

University of Plymouth

Procedures for appealing against the decision of an Assessment Board (Academic Appeals).

Revised Procedure for GSM London students

Please read these procedures carefully before submitting your appeal. You may also need to refer to the Extenuating Circumstances policy of GSM London's Consolidated Academic Policies and Regulations. A copy of the GSM London Extenuating Circumstances policy (F4) is included in Appendix 1 of this document.

1. CONSIDERATION OF APPEALS

1.1 The Complaints and Appeals Manager (or nominee) will acknowledge all appeals within ten working days of receipt.

1.2 Initial Scrutiny of Appeals

The Complaints and Appeals Manager (or nominee) will be permitted to refuse any appeals based on the following grounds, as they are not recognised by the regulations as valid grounds for appeal.

- Questioning the academic or professional judgement of the examiners unless, as stated in paragraph 1.3, there has been evidence of a material irregularity related to assessment.¹
- A student's disappointment with a result or classification where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- Extenuating circumstances have already been considered by the appropriate Award Assessment Board.
- No appropriate explanation has been provided on the appeal form/letter to account for the fact that evidence of extenuating circumstances was not submitted to the Faculty by the required deadline date.²

1.3 Where appeals are refused on the above grounds, the appeals procedure will not be initiated. A student whose appeal has been refused on the above grounds will be informed of this decision within 15 working days of the date of receipt of the appeal (or receipt of any evidence in support of the appeal that may have been requested). The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.

1.4 An appeal which was not submitted by the published deadline will not be accepted unless there is an exceptional reason for the late submission. Where late appeals

¹ If there are other elements included in the appeal, such as an allegation of bias or prejudice or, for example, disagreement with the marks attributed by peer assessment, the appeal will be processed in the normal way.

² Discretion will be exercised and an appeal processed where it appears that the student has had significant personal issues which may have impacted on the ability to follow due process. In these cases the existence of these issues must be supported by independent supporting evidence.

are refused, the appeals procedure will not be initiated. The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.

2.3 Formal Stage Consideration of Appeals

2.3.1 The case will be investigated by the Complaints and Appeals Office. This may require additional relevant information to be gathered from the student, the Faculty and/or other staff, as appropriate. A student who is asked to produce additional information in support of their appeal will be given a deadline for submission which, if not adhered to, will result in the appeal being considered as originally submitted.

2.3.2 Once all relevant information is available, the Complaints and Appeals Office will consider all the information available, and decide whether or not the student has valid grounds for appeal, as set out in the Academic Regulations.

2.3.3 The Complaints and Appeals Office may decide to:

- Reject the appeal since there are no grounds under the Regulations³: or
- Allow the appeal to proceed and refer back to the Award Assessment Board, noting that no further assessment, referral or repeat opportunities will be available

2.3.4 The Complaints and Appeals Office will process all appeal cases as soon as is practicable. The Complaints and Appeals Office aim to resolve all appeals at the Formal Stage within 20 working days, but complex cases may take longer.

2.3.5 The Complaints and Appeals Office will write to the student to let them know the decision taken at the Formal Stage.

2.4 Review Stage Consideration of Appeals.

2.4.1 Where a student remains dissatisfied with the Formal Stage decision, they may apply for their case to be considered at the Review Stage, by an Appeal Panel. A student must request a review, in writing, within five working days of the date on the Formal Stage outcome letter.

2.4.2 A student may request that their appeal is considered at the Review Stage where they can demonstrate that:

- There was a material procedural irregularity in the conduct of the Formal Stage; or
- The outcome was not reasonable in all the circumstances⁴; or

³ Due to the closure of GSM London, the Complaints and Appeals Office may reject an appeal (a) where the requested remedy is for a resit or repeat opportunity regardless of whether late Extenuating Circumstances support the appeal claim, (b) where late Extenuating Circumstances are submitted in support of an appeal that have not been previously presented to the Award Assessment Board.

⁴ The specific circumstance of GSM London entering into administration and closing will not be considered as grounds for review

- In exceptional circumstances, the University will consider appeals at the Review Stage where new material evidence is available, which the student was unable, for valid reasons, to provide earlier in the process.
- 2.4.3 The decision on whether the University can consider the appeal under the Review Stage will be made by the Complaints and Appeals Manager (or nominee). Where the Complaints and Appeals Manager (or nominee) does not find that a student has demonstrated grounds for the appeal to be considered at the Review Stage, the Complaints and Appeals Office will issue a Completion of Procedures letter.
- 2.4.4 A request for review which was not submitted within five working days will not be accepted unless there is an exceptional reason for the late submission. The decision of the Complaint and Appeals Manager (or nominee) in this respect will be final.
- 2.4.5 In all other cases, the Complaints and Appeals Office full appeal file, and the Formal Stage outcome letter, will be sent to an Appeal Panel, drawn from nominations from across the Faculties and the Students' Union. Wherever possible, to mitigate perception of bias, the Review Stage will not be co-ordinated by the Complaints and Appeals Officer who conducted the Formal Stage investigation.
- 2.4.6 The Appeal Panel considering cases for students on a taught award (or taught module as part of a research degree) will comprise three members, of whom at least one will be a member of the Students' Union. None of the Panel will be from the Faculty in which the appellant is registered. The Appeal Panel considering cases for students on research degree awards will comprise two members with experience of supervising and examining research degrees, (such as local academic Research Degrees Managers, plus the Director of the Doctoral College or nominee) and an Officer from the Students' Union. No member of an Appeal Panel shall have had previous involvement in the case. No student or research degree candidate may be a member of an Appeal Board considering a postgraduate research appeal. None of the Panel will be from the School in which the appellant is registered. The Complaints and Appeals Manager (or nominee) will ensure an appropriate gender balance in determining Panel membership.
- 2.4.7 Panel members will notify the Complaints and Appeals Office of their agreement or disagreement with the decision made at the Formal Stage, in writing, within five working days of receiving it.
- Where the recommendation to uphold and allow the Appeal to proceed is made, this course of action will be implemented providing the majority of Panel members consulted agree to it.
 - Where the recommendation to reject the appeal is made, this course of action will only be implemented provided all Panel members consulted agree to it.
 - If there is disagreement amongst the Panel members consulted as to whether an appeal should be rejected, the case will be considered by two other nominees drawn from across the Faculties and the Students' Union, neither of whom will be from the Faculty in which the appellant is registered. The Complaints and Appeals Manager (or nominee) will continue to ensure an appropriate gender balance in

Panel membership when determining the additional members to be consulted. The final decision on the appeal will be that indicated by the majority of Panel members.

- 2.4.8 If one or more Panel members feel that a case is particularly complex and that a face-to-face hearing would provide a better understanding of the issues, an Appeal Committee hearing will be held (see Section 3 below).
- 2.4.9 The Complaints and Appeals Office will process all Review Stage appeals as soon as is practicable. The Complaints and Appeals Office aim to resolve all appeals at the Formal Stage within 20 working days, but complex cases may take longer.
- 2.4.10 The Complaints and Appeals Office will notify the student of the Appeal Panel's decision in writing.

3. APPEAL COMMITTEE HEARING

- 3.1 An Appeal Committee will comprise at least three members drawn from nominations across the Faculties and the Students' Union, taking into account gender balance, at least one of whom will be a student member and none of whom will be from the Faculty in which the appellant is registered.
- 3.2 The appellant will be informed by the Complaints and Appeals Manager (or nominee), in writing, that an Appeal Committee hearing will be held and given information about the process and requirements.
- 3.3 The Complaints and Appeals Manager (or nominee) will convene the hearing as soon as is practicable, and normally within 15 working days of the decision of the Appeal Panel and will ensure that all relevant information is made available to the Committee members in advance of the hearing.
- 3.4 The appellant will be offered the opportunity to submit a clear and concise written statement of their case to the Complaints and Appeals Manager in advance of the hearing. This will be presented to the Appeal Committee.
- 3.5 The appellant will have the right to appear in person before the Appeal Committee and to be accompanied by a friend or Student Union Adviser who may offer support and advice (but not represent the appellant). A student will not be permitted to bring a legal representative to a formal hearing unless the decision of the Panel or Committee is likely to exclude the student from professional registration permanently, without right to appeal, thereby preventing the student from following his or her intended career.
- 3.6 The Appeal Committee and the appellant will each be entitled to call witnesses and to call for the production of relevant documents. The appellant is encouraged to notify the Complaints and Appeals Manager of the identity of any witnesses s/he wishes to call in advance of the meeting. Where an appellant believes that it is essential that the Appeal Committee hear evidence from (a) specified member(s) of University staff, the appellant must advise the Complaints and Appeals Manager that he or she wishes to call those staff as witnesses. If the Complaints and Appeals Manager is notified at least five working days in advance of the hearing, he or she will arrange for the attendance of those staff. If the Complaints and Appeals Manager is not so notified, it will be the appellant's responsibility to make necessary arrangements. The

appellant will be responsible for arranging for the attendance of any witnesses he or she wishes to call who are not members of the University.

3.7 The procedure for the hearing itself will be as follows:

- The Appeal Committee will meet in a private session to consider the appellant's written statement (and any other documentation) and determine matters for clarification.
- The appellant will then be invited to present his or her case, accompanied by any friend. The appellant may call witnesses to support his or her case. The Appeal Committee may question the appellant and her/his witnesses in order to clarify any matters. The appellant and any persons accompanying him or her will then withdraw.
- The Appeal Committee will then interview any other witnesses as necessary to clarify the case.
- Following the withdrawal of witnesses, the Appeal Committee may again interview the appellant (accompanied by his or her friend) if it considers that there are issues which remain unclear.
- The Appeal Committee will meet in a private session to consider the case and all the relevant evidence and come to a decision.

3.8 The Committee may adjourn at any point, if it becomes necessary to seek additional information relevant to the case.

4. OUTCOME OF THE APPEAL COMMITTEE HEARING

4.1 The Appeal Committee may:

- Reject the appeal since there are no grounds under the Regulations; or
- Allow the appeal to proceed and refer back to the Award Assessment Board; or
- Allow the appeal to proceed and refer relevant issues back to the Faculty Extenuating Circumstances Screening Meeting; or
- Allow the appeal to proceed, inform the Award Assessment Board that its decision was outwith University Regulations and cannot stand and advise the Board of the options available under the Regulations.

4.2 The Committee's decision on whether to allow the appeal to proceed or not, and the subsequent action to be taken, will be confirmed in writing to the appellant by the Complaints and Appeals Manager within two working days of the decision being taken.

5. AUTHORITY OF THE COMPLAINTS AND APPEALS OFFICE

5.1 Decisions within the University on whether or not to allow an appeal to proceed rest solely with the Complaints and Appeals Manager (or nominee) working through the "Initial Scrutiny" of appeals procedure, the Formal Stage, and the Review Stage, as appropriate and such decisions are therefore final.

6. REFERRAL BACK TO THE AWARD ASSESSMENT BOARD

- 6.1 Recommendations from the Complaints and Appeals Office / Appeals Panels/Committees will normally be considered by a sub-set of the Award Assessment Board agreed by the Board (comprising, as a minimum, the Chair of the Award Assessment Board and the Faculty Registrar (or HE Administrator at a partner college). Provided the proposed decision is not outwith those agreed at the Board, an External Examiner will only be involved if s/he has stipulated on the declaration form signed at the original Board that s/he wishes to be consulted on amended decisions following appeals.
- 6.2 The sub-set of the Award Assessment Board (as set out above) will normally reconvene, if required to reconsider the case, within 10 working days of notification of the decision of the Complaints and Appeals Office / Appeal Panel/Appeal Committee.
- 6.3 The University's Academic Partnerships directorate will notify the student, in writing, of the Award Assessment Board's decision. If a student remains unhappy with the outcome of their appeal at this stage they can request an OIA 'Completion of Procedures' letter within ten working days of the revised Board decision.

7. ATTENDANCE AT GRADUATION CEREMONIES

- 7.1 A student, who may be eligible for an exit award⁵ but whose appeal is undergoing consideration at the time of a Graduation Ceremony⁶ may also attend the Ceremony without prejudicing the outcome of the appeal process. Such students will not receive an award certificate until the appeal is concluded.

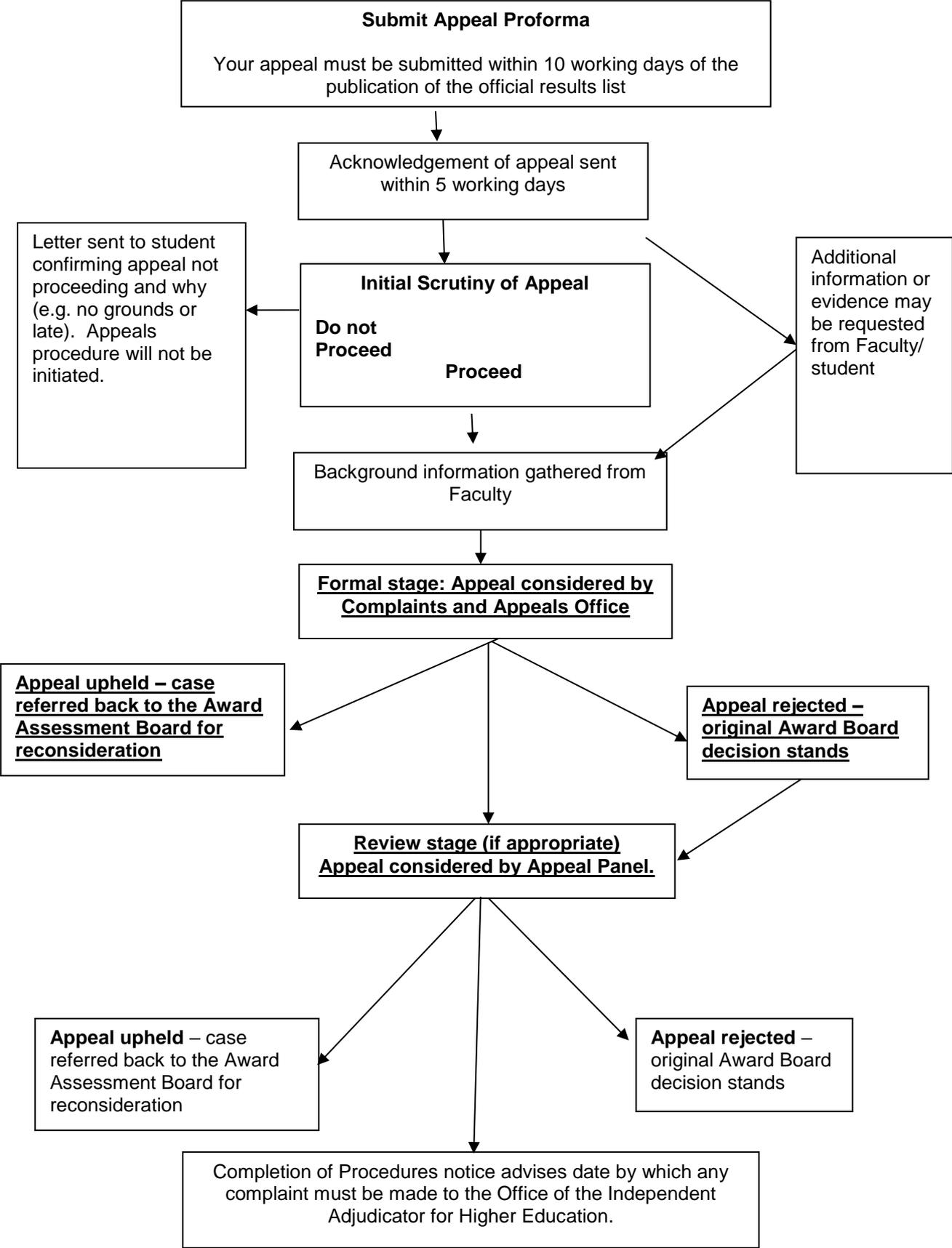
9. REPORT TO SENATE

- 9.1 The Complaints and Appeals Manager will collate general issues arising from appeals and make recommendations to the Academic Regulations Sub-Committee. An annual report will also be sent to Teaching, Learning and Quality Committee, and to Senate.
- 9.2 The Complaints and Appeals Manager may also refer cases where it believes an Assessment Board is acting perversely to Senate as and when such cases arise.
- 9.3 Where a student complaint is upheld, in whole or in part, and in the opinion of the Complaints Office the issues complained of could have impacted on assessment, or on the decision of an Award Assessment Board, or cast doubt on the outcome of an appeal, the Complaints Office will make a report to Senate if the case is not resolved satisfactorily. The report will not identify the student concerned but will provide sufficient information about the case to enable Senate to determine the appropriate course of action. This may include referring the matter back to an Award Board or substituting the decision of a Board. However, the fact that a complaint may be upheld does not of itself mean that the decision of an Award Assessment Board will change.

⁵ The list of exit awards are set out in the GSM/University of Plymouth *Regulatory Framework for Undergraduate Awards* and the *Regulatory Framework for Taught Postgraduate Awards*

⁶ The GSM London graduation ceremony is scheduled for 26 November 2019

Appeals Process Flowchart



GSM London Appeal Proforma

Use this form if you wish to appeal against the decision of an Assessment Board. You should also refer to the document "Appeal against the decision of an Assessment Board" for GSM London students, which explains how the appeal process works.					
Student number:					
Name (in full):					
Course:	Stage:				
Faculty:					
Are you studying at a Partner institution? If so, please state which College:					
Address at which you can be contacted about your appeal:					
Please let us know if your address changes while your appeal is ongoing.					
Please indicate any periods when we will be unable to contact you about your appeal: E.g. holidays:					
Telephone number:					
Email:					
I am appealing against: <i>Please tick</i>					
<ul style="list-style-type: none"> • The decision of an Award Assessment Board • An in-year Extenuating Circumstances decision • The decision of a Fitness to Practise / Fitness to Study Panel • The decision of an Academic Misconduct Panel 	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"></td></tr> </table>				
About your appeal: State the decision against which you are appealing:					
If your appeal relates to particular modules, list the modules and module codes:					
What are the grounds for your appeal?					

Please provide additional information to support your appeal. Provide as much information about your case as you can - this may help speed up the process (continue on a separate sheet if necessary). In particular tell us why you believe you have grounds for appeal and, **if you are appealing on the basis of extenuating circumstances, explain why you were unable to reveal these before the Assessment Board met** (remember that these can only be considered as grounds for appeal in exceptional circumstances).:

Please attach the evidence you have to support your case and any documents you are relying on (you may wish to consult GSM's regulations on late coursework and extenuating circumstances for more information about acceptable evidence). **Claims of extenuating circumstances must be accompanied by corroborating evidence.**

Say what outcome you would wish your appeal to achieve.

Signed:

Date:

This form must be submitted to: appeals@plymouth.ac.uk

Appendix 1

GSM London Consolidated Academic Policies and Regulations 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 University of Plymouth 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 the 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

4.9 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 E4 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 an 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 as 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 (gsmsuadvicecentre@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 Effective From: July 2017

Next Scheduled Review: June 2020