B1: Regulations for extenuating circumstances

Academic year 2016/17
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Figure 1: Extenuating circumstances procedures

EC request is submitted

Is this for PTY?

Yes

What is this about?

Attendance

EC Panel Convened

No

Summative Assessment

Is it in advance of a deadline?

Yes

Follow Standard EC Process

Is request for > 1 month?

Yes

Actioned by Head/Deputy Head of A&A and relevant Academic Lead

No

Actioned by Administrator

Are EC’s Accepted?

Yes

EC’s applied and student and Faculty informed

No

EC’s not applied. Student informed of academic appeal process and directed to OSCAR

END

See Page 2
Is issue subject to BoE/APESC consideration?

- Yes: Has BoE/APESC already met?
  - Yes: Refer student to academic appeal and OSCAR
  - No: Actioned by Head/Deputy Head of AA

- No: EC Panel Convened
  - Are EC’s accepted?
    - Yes: EC’s applied and student and Faculty informed
    - No: EC’s not applied. Student informed of academic appeal process and directed to OSCAR
Introduction and scope

1. The scope of these Regulations for extenuating circumstances encompasses students studying at the University and its Associated and Accredited Institutions (AIs), full-time, part-time and via distance learning on undergraduate, taught postgraduate and postgraduate research programmes and on modules or short courses being taken for academic credit.

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
   (iv) complete an examination, in-semester test, performance or other assessment-related event
   (v) perform as well in an assessment as might have been reasonably expected
   (vi) attend and/or submit documents for a postgraduate research student progress review or confirmation review meeting
   (vii) meet a deadline for the submission of information for processes and/or panel hearings held under the various sections of the Student regulations

   Where students encounter such circumstances they submit a request for the recognition of extenuating circumstances in accordance with these Regulations. This 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 (Regulations 96-99) or the Regulations for research degrees (Regulations 30-35) apply.

3. Requests for the consideration of extenuating circumstances are made by the student. Exceptionally, and only where a student is unable to submit a request on their own behalf, whether through illness or other unforeseen circumstances, (see Regulation 4 below), an application can be made by a third party on behalf of the student. For such an application to be accepted it should state why the student was unable to make the application themselves; the name and contact details of the third party and their connection to the student; and that the application is supported by evidence (see Regulation 5 below). Such applications are referred to an Extenuating Circumstances Panel to determine whether they should be considered.

Grounds for the recognition of extenuating circumstances

4. The University will consider requests for the recognition of extenuating circumstances 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. In such an instance the University will require independent evidence of the nature of the relationship;

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1 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.
(ii) serious short-term illness or accident of a nature that, in employment, would lead an employer to agree to absence on sick leave;

(iii) a long-term (chronic) health problem suddenly worsening;

(iv) 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;

(v) 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, or have affected their ability to perform as expected.

Evidence required

5. 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.

(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;

(ii) for illness; a signed and dated letter from a medical practitioner (GP, clinical specialist, or registered health professional) that states the dates when the illness affected the student and how, without breaching confidence, the circumstances affected or are likely to affect:

- the student's ability to prepare, submit or attend for an assessment or other event
- the student's ability to recognise and deal with their circumstances;

(iii) for a student awaiting a diagnosis of an illness or condition; a signed and dated letter from a medical practitioner (GP, clinical specialist, or registered health professional) that states the dates when the student attended for treatment, when tests were undertaken, and when a diagnosis is expected;

(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, clinical specialist, or registered health professional). 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, clinical specialist, or registered health professional), 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 only, absence from the University when called to participate in national and international sports events and training;
(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 attend the client or undertake the previously unforeseen work

- for military service; the individual's call-up papers (translated where necessary) together with evidence to show that the service cannot be deferred

6. 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.

7. The following are not sufficient grounds for recognising extenuating circumstances:

   (i) a claimed medical condition or medical circumstances where there is no medical evidence to support it;

   (ii) self-certified illness or medical circumstances;

   (iii) claimed circumstances for which appropriate adjustments have already been made by the University;

   (iv) 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;

   (v) a long-term health condition where there is no evidence of a sudden worsening of the condition;

   (vi) a minor illness that would not normally lead a responsible and reasonable employed person to take sick leave;

   (vii) circumstances stated to be unforeseen that a reasonable person would view as foreseeable or preventable;

   (viii) holidays, including attendance at marriages, festivals and like events;

   (ix) financial matters;
(x) problems with network facilities, personal computers, or printers, other than those provided and maintained by the University expressly to support the student;

(xi) 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

(x2i) failure on the part of the student to acquaint themselves with the University's Regulations and assessment procedures including its procedures for reporting illness or unforeseen circumstances affecting their studies or assessments and its support arrangements.

**Burden of proof in seeking the recognition of extenuating circumstances**

8. 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 4 above applies and to provide the necessary evidence to support their request as detailed in Regulation 5 above.

**Extenuating Circumstances Panels**

9. An Extenuating Circumstances Panel is convened to consider requests for the recognition of extenuating circumstances as set out in Regulations 31, 38 and 48 below.

10. The membership of an Extenuating Circumstances Panel consists of three members of staff from the pool of trained Panel members, one of whom is a member of the Student Administration (Assessment and Awards) team, one of whom is an academic member of staff and one other. The Student Administration (Assessment and Awards) member of staff Chairs the Panel and its work is supported by other staff in that team.

11. Members of an Extenuating Circumstances Panel should have no current academic or personal connection with the student (or students) to come before the Panel.

**Confidentiality**

12. The University will deal 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. Papers, emails, and telephone conversations that are connected to requests for the recognition of extenuating circumstances are kept securely and are not disclosed where it is not strictly necessary as part of the extenuating circumstances procedure. All parties observe the requirements of confidentiality in all matters to do with extenuating circumstances and information to which the University, the University of Surrey Students' Union, their staff, and their equivalents for Associated and Accredited Institutions, are party.

13. Information contained within applications will not be shared unless an exception to data sharing and confidentiality requirements exist. For example the student or other individuals are at risk of harm to themselves or others. Information may also be shared in order to process an academic appeal submitted by the student.
14. 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) team 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 but the date of the application and the assessment(s) to which it relates are recorded on the Student Progression Information record.

Procedure

15. When conducting their business, Extenuating Circumstances Panels follow the University's Regulations for hearings by panels. They review requests for the recognition of extenuating circumstances, together with the supporting evidence to confirm:

• that the student's request for the recognition of extenuating circumstances is consistent with the criteria as set out in Regulation 4 above and is therefore valid, and that it is supported by the evidence submitted
• that the circumstances reported would have affected the student's capacity to undertake the activities or assessments required of them

16. In the interests of making timely decisions Extenuating Circumstances Panels do not normally invite the student to attend their meetings. Where a Panel does invite a student to attend they may be accompanied by a friend, normally another student or an official of the University of Surrey Students' Union.

17. Where a student insists on legal representation at a Panel meeting the University will similarly require that it is legally represented.

Requests for the recognition of extenuating circumstances made in advance of a deadline or event

18. Where a student encounters extenuating circumstances in advance of a deadline or event, they should submit their request, together with supporting evidence according to the procedures outlined on the web pages of the Office of Student Complaints, Appeals and Regulation (OSCAR).

19. Requests for the recognition of extenuating circumstances are made on the University's standard form which can be found on the OSCAR web pages. Requests made in advance of a deadline or event that are supported by relevant evidence are considered by the specified person as quickly as possible, normally within two working days.

Requests for extensions to an assessment deadline longer than a month

20. Where a student requests an extension to a deadline that is more than a month the person considering the application, will consult the relevant Director of Learning and Teaching or PGR Director who may, exceptionally, grant a longer extension. This process is normally completed within five working days. Where they are satisfied that it is in the interest of fairness that a substantial extension to an assessment deadline would be appropriate the Director of Learning and Teaching or PGR Director may either recommend that the student be set an alternative assessment task with the same learning outcomes (if alternative assessment has been formally approved for that particular assessment) or that they take a deferred assessment.

2 The term "event" is used in this and following paragraphs to cover any assessment-related activity where a student is required to be in a particular place at a particular time.
21. In cases where a student has requested a substantial extension to a deadline and has provided the required supporting evidence the Director of Learning and Teaching or the PGR Director may request that the matter be considered in accordance with the Regulations for fitness to study or Regulations for fitness to practise. The relevant Director, advised by the Programme Leader and the student's personal tutor or supervisor may also consider whether to advise the student of the option to withdraw from the University temporarily (with its agreement and support) and until their circumstances improve as set out in the Regulations for taught programmes (Regulations 96-99) or the Regulations for research degrees (Regulations 30-35).

Outcome

22. If the extenuating circumstances are deemed valid the outcome is either an extension to the deadline or the withdrawal of the student from the particular event and their re-entry to it at the next appropriate opportunity as defined in the relevant Regulations or Code of practice.

23. On no account can a student's marks be increased as a result of the recognition of extenuating circumstances.

24. If the extenuating circumstances are not deemed valid the original deadline remains or the student is required to attend the particular event. The student has the right to make an appeal against the decision using the Regulations for academic appeals.

Requests for the recognition of extenuating circumstances made during or after a deadline or event

25. Requests for the recognition of extenuating circumstances made during or after a deadline or event are dealt with differently depending on whether:
   - the issue that is the subject of the request is subject to a decision of a Board of Examiners (for undergraduate and taught postgraduate students) or the Admission, Progression and Examination Sub-committee (APESC) (for postgraduate research students), which has not yet met
   - the issue that is the subject of the request is subject to a decision of a Board of Examiners or APESC which has already met
   - the issue that is the subject of the request does not require a decision of a Board of Examiners or APESC

Requests where a Board of Examiners or APESC has not yet met

Requests during an event

26. Where a student is taken ill or is affected by unforeseen circumstances immediately before or during an event and chooses not to continue they will advise the invigilator (or appropriate member of staff if the event is not a written examination) of their situation and will complete an “unfit to continue” form. The student should follow this up by an application for the recognition of extenuating circumstances (see Regulation 28 below).

27. Where a student is taken ill or is affected by unforeseen circumstances immediately before or during an event but nonetheless chooses to continue, they should advise the invigilator, or appropriate member of staff of their situation. The student should follow this up by an application for the recognition of extenuating circumstances (see Regulation 28 below).
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28. Where the student subsequently wishes to follow up their statement that they were unwell at the time of the event, or otherwise affected by unforeseen circumstances, and to request the recognition of extenuating circumstances, the student is required to submit an application according to the procedures outlined on the OSCAR web pages and provide the relevant supporting evidence within five working days after the relevant event (see Regulations 4 and 5 above). The matter is then referred to an Extenuating Circumstances Panel.

29. The turnaround time for a Panel decision is normally ten working days after receipt of the completed form and supporting evidence. Where a Board of Examiners or APESC is due to meet in advance of an Extenuating Circumstances Panel being convened, Chair’s action can be taken in order to process the request in advance of the Board or APESC meeting.

30. Where, following an event there is no evidence that the student reported their circumstances at the relevant time, or the student does not provide supporting evidence within five working days of the event, the matter is not referred to an Extenuating Circumstances Panel and no further action is taken.

31. Exceptionally, having experienced unforeseen circumstances in an event, the student may be unable by reason of those circumstances to request the recognition of extenuating circumstances and to provide the supporting evidence as set out in Regulation 5 above in the required time period. In such a case, where the student can subsequently provide evidence to show why they were unable to provide the required evidence within the specified period, the matter may be referred to an Extenuating Circumstances Panel to rule whether the evidence to account for the delay should be accepted as well as whether the original circumstances should be treated as extenuating circumstances. If the delay is such that the Board of Examiners or APESC has met before the evidence is available then the matter is dealt with via the Regulations for academic appeals as set out in Regulation 44 below.

Outcome

32. The student is informed of the outcome of the Extenuating Circumstances Panel. If the Panel deems that the extenuating circumstances are valid it informs the relevant Board of Examiners or APESC.

33. Where a student has not completed an event and the extenuating circumstances are deemed to be valid, the Board of Examiners or APESC will void the attempt and the student will resit it at the next appropriate opportunity, as defined in the relevant Regulations or Code of practice, as if for the first time (or second time if the voided attempt was a resit).

34. Where a student has completed the examination or 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 not be presented to the student, will be voided and not recorded and not presented to the Board of Examiners or APESC. The student will resit the attempt at the next appropriate opportunity, as defined in the relevant Regulations or Code of practice, as if for the first time (or second time if the voided attempt was a resit).

35. On no account can a student’s marks be increased as a result of the recognition of extenuating circumstances.

36. If the extenuating circumstances are not deemed valid the work will be marked and presented to the Board of Examiners or APESC, or if already marked will be presented to the Board of Examiners or APESC. The student has the right to
make an appeal against the Panel decision using the Regulations for academic appeals.

Requests after a deadline or event

37. Where there is a request for the recognition of extenuating circumstances after the deadline for an assessment has passed, or after an event, the student is required to submit an application according to the procedures outlined on the OSCAR web pages and provide supporting evidence. The student is also required to show why it was not possible for them to notify the University of their circumstances before the deadline or at the time of the event.

38. Subject to the student being able to provide the required supporting evidence the following may be considered to be valid reasons for not having provided evidence of illness at the time:

- that the student was awaiting a diagnosis of their illness or its confirmation
- that the nature of the illness affected the student's capacity to be aware of their condition and report it
- that the student did not have access at the time to their medical practitioner (including GP, clinical specialist or registered health professional) or registered counsellor, their minister of religion, or solicitor, to provide support and the required independent evidence

The matter is then referred to an Extenuating Circumstances Panel

39. The turnaround time for a Panel decision is normally ten working days after receipt of the completed application and supporting evidence. Where a Board of Examiners or APESC is due to meet in advance of an Extenuating Circumstances Panel being convened, Chair’s action can be taken in order to process the request in advance of the Board or APESC meeting.

Outcome

40. The student is informed of the outcome of the Extenuating Circumstances Panel. If the Panel deems that the extenuating circumstances are valid it informs the relevant Board of Examiners or APESC.

41. If the extenuating circumstances and the reasons for the delay 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 and not presented to the Board of Examiners or APESC. The student will resit the attempt at the next appropriate opportunity, as defined in the relevant Regulations or Code of practice, as if for the first time (or second time if the voided attempt was a resit).

42. On no account can a student’s marks be increased as a result of the recognition of extenuating circumstances.

43. If the extenuating circumstances are not deemed valid the work will be marked and presented to the Board of Examiners or APESC, or if already marked will be presented to the Board of Examiners or APESC. The student has the right to make an appeal against the Panel decision using the Regulations for academic appeals.

Requests where a Board of Examiners or APESC has met

44. 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 APESC which has already met then the student is referred to OSCAR and the Regulations for academic appeals.
Requests where the submission does not require a decision of a Board of Examiners or APESC

45. Where a student requests an extension to a deadline for the provision of information within other areas of the Student regulations, for example academic appeals, due to extenuating circumstances, the decision is made by the Head or Deputy Head of Student Administration (Assessments and Awards) and the relevant Case Officer from OSCAR. This is normally completed in five working days.

Requests related to a Professional Training Year

46. Where a student on their Professional Training Year is at risk of not being able to complete the 1125 hours requirement due to extenuating circumstances but will be able to complete 900 hours, they may submit a request for the recognition of extenuating circumstances. Students who cannot complete a minimum of 900 hours will be unable to complete level P (see Regulations for taught programmes, Regulation 14).

47. Requests for the recognition of extenuating circumstances are submitted in the normal way using the form available on the OSCAR web pages together with supporting evidence. The acceptable criteria are those listed in Regulation 4 (i), (ii), (iii) and (iv) with the addition of redundancy or termination of the placement by the placement provider. Supporting evidence is as required under Regulation 5 above with the addition of redundancy/termination notice and evidence to show that attempts to extend an existing placement or secure an alternative one have been exhausted. If this additional evidence is not provided then the request will not be considered.

48. Requests are submitted to an Extenuating Circumstances Panel.

Outcome

49. If the extenuating circumstances are deemed to be valid the student will be permitted to complete their Professional Training Year with a minimum of 900 hours.

50. If the extenuating circumstances are not deemed valid and there is sufficient time remaining in the year then the student will be required to continue to search for an alternative placement. If there is not sufficient time then the student will not be able to complete their Professional Training Year and will be transferred to the three-year version of their programme. If the shortfall in hours is deemed to have been avoidable and caused by poor performance and/or conduct on the part of the student, the Board of Examiners may consider whether the level P is deemed to have been failed.

Withdrawal of request for the recognition of extenuating circumstances

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

Repeated requests for consideration of extenuating circumstances

52. For continuing circumstances that are, by definition, foreseeable the University expects the student to make continuing arrangements whether through arranging additional learning support through an additional learning support statement or by taking steps to improve their circumstances.

53. Repeated requests from the same student for the consideration 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.
Learning Support Adjustment (LSA) procedure

54. Where a student faces chronic, foreseeable or recurring circumstances or physical or other impairments that have the potential to hinder their academic progress they may inform the University through the Programme Leader, supervisor or a member of the University's Additional Learning Support Service, that they wish to request advice and support with their particular learning support arrangements.

55. Under the LSA procedure ALS works with the student, their tutors and other professionals (as required), to assess the learning support needs of students with impairments. Following this assessment ALS will provide the student, where appropriate, with a written summary of the adjustments to the student's learning, teaching and assessment arrangements that ALS, in consultation with the Programme Leader or supervisor, has assessed as reasonable and a note will be added to the student's centrally held records. Adjustments suggested in an LSA statement are designed to provide the student with an equal opportunity to participate in all educational activities.

56. Where a student has secured an LSA statement, ALS will ensure that the Programme Leader, supervisor or their equivalent is formally notified of its contents so that they can notify the relevant staff of the adjustments suggested in the LSA statement and periodically check their continuing suitability for the student. Where the LSA statement prescribes particular arrangements for sitting assessments or examinations ALS and the Programme Leader, supervisor or their equivalent each copy this information to staff administering and invigilating the student's examinations and assessments.