of no less than 4 members to draw upon (one of whom will act as Chair).

6.5 The Chair of the ECP shall be a member of a/the Board of Examiners.

6.6 Chairs of Boards of Examiners are not permitted to act as ECP Chairs but may be members of the ECP.

6.7 A minimum of 2 members of the ECP pool are required to engage in the consideration of cases, with the exception of the Pre-Board ECP meeting (cf. §§ 6.10-6.17) where at least 3 members must be in attendance.

6.8 The consideration of ECRs by an ECP need not involve a physical meeting of members if alternative methods of discussion and mutual deliberation are available.

6.9 ECPs shall normally reach their decision and the student will be advised of the outcome within 3 working days of the ECR being received. In some instances it may be necessary to extend this deadline and the student shall be advised in writing where this is the case.

6.10 Before any meeting of the Board of Examiners where decisions about progression or classification are taken, there shall be a Pre-Board ECP meeting.

6.11 The Pre-Board ECP shall receive all ECRs and associated adjustments along with the record of all student marks to be considered by the Board of Examiners.

6.12 Where ECRs have already been considered and Extension and Delayed Assessment adjustments have been made, the ECP shall consider whether any additional adjustments may be appropriate.

6.13 Students may submit ECRs for ECs not previously reported no later than 10 working days prior to the meeting of the Pre-Board ECP. The only mitigating adjustment associated with late ECRs of this sort will be a request for special consideration by the Board of Examiners regarding decisions relating to progression and/or final classification (§6.2(c)). Being a late submission, the ECR should be subject to the conditions in §4.3.

6.14 The date of Pre-Board ECP meetings will be publicised to students.

6.15 The Pre-Board ECP shall determine the severity of impact of each student's ECs and make a recommendation to the Board of Examiners on how the impact of the ECs should be accommodated where appropriate. Recommendations may include:

- (a) Award of a higher degree classification;
- (b) Permission to progress within the constraints of the relevant regulations for the award;
- (c) Where progression requirements have not been met, recommend to retake the year or a part of the year, with or without an interruption in a period of study or assessment, Reassessment or further Reassessment;
- (d) For students in Stages 0, 1 or 2, provisional progression pending the successful outcome of the Delayed Assessment. This adjustment is available only where a student has failed a single module and has approval for a further attempt in the failed item(s). Assessment must be completed by the deadline set annually;
- (e) That the student be transferred to an alternative course.

6.16 The Board of Examiners will normally follow the recommendations of the Pre-Board ECP. If not, the minutes should record the justification for the rejection. The record should be careful to preserve the confidentiality of the case (cf. §2.1(i)).

6.17 When making decisions regarding appropriate adjustments, the Board of Examiners shall demonstrate (and have recorded) that it has fully considered the recommendations of the Pre-Board ECP.

6.18 Any adjustments must comply with any applicable Professional, Statutory and Regulatory Bodies' (PSRBs) requirements (e.g. maximum length of registration).



**These regulations apply to UEA validated Awards at the following institutions:**

**Brooksby Melton College**

**Colchester Institute**

**Mountview Academy of Theatre Arts**

**The Royal Marsden School**

**South Essex College**

**West Suffolk College**