

## F4. EXTENUATING CIRCUMSTANCES

For students on programmes and awards validated by the University of Plymouth this section of the CAPR has been agreed by the University (as the awarding institution) as meeting its policy and regulatory requirements in relation to extenuating circumstances. The shaded sections below form GSM London regulatory and policy framework as applied to Plymouth University and GSM awards.

### Purpose and Scope

- 4.1 This section of the Consolidated Academic Policies and Regulations (CAPR) explains what extenuating circumstances are; what a student should do if they are experiencing these circumstances, and how the College deals with these requests.
- 4.2 Derogations to these regulations - e.g. to meet Professional, Statutory or Regulatory Body (PSRB) requirements - will be published in individual programme documentation.

### Definitions

- 4.3 'Extenuating circumstances' means unforeseen circumstances that are beyond a student's control, and have, or have the potential to, significantly impair their academic performance.
- 4.4 'Deferral' means a student's assessment attempt is transferred to the next available date. Normally, a deferral may be agreed only before the start of assessment period or sitting.
- 4.5 'Extension' means a student's prescribed time to sit an assessment is lengthened. Normally, an extension may be agreed only after the assessment sitting begins and before the assessment attempt is submitted.
- 4.6 'Mitigation' means voiding an assessment attempt. Normally, a student may apply for mitigation only after the time for submitting the assessment attempt.

**NOTE: Deferral, extension or mitigation will not result in any increase in marks for an assessment component or element.**

### Introduction

#### *Overview*

- 4.7 The College recognises that while students suffer from personal or medical circumstances that may affect their ability to complete an assessment or the results they get for an assessment:
  - (a) such circumstances may affect but not significantly impair the student's performance; and
  - (b) all students are affected by circumstances surrounding their study, and assessment measures their actual performance rather than what they could have achieved.
- 4.8 Therefore, in considering extenuating circumstances, the College aims to evaluate the effect of the circumstances on the student's study or performance, and to decide how the College

should treat this to ensure any actions assist the student where possible but do not give them an unfair advantage.

Principles

- 4.09 Extenuating circumstances are only intended to cover circumstances that are short term and do not stop the student continuing with the programme of study.
- 4.10 All actions are at the College's discretion: students have no automatic right to any alteration to their assessment.
- 4.11 A student who is affected by serious ongoing circumstances (medical, personal or financial) that seem unlikely to be resolved within a reasonable time may be advised or required to:

- (a) take a break from their studies; or
- (b) get and maintain an active IGRAS Statement - Integrated Guidance Report for Academic Support - for the time they are affected

(Students may also find it helpful to refer to section E 4 Fitness for Study)

- 4.13 If an assessment element is in two (2) parts, a student may not defer, extend or mitigate the part of the element which is called the component. If the element is passed, then extenuating circumstances may not be applied.
- 4.14 An application for extenuating circumstances referring to a particular date must cover all assessments on that specified date.
- 4.15 Where possible, all applications for extenuating circumstances must contain independent, relevant and authoritative evidence, and signed by an appropriate third party.
- 4.16 The College may investigate the evidence and has the right to call for independent or expert advice, take evidence, examine witnesses, and make such other enquiries as it sees fit, however the College is not bound to act under this regulation.
- 4.17 If doubt exists as to whether evidence can be considered, the Chair of the Extenuating Circumstances Panel must decide. The Chair's decision concerning evidence at this stage is final and must include reasons.

Reasons for extenuating circumstances

These are examples (not meant to form a complete list) of reasons commonly accepted:

- Bereavement – death of close relative or 'significant other' such as a long-term partner.
- Serious short-term illness or accident of a nature that, in an employment context, would lead to absence on sick leave.
- Evidence of a long-term health condition worsening.

- Significant worsening of any adverse personal or family circumstances.
- Other exceptional factors for which there is evidence of impact.

These are examples (not meant to form a complete list) of reasons commonly refused:

- Statement of a medical condition without reasonable evidence (medical or otherwise) to support it or a condition supported by retrospective medical evidence – that is, evidence that did not exist at the same time as the illness, e.g. a doctor's note saying that the student was seen after the illness and declared they had been ill previously.
- Medical circumstances outside the relevant assessment period or learning period for which extenuating circumstances are being applied for.
- Minor illness or ailment, which in an employment context would be unlikely to lead to absence from work.
- Long-term health condition for which the student is already receiving reasonable or appropriate adjustments.
- Late disclosure of circumstances because the student 'felt unable' or 'did not feel comfortable' confiding in a staff member.

These are examples (not meant to form a complete list) of circumstances commonly refused because they are foreseeable or preventable:

- Holidays, moving house and planned events.
- Financial issues.
- Computer or printer problems and poor practice, e.g. no back-up of documents.
- Lack of awareness of submission dates or times and examination dates or times.
- Misreading the timetable or misunderstanding the requirements for assessments.
- Assessments that are scheduled close together.
- Poor time management.
- Consequences of paid work, except in special cases for part-time students.
- Exam stress or panic attacks not diagnosed as illness.

#### Procedures

##### Declaring 'Fit to sit'

- 4.18 A student who wishes to submit an assessment is required to confirm a declaration that they are fit to do so – the 'Fit-to-sit Declaration'.

4.19 A student who has confirmed such a declaration may not apply for extension, deferral or mitigation unless they provide independent and authoritative evidence with their application that:

- (a) they were affected by unforeseen circumstances beyond their control after confirming the declaration but before the end of the assessment;
- (b) they were subsequently diagnosed as suffering from a condition that impaired their performance at the time of the assessment which, for an evidence-based reason, they were unaware at the time; or
- (c) they were suffering from a condition that impaired their ability to make a rational or reasonable judgment to truthfully confirm the declaration.

4.20 A student who does not consider themselves fit to sit an examination or who believe that an assessment would be of lower quality because of unforeseen circumstances beyond their control must, as far as reasonable, use the regulations open to them in advance of the assessment such as seeking an extension or deferral.

Submitting an application

4.21 A student may only submit an application for deferral, extension or mitigation:

- (a) in writing on the prescribed form with the applicant's full name, student number, and signature;
- (b) to the place and person in line with the written instructions.

4.22 The application must include:

- (a) a clear statement of the grounds for request (i.e. why the student believes there may have been an error);
- (b) all relevant evidence or details of events in support of the request; and
- (c) a list of any person who is known to have relevant information.

4.23 The application must be received:

- (a) For deferral of examination or assessment: by 4pm at least ten (10) working days before the examination or assessment submission date.
- (b) For extension to assessment: by 4pm at least ten (10) working days before the assessment is to be submitted.
- (c) For mitigation: by 4pm no more than ten (10) working days after the assessment was due or the examination took place.

4.24 The College may consider an application that is lodged out of time if the student proves to its satisfaction that they were mentally or physically incapable of lodging a request within the prescribed time limit.

4.25 Within five (5) working days, the College will send the student an acknowledgement of their application, which the student must keep for the duration of their studies as proof that the College has received it.

Considering an application for deferral or extension

4.26 The OSCAR Team will receive all applications and make an initial assessment on whether the criteria have been met. Where they have, the applications will be forwarded to an Extenuation Panel for consideration.

4.27 All applications considered to meet the criteria will be reviewed by a Extenuation Panel will comprise a member of OSCAR, a Programme Leader and a Senior Academic . The Panel will consider each application for deferral or extension individually, assessing all the evidence it has received or gathered. The student will be treated fairly and equitably.

4.28 In coming to their decision, the Panel will bear in mind the nature, timing and severity of the problem and its effect on assessment, and must be satisfied that the application:

- (a) meets the definition of extenuating circumstances; and
- (b) makes the student unfit to sit the examination or assessment within the current arrangements.

4.29 In addition to their decision, the Panel may apply any or all of the following conditions or recommendations:

- (a) The assessment is a repeat of the whole module during the next term or at a later time in the student's registration;
- (b) a case conference is convened to consider support needs either under the regulations for student learning support or, if thought exceptional, the Fitness to Study regulations.

4.30 If the Extenuation Panel is satisfied that the above conditions have been met, the student will be

- (a) withdrawn from the assessment and deferred, or
- (b) provided with an official extension of up to ten (10) working days to the assessment deadline, or up to 50% extra time within an examination, except where a valid IGRAS Statement specifies otherwise.

4.31 The College aims to process applications for deferral or extenuation within five (5) working days.

4.32 If a student has not received confirmation of their deferral or extension before the examination, they should assume that it has not been granted. They should therefore expect to sit the examination or assessment.

- 4.33 In undertaking assessment under agreed varied arrangements, the student gives agreement to these additional conditions, and any non-compliance will be referred for consideration under the regulations regarding student behaviour and conduct.

Initial review of an application for mitigation

- 4.34 Within ten (10) working days of receiving the application, the College will decide whether the information contained in student's application presents a case that on first review seems to satisfy the conditions for a valid application for mitigation

- 4.35 To satisfy those conditions, the application must:

- (a) fulfil the criteria in set out above
- (b) clearly identify and set out a situation and evidence that, taken as a whole, are 'reasonably arguable' as meeting the definition of extenuating circumstances.

**NOTE: 'Reasonably arguable' means the relevant officer concludes that, taking into account the specific circumstances and evidence, what is proposed is more likely than not to be logically sustainable.**

- 4.36 Following this initial review, the College must inform the student in writing that their application for mitigation is:

- (a) Rejected because it does not satisfy the conditions;
- (b) Rejected because it does not satisfy the conditions for a valid application for mitigation but will be considered under the Board of Examiners regulations regarding conduct of assessment; or
- (c) Satisfies the conditions of initial review and that it will go to the Extenuating Circumstances Panel for decision.

- 4.37 A letter rejecting the application must state that the student may request a review of the decision and that any such request must say why the student believes the decision is wrong.

**Considering an application for mitigation**

- 4.38 Following an initial review, and in advance of the relevant Board(s) of Examiners, the Extenuating Circumstances Panel will consider a student's application for mitigation.
- 4.39 The panel will consider each application for mitigation individually, assessing all the evidence it has received or gathered. The student will be treated fairly and equitably. The decision-making will bear in mind the nature, timing and severity of the problem and its effect on assessment.
- 4.40 The panel will not have access to the student's profile of marks, and will not make decisions about the outcomes of assessment.
- 4.41 For each assessment element listed in the application, the panel will decide to:

- (a) reject the application and recommend that the student's results must be processed as normal;
- (b) reject the application, and recommend that the circumstances be investigated under the Board of Examiners regulations regarding conduct of assessment.
- (c) uphold the application and recommend that the assessment attempt is;
  - regarded as a valid 'in time' attempt.
  - voided and the student sit the assessment again at the next available opportunity; or
  - voided and the student's in-module re-sit assessment attempt be processed in its place.

4.42 In addition to its decision, the panel may apply any or all of the following conditions or recommendations:

- (a) The assessment is a repeat of the whole module during the next term or at a later time in the student's registration;
- (b) The module mark is set aside in calculating the final aggregate weighted mark;
- (c) A case conference is convened to consider support needs either under the regulations for student learning support or, if thought exceptional, the Fitness to Study regulations.

4.43 Through the Chair, the Extenuating Circumstances Panel must write to the student within ten (10) working days of the meeting to inform them of the outcome of their application.

#### Reviewing a decision

4.44 A student, whose application for a deferral or extension is rejected, may apply to the Extenuating Circumstances Panel to review this decision and consider the circumstances of the rejection.

4.45 A student, whose application for mitigation is rejected, may apply to the Academic Appeals Panel in line with the appropriate regulations.

4.46 Applications for review or appeal must be submitted within ten (10) working days of the date of the response from the programme leader or Extenuating Circumstances Panel.

#### Consideration by the Board of Examiners

4.47 A confidential written report of extenuating circumstances applications and the Extenuating Circumstances Panel's decisions must be given to the Chair of the Board of Examiners.

4.48 Extenuating circumstances applications and the results will be stated in the student record for the relevant modules on the Award Board of Examiners' grade sheet.

4.49 The Board of Examiners will receive the decision of the Extenuating Circumstances Panel but no details of the extenuating circumstances will be disclosed to it.

Legal and regulatory context

- 4.50 These regulations have no specific legal or regulatory context, but all decisions will pay regard to the principles of good administrative decision-making outlined in *Associated Provincial Picture Houses Ltd. v Wednesbury Corporation* [1948] 1 KB 223.
- 4.51 Further, these regulations have also given regard to the principles outlined in *R on the application of Clarke v Cardiff University* [2009] EWHC 2148 (Admin) about exercising and reviewing academic judgment.
- 4.52 The College may not be bound by the principles and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures. It uses the principles as guidance only, to help it deal soundly with these matters.

Fees

- 4.53 No additional fees or charges are associated with this policy.

Advice

- 4.54 Advice for students on extension, deferral, or mitigation, and the associated lower-level College rules is available from the Student Hub or the GSM London Students' Union ([gsmuadvicecentre@gsm london.ac.uk](mailto:gsmuadvicecentre@gsm london.ac.uk)). More complex queries may be referred to appropriate individuals.
- 4.55 Advice for staff on extension, deferral, or mitigation, and the associated lower-level College rules is available from their nominated Head of Department or Academic Regulations and Policy Partner.
- 4.56 If any staff development needs are identified through these discussions these may be discussed with members of the Staff and Educational Development (SED) team.

Enforcement, monitoring and review

- 4.57 If any other person or body in the College or a staff member refuses to comply with a decision taken in relation to the regulations regarding extension, deferral, or mitigation, their refusal must be reported to the Chair of the Academic Board who will take such action to enforce the decision as is deemed required.
- 4.58 Each year, the Education Committee (Taught Programmes) and Research Committee (Research Programmes) must receive a report that enables it to monitor, identify and act upon any shortfalls in how the regulations are interpreted and who they apply to.
- 4.59 The annual report must include statistical data on numbers of applications; the outcomes, Departments and programmes from which they originate; the length of the process; and the

equality characteristics (including sex, disability and ethnicity) of those submitting applications, and separately those that are successful.

4.60 Every two (2) years, the Education and Research Committees must review these regulations to ensure:

- (a) they maintain currency and continue to meet the expectations of the UK Quality Code;
- (b) that areas of enhancement or any concerns raised by students, external examiners, or professional bodies have been addressed; and
- (c) that opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

*Responsible Officer: Academic Registrar*

*Approved by: Board of Directors and Academic Board*

*Version: 2.0*

*Date: June 2017*

*Monitoring and Review Body: Academic Regulations and Awards Committee*

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*Next Scheduled Review: June 2020*