

# B1: Regulations for extenuating circumstances

Academic year 2018/19

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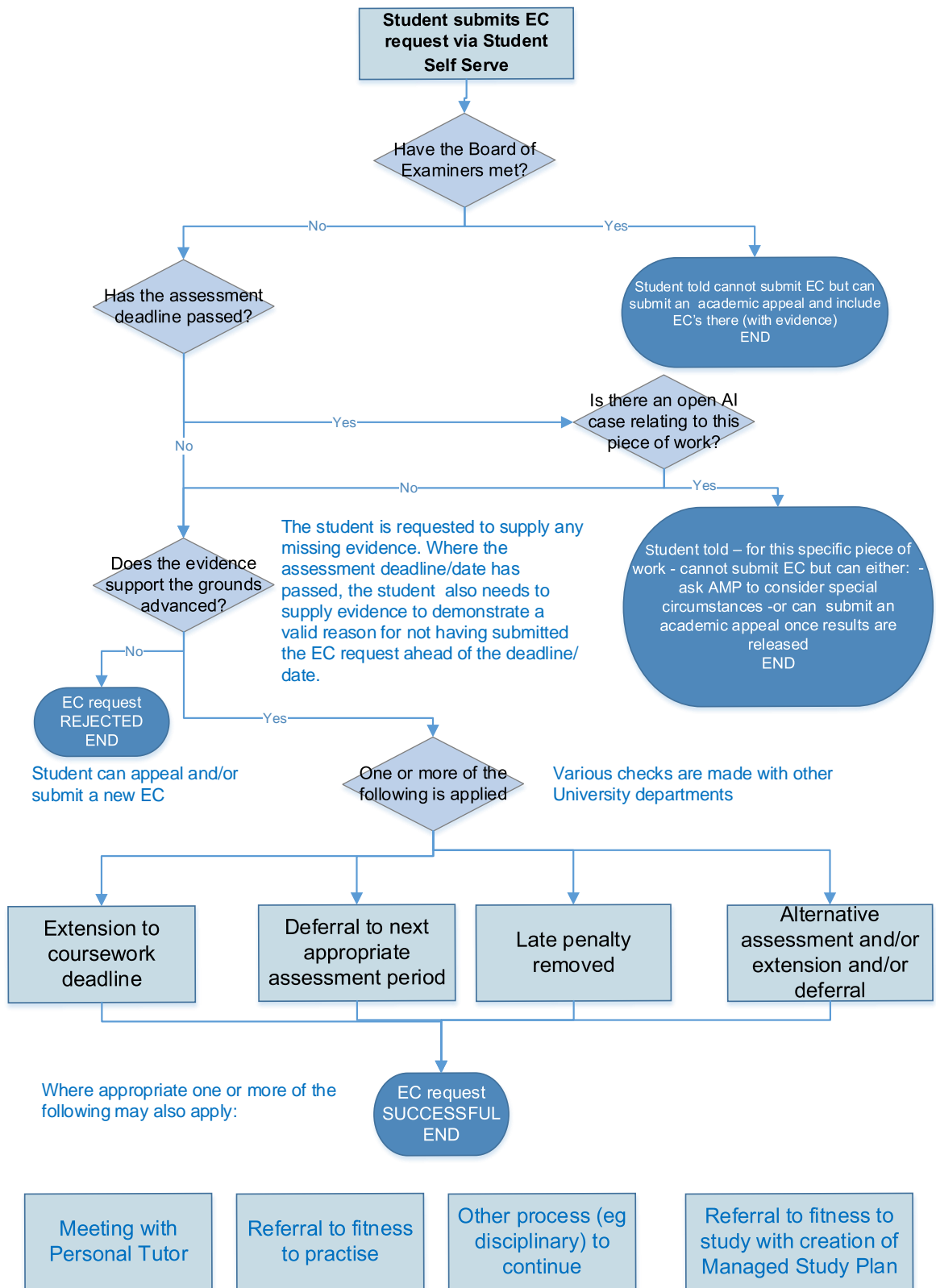
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Figure 1: Extenuating circumstances procedures



## Introduction and scope

1. These *Regulations for extenuating circumstances* apply to the following students:
  - those registered on the Foundation Year and on award-bearing programmes delivered by the University
  - those registered with one of the University's Associated and Accredited Institutions (AIs) to study for an award of the University<sup>1</sup>
  - those registered to study for the award of academic credit delivered by the University
2. In the course of their studies students may experience circumstances that temporarily make it impossible for them to:
  - (i) participate in their programmes, including attendance during the Professional Training Year;
  - (ii) meet a deadline for the submission of assessment;
  - (iii) attend an examination, in-semester test, performance or other assessment-related event;<sup>2</sup>
  - (iv) undertake an examination, in-semester test, performance or other assessment related event;
  - (v) attend and/or submit documents for a postgraduate research student progress review or confirmation review meeting;
3. Students who are considering making a submission for the recognition of extenuating circumstances will find it helpful to seek advice and support from the University of Surrey Students' Union, or its equivalent for the Associated and Accredited Institutions.

### ***Third party requests***

4. Requests for the recognition of extenuating circumstances are made by the student. Exceptionally, and only where a student is unable to do so on their own behalf, whether through illness or other unforeseen circumstances, an application can be made by a third party on behalf of the student. In such cases, the third party must show why the student is unable to make a request on their own behalf and provide supporting evidence. The student must give their consent before the extenuating circumstances request can be processed. The evidence is submitted to the Directorate of Student Services and Administration and two members of staff will determine whether the request should be accepted. If the two staff members cannot come to an agreement a third will be consulted and a majority decision will be made. A decision will normally be made within five working days of receiving the information.

### ***Withdrawal of a request for the recognition of extenuating circumstances***

5. Once a request for the recognition of extenuating circumstances has been approved, the student cannot subsequently withdraw the request.

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<sup>1</sup> Staff titles at the AIs may not necessarily be the same as those used in the University but the activities described in these *Regulations* are carried out at the AIs by staff with similar responsibilities.

<sup>2</sup> The term 'event' is used in these *Regulations* to cover any assessment-related activity where a student is required to be in a particular place at a particular time.

### ***Reasonable adjustments***

6. Reasonable adjustments to the processes within these *Regulations*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

### ***Exceptional circumstances***

7. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Regulations*, for example, where strict application of the *Regulations* would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and should each be treated on their own merits.

### **Grounds for the recognition of extenuating circumstances**

8. Requests for the recognition of extenuating circumstances will be considered where there has been:
- (i) bereavement through the death of a close relative or significant other that, in employment, would lead an employer to grant compassionate leave;
  - (ii) for oneself or a close relative (such as parent, child or spouse/partner) or a person who is dependent upon the student for their care:
    - serious short-term illness or accident of a nature that, in employment, would lead an employer to agree to absence on sick leave
    - a long-term chronic health problem suddenly worseningIn instances (i) and (ii) independent evidence of the nature of the relationship and/or the dependency will be required (see Regulation 8 below);
  - (iii) for part-time and distance learning students in employment, an increase in their workload due to circumstances beyond their control, or being required by their employer to work through periods normally available for study and/or assessment;
  - (iv) other exceptional circumstances that have or will have in the future, affected the student's ability to meet a deadline or to attend an event. Such circumstances will be considered on a case by case basis and may include participation in international sporting events, jury service and military service.

### ***Evidence required***

9. Requests for the recognition of extenuating circumstances are required to be accompanied by supporting evidence as follows. This should be set out in English and accompanied by certified translations where appropriate. A request can be submitted in anticipation of the receipt of the supporting evidence. The required evidence is as follows:
- (i) for bereavement:
    - a death certificate or a signed and dated letter from a minister of religion, medical practitioner, police officer, solicitor, magistrate or other officer of the law or a person with equivalent professional standing who is not related to the student submitting the request; and
    - where the student and the deceased do not share a family name, independent evidence of the nature of the relationship of the deceased

to the student submitting the request. This could be an official document such as a birth certificate or a statement from a person of professional standing who is not related to the student;

(ii) for illness:

- a signed and dated letter from a medical practitioner (GP or clinical specialist) that states the dates when the illness affected the patient and how the circumstances affected or are likely to affect the student's ability to prepare, submit or attend for an assessment or other event; and
- where the patient is a close relative (such as parent, child or spouse/partner) and the student and the patient do not share a family name, independent evidence of the nature of the relationship of the patient to the student submitting the request. This could be an official document such as a birth certificate or a statement from a person of professional standing who is not related to the student; and
- where the patient is dependent upon the student for their care, independent evidence of the nature of the caring responsibilities;

(iii) for a student awaiting a diagnosis of an illness or condition for themselves or a close relative or dependent other:

- a signed and dated letter from a medical practitioner (GP or clinical specialist) that states the dates when the student or patient attended for treatment, when tests were undertaken, and when a diagnosis is expected; and
- where the patient is a close relative (such as parent, child or spouse/partner) and the student and the patient do not share a family name, independent evidence of the nature of the relationship of the patient to the student submitting the request. This could be an official document such as a birth certificate or a statement from a person of professional standing who is not related to the student; and
- where the patient is dependent upon the student for their care, independent evidence of the nature of the caring responsibilities;

(iv) for accident or injury to the student:

- a copy of an accident report provided by a police officer, Magistrate, or Magistrate's Clerk, or a signed and dated letter from a medical practitioner (GP or clinical specialist)
- in all cases where a letter is provided it must state the dates when the accident or injury affected the student, the position and qualification(s) of the person providing the letter and their contact details;

(v) for significant adverse personal or family circumstances being encountered by the student:

- a signed and dated letter from one or more of the following; a medical practitioner (GP or clinical specialist), a social worker (stating their position with respect to the student), an officer of the law, a teacher outside the University, a minister of religion
- the letter they provide must give their position and qualification(s) and their contact details and must provide information on the time when the circumstances occurred and whether they are continuing;

- (vi) for University of Surrey Sports Scholars:
    - a letter from their coach/Surrey Sports Park detailing the reasons for the request such as participation in national and international sports events and/or specific training requirements;
  - (vii) for part-time and distance learning students in employment, who have experienced an increase in their workload due to circumstances beyond their control, or have been required by their employer or a client to work through periods normally available for study and/or assessment:
    - where they are in employment; a signed and dated letter from their employer, or their employer's authorised representative, stating that the student has been required by them to undertake work in the interests of the employer and, if relevant, that this was in time that had previously been agreed would be available for the student to study, prepare for assessment or other event, or take an assessment or attend another event
    - where they are self-employed; evidence from their client or the client's authorised representative stating that they have required the student to undertake unforeseen work that was necessary in the interests of the client's business, together with the dates and times when the student had been required to meet the client or undertake the previously unforeseen work;
  - (viii) for military service:
    - the individual's call-up papers (translated where necessary);
  - (ix) for other exceptional circumstances:
    - official documentation relevant to the event which may include court or legal papers.
10. Where supporting evidence is provided it will be taken at face value. However the University reserves the right to make follow-up enquiries to establish the authenticity of the documentation provided. If at any stage of an application the evidence put forward to support the application can be shown to have been dishonestly acquired or is itself dishonest and/or can be shown to be vexatious (that is, the application can be shown to be malicious, or represent a way of harassing the University by consuming the time and resources of its staff or a way of harassing members of staff or other students), the application will be dismissed and the evidence submitted to the University's disciplinary procedures as specified in the [Student disciplinary regulations](#).
11. The following are not sufficient grounds for the recognition of extenuating circumstances:
- (i) self-certified illness or medical circumstances;
  - (ii) claimed circumstances for which appropriate adjustments have already been made by the University;
  - (iii) a claim for recognition of a medical condition that relies on evidence that does not relate to the time when the illness or condition occurred;
  - (iv) a long-term health condition where there is no evidence of a sudden worsening of the condition;
  - (v) a minor illness that would not normally lead a responsible and reasonable employed person to take sick leave;

- (vi) circumstances stated to be unforeseen that a reasonable person would view as foreseeable or preventable;
- (vii) holidays, including getting married, attendance at marriages, festivals and like events;
- (viii) problems with network facilities, personal computers, or printers, other than those provided and maintained by the University expressly to support the student;
- (ix) poor working practices such as:
  - failure to back up electronic documents regularly and securely
  - failure on the part of the student to acquaint themselves with the times, dates, and places where assessments were to be submitted or examinations sat
  - poor time management;
- (x) failure on the part of the student to acquaint themselves with the University's *Regulations* and assessment procedures including procedures for reporting illness or unforeseen circumstances affecting their studies or assessments and support arrangements.

### **Burden of proof**

12. When making a request for the recognition of extenuating circumstances it is for the student to show that one of the circumstances listed in Regulation 8 above apply.

### **Standard of proof**

13. The standard of proof applied is that of the balance of probability; that it is more likely than not something was or was not the case.

### **Confidentiality and General Data Protection Regulations**

14. The University deals with requests for the recognition of extenuating circumstances in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the [Regulations web page](#) for a list of all Student Regulations). This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media. More detail on the types of data collected and how it is used to fulfil each Regulation can be found in the Student Regulations Privacy Notice, available at the above link. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as “special category” data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link.
15. Each application by a student for the recognition of extenuating circumstances, together with the supporting information they provide is stored securely and separately by the Student Administration (Assessment and Awards) Office in accordance with the University's standard records retention policy and arrangements. Confidential information in applications is not linked to a student's



individual record on the University's student record system (SITS) but the date of the application and the assessment(s) to which it relates are recorded.

### **Requests for the recognition of extenuating circumstances**

16. Where students encounter such circumstances as listed in Regulation 8 above they should submit a request for the recognition of extenuating circumstances in accordance with these *Regulations* at the earliest opportunity and in advance of the deadline or event affected. Requests for the recognition of extenuating circumstances are made to the Directorate of Student Services and Administration (SSA) via the [Student Self Service](#) facility, details of which are available on the Office of Student Complaints, Appeals and Regulation (OSCAR) web pages.
17. If the extenuating circumstances occur during an event, or if they are only appreciated after a deadline or event, additional processing conditions are applied to the request as detailed in Regulations 25-35 below.
18. The possible outcomes of requests for the recognition of extenuating circumstances are detailed in Regulations 22-24 below. On no account can a student's marks be increased as a result of the recognition of extenuating circumstances.
19. This extenuating circumstances process should not be used by a student to request a period of temporary withdrawal or interruption of studies. In those instances the procedures set out in the [Regulations for taught programmes](#) or the [Regulations for research degrees](#) apply.

### **Checking of evidence**

20. Checks are completed by staff in SSA for all requests for the recognition of extenuating circumstances to determine whether the request, or authorising the request will:
  - lead to the student exceeding their maximum period of registration
  - affect Visa compliance
  - raise concerns over the student's fitness to study
21. Where the request meets the grounds and evidence requirements set out in Regulations 8 and 9 above, the following checks are also completed:
  - for programmes with a professional practice element, where completion of the programme also confers eligibility to apply for registration with a Registration Body, the relevant Programme Leader will be consulted to determine whether there is a need to refer to the fitness to practise procedure
  - where a student requests an extension to a coursework deadline that is longer than three weeks and the submission deadline falls within three weeks of the request, the relevant academic member of staff will be consulted to determine whether an alternative assessment should be offered
  - for requests made during a Professional Training Year (PTY), the Careers and Employability Office will be consulted to determine the likely effect of authorising the request on the student's ability to complete their PTY
  - where a postgraduate research student requests an extension to the deadline for submission of documents to a progress review or confirmation review meeting and/or extension to the date of the review meeting itself, the appropriate Associate Dean (Doctoral College) will be consulted via the Research Degrees Office (RDO)

### **Outcomes**

22. Requests for the recognition of extenuating circumstances are normally processed within five working days of receipt of all required evidence. If the circumstances are deemed valid by an SSA member of staff the outcome is one of the following:
- an extension to the coursework deadline
  - a deferral of the coursework/event to the next appropriate assessment period
  - the removal of a late submission penalty
  - an alternative assessment and/or extension and/or deferral
  - an extension to the deadline for submission of documents to a postgraduate research student progress review or confirmation review meeting and/or an extension to the date of the review meeting itself
23. If the extenuating circumstances are not deemed valid this is confirmed by a second member of staff within SSA. If the two members of staff cannot come to an agreement a third will be consulted and a majority decision will be made. The student will be notified of the outcome and also that:
- where the deadline or event is yet to happen they can, provided they are able to obtain the necessary evidence, submit a new request for the recognition of extenuating circumstances
  - where the deadline or event has passed but the Board of Examiners (for taught programmes), or academic body (for postgraduate research programmes) has not yet met, provided they are able to obtain the necessary evidence, submit a new request for the recognition of extenuating circumstances
  - where the deadline or event has passed and the Board of Examiners or academic body has met they have the right to make an appeal against the decision using the *Regulations for academic appeals*
24. It is possible whether the request is successful or not that one of the following is also arranged:
- meeting with the student's Personal Tutor
  - creation of a Managed Study Plan with possible referral to the fitness to study procedures (see [Regulations for fitness to study](#))
  - referral to fitness to practise procedures (see [Regulations for fitness to practise](#))

### **Requests during an event**

25. Where a student is taken ill or is affected by unforeseen circumstances immediately before or during an event and they are unable to complete the event they must:
- advise the invigilator (or appropriate member of staff if the event is not a written examination) of their situation and complete an "unfit to continue" form; and
  - follow this up by submitting an application for the recognition of extenuating circumstances with the relevant supporting evidence within five working days after the affected event

26. Where a student is taken ill or is affected by unforeseen circumstances immediately before or during an event but is able to complete the event, they must advise the invigilator, or appropriate member of staff of their situation. The student may then follow this up by an application for the recognition of extenuating circumstances with the relevant supporting evidence within five working days after the affected event.
27. If the nature of the extenuating circumstances prohibit the student from providing the relevant supporting evidence within five working days they may still submit a request provided that:
- there are valid reasons why they were unable to provide the required evidence within five working days; and
  - the Board of Examiners or academic body has not yet met
- Otherwise the student will be referred to OSCAR and the [Regulations for academic appeals](#).

### **Outcomes**

28. In addition to the outcome details provided in Regulations 22-24 above, where the student has not completed an event and the extenuating circumstances are deemed to be valid, the Board of Examiners or academic body will void the attempt and the student will sit/resit it at the next appropriate assessment/reassessment opportunity.
29. Where a student has completed the event and the extenuating circumstances are deemed to be valid the Faculty will be instructed not to mark the work, or if the work has already been marked, the marks will be voided and not recorded, not presented to the student and not presented to the Board of Examiners or academic body. The student will sit/resit the attempt at the next appropriate assessment/reassessment opportunity.
30. If the extenuating circumstances are not deemed valid the work will be marked and presented to the Board of Examiners or academic body, or if already marked will be presented to the Board of Examiners or academic body. The student has the right to make an appeal against the decision using the [Regulations for academic appeals](#).

### **Requests after a deadline or event and where the Board or Examiners or academic body has not yet met**

31. Where a student makes a request for the recognition of extenuating circumstances after a deadline or event and the work in question is also subject to an allegation of academic misconduct for consideration by an Academic Misconduct Panel, the request will be rejected and the student will be referred to the [Regulations for academic misconduct](#).
32. Provided that the work in question is not subject to an allegation of academic misconduct, in addition to the required evidence detailed in Regulation 9 above, the student is also required to show, with supporting evidence, why it was not possible for them to notify the University of their circumstances before the deadline or the event or at the time of the event. The following may be considered to be valid reasons for not having provided evidence of the extenuating circumstances at the time:
- that the student was awaiting a diagnosis of their illness or its confirmation and they submitted a request at the appropriate time whilst awaiting receipt of the evidence

- that the nature of the illness affected the student's capacity to report it
- that the student did not have access at the time to their medical practitioner (including GP or clinical specialist) or registered counsellor, their minister of religion, or solicitor, to provide support and the required independent evidence

### **Outcomes**

33. In addition to the outcome details provided in Regulations 22-24 above, where the extenuating circumstances are deemed valid and evidence has been provided for the delay in the submission of the request the Faculty will be instructed not to mark the work, or if the work has already been marked the marks will be voided and not recorded, not presented to the student and not presented to the Board of Examiners or academic body. The student will sit/resit the attempt at the next appropriate assessment/reassessment opportunity.
34. If the extenuating circumstances are not deemed valid the work will be marked and presented to the Board of Examiners or academic body, or if already marked, will be presented to the Board of Examiners or academic body. The student has the right to make an appeal against the decision using the [Regulations for academic appeals](#).

### **Requests where a Board of Examiners or academic body has met**

35. If a student submits a request for the recognition of extenuating circumstances and the issue that is the subject of the request is subject to a decision of a Board of Examiners or academic body which has already met then the student is referred to OSCAR and the [Regulations for academic appeals](#).

### **Repeated requests for the recognition of extenuating circumstances**

36. For continuing circumstances that are, by definition, foreseeable the student is expected to make continuing arrangements whether through arranging additional learning support through an additional learning support statement or by taking steps to improve their circumstances.
37. Repeated requests from the same student for the recognition of extenuating circumstances may result in the matter being considered in accordance with the [Regulations for fitness to study](#) or [Regulations for fitness to practise](#).