



Extenuating Circumstances Panel Guidance

Scope

All taught programmes leading to an award of City, University of London including taught programmes validated by City.

Senate Regulations

Senate Regulation 19 - Assessment Regulations

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To be read in conjunction with

Assessment and Feedback Policy;

Extenuating Circumstances Policy;

Appeals Policy in Section 6 of the Quality Manual.

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1 Introduction

City's policy and procedures for the consideration of Extenuating Circumstances seek to ensure that all students are treated fairly, are not disadvantaged by circumstances beyond their control, and that the standards of the City's awards are maintained.

From time to time, circumstances beyond a student's control may affect their ability to undertake assessment(s) on time, or may affect their performance in assessment. It is also recognised that assessment periods can be stressful; however students need to be able to plan and manage their time and their workload, to meet deadlines, to cope with a certain level of stress, and to manage their studies alongside other responsibilities in life.

This document provides guidance to Extenuating Circumstance Panel members on the definition, consideration and decision-making process for Extenuating Circumstances claims.

1.1 Definition of Extenuating Circumstances

Claims for Extenuating Circumstances are managed and considered in accordance with the Assessment Regulations¹ which define Extenuating Circumstances as 'circumstances which are unforeseen and outside a student's control and which can be shown to have had a direct and substantial impact on their academic results. This may include an impact on capacity to study prior to an assessment, on ability to complete an assessment, and/or on performance during an assessment'.

1.2 Guiding principles

Extenuating Circumstances Panels will seek to uphold City's principles relating to Extenuating Circumstances to ensure that students are neither disadvantaged nor inappropriately advantaged as a result of the process. These principles are defined in the Extenuating Circumstances Policy and, in addition:

- Student confidentiality will be respected;
- Panels will seek to make objective decisions and will not have sight of individual marks. The Extenuating Circumstances forms enable anonymisation to support fairness and parity;
- Panel Members will declare any potential for bias or conflicts of interest and excuse themselves from decision-making in such cases;
- Decisions and corrections of errors will be made as speedily as possible;
- In all cases academic standards and fairness in assessment will be maintained. The relevant Assessment Board remains responsible for determining the most appropriate course of action in cases where Extenuating Circumstances claims are upheld.

¹ <http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations>

2 The Extenuating Circumstances Panel

2.1 Panel composition

The Panel members should be selected in line with the Regulation² and Policy for Extenuating Circumstances.

A Panel will consist of three members (a Chair and two academic members of staff or one senior and suitably experienced member of professional and one academic member of staff) and a Secretary.

The Extenuating Circumstances Panel Chair will be the Chair of the Assessment Board, the Programme Director or their academic nominee. The Chair and all Panel members must be approved by the Board of Studies.

2.2 Panel roles

2.2.1 Chair

The Chair of the Panel ensures that:

- the Panel is quorate;
- conflicts of interest are identified and addressed;
- due reference is made to relevant City and programme requirements during discussion and decision-making (the Secretary provides support with this aspect);
- the Panel takes due account of the need to uphold academic standards;
- the Panel upholds the principles of fairness and natural justice both for the individual student and the student body as a whole;
- Panel members and attendees fulfil their designated roles during the hearing;
- the Panel has access to specialist representation where needed

The Chair should ensure that the Panel is satisfied that all relevant information has been presented, following which a recommendation may be reached based on the verifiable facts of the case and in accordance with the relevant Regulation, Policy and guidance.

2.2.2 Panel members

The role of the Panel is to form an objective decision collectively based on the verifiable facts of the case. The Panel will determine an appropriate course of action in accordance with the relevant Regulation, Policy and guidance and in the interests of natural justice both to the student and the student body as a whole. The Panel carries out the following duties:

- determining whether the claim meets the definition of Extenuating Circumstances stated in the Assessment Regulations;
- determining whether the supporting evidence is sufficient;
 - where the answer is 'yes' to the above, the Panel reviews the Extenuating Circumstances claim;
 - where the answer is 'no', the Panel requests further information from the student;
- agreeing on the recommendation to be communicated to the Assessment Board.

² The Extenuating Circumstances Regulation is detailed within the Senate Regulation 19

Panel members should remain free from any conflicts of interest and ensure that:

- no individual responsible for decision-making relating to the assessment, award or progression which is subject to the Extenuating Circumstances claim is then responsible for decision-making for that claim;
- no individual who might potentially be biased through prior knowledge of the case is responsible for decision-making during the claim.

2.2.3 Secretary

The Panel Secretary is responsible for ensuring that all practical arrangements are in place for the conduct of the Panel meeting. This includes:

- keeping a formal record of the discussions prior to the Panel meeting e.g. regarding ambiguities with the submission or establishing whether students have existing Support Agreements;
- ensuring that all papers have been circulated;
- ensuring that copies of the relevant Regulation, Policy and guidance are available to the Panel;
- recording the outcome of the Panel discussion and its recommendations following the conclusion of the Panel meeting and ensuring these are communicated to the Assessment Board.

2.3 Preparation and training

It is important that all Panel members are aware of the relevant regulation when considering Extenuating Circumstances claims. In order to ensure that all Panel members are fully briefed on the relevant and most up-to-date regulation, every Panel member should have received appropriate training from City including the training relating to relevant Equalities legislation.

City recognises that in some cases a Panel member may be selected without having completed the training. If this is the case, the Panel member should highlight their situation and arrange for appropriate training with their relevant School in advance of the Panel's consideration of the claim.

2.4 Format and frequency of Panel meetings

City expects that Extenuating Circumstances Panels meet on a regular basis to consider claims to enable clear recommendations to be communicated to Assessment Boards. Dates of Extenuating Circumstances Panels and Assessment Boards are set locally to reflect the timing of assessment periods. Panels should be scheduled sufficiently in advance of the Assessment Board to enable the recommendations to be communicated to the Assessment Board alongside the student results.

Sometimes it may not be possible to hold a physical meeting and where this is the case, in order to facilitate decision making, Extenuating Circumstances Panels may meet 'virtually'. Where decisions are made and approved electronically, the Extenuating Circumstances Panel Secretary must formally record the discussions and final decision and circulate it to the Panel members in advance of the recommendation being communicated to the Assessment Board.

2.5 Data Protection Act

City and all its employees are bound by the Data Protection Act and therefore it is imperative that student personal data is used only for the purposes of processing their claim.

Panel members should be mindful of the sensitive nature of the Extenuating Circumstances documentation. To that end, only Panel members and those involved in the administration of the Extenuating Circumstances processes should have sight of any documentation.

3 Consideration of Extenuating Circumstances

3.1 Procedure

The Panel will consider the claim based upon the case put forward by the student in writing and the evidence supplied.

- For City Students, both the claim and related evidence are usually uploaded using the e:Vision Extenuating Circumstances form³.
- For students at City's validated institutions, hard copy forms should be used as provided by the relevant institution.
- Extenuating Circumstance claims may also be referred to Panels as an outcome of the Student Appeals process.⁴

A description of the circumstances as well as a clear explanation of their impact must be provided, together with any directly relevant evidence.

The Panel will not consider claims submitted without supporting evidence (see 3.2 below for details on what is expected from a student's submission).

The Panel will not have sight of the student's individual marks when considering the claim.

At the Panel meeting, the Panel members may additionally receive information from:

- a Programme, School or Validated Institution representative;
- other individuals supporting the Panel by virtue of their expertise or knowledge.

Following the review of the documentation relating to the claim, the Chair will check that the Panel is satisfied that it has all the information it requires.

3.2 What to expect from the student submission

The student's submission to the Extenuating Circumstances Panel should cover the following:

- What the Extenuating Circumstances were, including the relevant dates;
- How the Extenuating Circumstances affected their performance or prevented them from attending or submitting work on time;
- Why the circumstances were unforeseen and outside the student's control;
- The steps taken to address the Extenuating Circumstances at the time (e.g. seeing a doctor or counsellor, seeking support through relevant agencies);
- Any advice and/or guidance sought at the time (e.g. consulting their personal tutor, seeking the advice of the invigilator);

³ If students are unable to obtain supporting documentation by the deadline, they are still able to submit their e:Vision Extenuating Circumstances form without this evidence. Students should not delay submitting their Extenuating Circumstances form on the basis of not having supporting documentation by the deadline for submission – this will not be considered a valid reason for late submission of an Extenuating Circumstances form. If there is a need to submit evidence after submitting the form, they will be able to note this on the Extenuating Circumstances form and suggest a date by which they hope to provide the evidence. Any outstanding evidence must be either emailed to the Course Officer or submitted to the course office in person. The electronic form will not allow students to submit any evidence after the form has been submitted.

⁴ See Senate Regulations 20 and 21 Appeals Procedures : <http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations>

- Where supporting evidence is in a language other than English, the student will need to submit a certified translation.

In addition to this, relevant evidence must be submitted as part of the claim.

3.2.1 Further information

It is envisaged that all Extenuating Circumstances claims will be submitted to the Panel with appropriate documentation relevant to the claim. However, in some cases, there may be a need to obtain clarification or more information on some or all of the information submitted by the student. The Panel should note that they need to receive any additional information in time to consider the claim and make a recommendation to the Assessment Board.

Panels should always make a decision after they have received the further information to ensure all outcomes are fair, consistent and within regulations.

3.3 What constitutes an Extenuating Circumstance?

Creating an exhaustive list of possible Extenuating Circumstances is neither practical nor equitable as individual circumstances must be considered within their context. Panels may find it helpful to consider whether, in a workplace or professional environment, the circumstances would constitute grounds for absence or inability to work.

The kinds of circumstances that could be accepted as “extenuating” include ill-health, bereavement or other personal issues which were unexpected and out of the student’s control. These are normally circumstances that may have prevented the student from demonstrating the achievement of their complete set of skills, knowledge and competencies associated with a module or a number of modules.

In all cases, student claims must be accompanied by evidence which must demonstrate that the circumstances were unforeseen, outside the student’s control and were, on balance, likely to have a substantial impact on the student’s results.

As a principle, the Panel should disregard circumstances with which students are expected to cope with as part of an adequately managed workload, or as part of the normal or common issues and difficulties that arise as part of life. However, a Panel could refer a student to appropriate support service for assistance where necessary.

3.4 Criteria

Claims for Extenuating Circumstances must be submitted by the student no more than 7 calendar days after the assessment said to have been affected. If more than one assessment is affected by the Extenuating Circumstance, the claim should be made no more than 7 calendar days from the last assessment affected⁵.

All submissions must be made before the meetings of the relevant Extenuating Circumstances Panel and Assessment Board. Please see Assessment Regulation 4.8.1 for more details.

The Extenuating Circumstances Panel needs to judge whether the circumstances were:

- unforeseen;
- outside student’s control;
- likely, on balance, to have had a direct and substantial impact on the student’s academic results. (This may include an impact on capacity to study prior to an assessment, on ability to complete an assessment, and/or on performance during an assessment.)

⁵ If students are in doubt they are advised to submit a separate claim for each assessment or to consult with the Panel Secretary to ensure they meet the deadline.

3.5 What the Panel can and cannot accept

The following list gives some examples of the kinds of situations which have been accepted or not in the past as part of an Extenuating Circumstances claim. The list is for guidance only and each case must be considered on its individual merits where the impact of the circumstances must have been clearly demonstrated.

3.5.1 May be accepted...

- serious short term illness at the time of the assessment;
- bereavement;
- adverse personal or family circumstances;
- worsening of a long term health condition;
- serious personal injury;
- being the victim of a serious crime;
- unforeseen and unavoidable imposed work pressure;
- unavoidable transport difficulties (e.g. through natural disaster);
- incorrect information provided by City about the date, time or location of an assessment;
- significant change in circumstances.

3.5.2 Unlikely to be accepted...

- conflicting assessment deadlines;
- transport difficulties;
- oversleeping;
- routine work commitments;
- holidays;
- availability of books;
- illness outside the relevant assessment or learning period;
- 'retrospective' medical evidence (e.g. doctor states the student claimed to be ill);
- long term health condition for which reasonable adjustments have already been provided (but an acute phase of an ongoing or fluctuating condition that has been previously notified to City occurs at the same time as an assessment or prior to an assignment deadline may be considered);
- minor ailment;
- examination stress;
- personal computer or printer problems;
- poor time management;
- lack of awareness of deadlines;
- childcare difficulties;
- confusion over date/ time /location of examination;
- religious holidays⁶;
- any claim submitted without supporting evidence;
- long term adverse circumstances.

⁶ There are separate arrangements for religious observance, please see the Exams website for more details: <http://www.city.ac.uk/student-administration/exams/special-arrangements/religious-observance>

3.6 Students with Disabilities

3.6.1 Definition of disability

The Equality Act 2010 defines disability as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to carry out normal daily activities.

- 'substantial' is more than minor or trivial;
- 'long-term' means 12 months or more.

Dyslexia and other types of neurodiversity can be considered a disability under the Act.

3.6.2 Dealing with disability and long-term conditions

Arrangements for students with disabilities or long-term conditions are detailed in Section 4.8.4 of the Assessment Regulations and are separate from the Extenuating Circumstances process. However where a student is:

- awaiting formal diagnosis of a disability, or
- experiences an acute phase of an ongoing condition that has been previously notified to City and that is likely to have seriously impaired the student's performance at the same time as an assessment event, or before an assignment deadline;

this may be considered as an Extenuating Circumstances claim.

3.6.3 Reasonable adjustments

Students should be encouraged to make full use of the support available to them at the earliest opportunity to avoid the need to submit a claim for Extenuating Circumstances. Support and special provisions are available:

- for City students, through Learning Success and Student Counselling and Mental Health Service (SCMHS) teams who form part of the Department for Learning Enhancement & Development (LEaD);
- for students at City's validated institutions through their relevant support service.

Students should normally discuss long term and on-going circumstances such as illness or emotional or mental health issues with their Personal Tutor or Programme Director, or with the Learning Success Team, to identify the best way forward. Students can be directed to register with the Learning Success Team to receive advice about undertaking an assessment of needs in order for reasonable adjustments to be put in place for their ongoing studies, or to discuss whether it might be appropriate for the student to apply for an interruption of studies.

If a student discloses a long term condition in an Extenuating Circumstance claim, the Panel should include a recommendation to the student that they make an appointment with the Learning Success Team or the Student Counselling and Mental Health Service to discuss the support they may be entitled to.

If the student has previously been advised that they should register with Learning Success, the Panel cannot provide additional ongoing adjustments; so that there is parity and fairness in the Extenuating Circumstances process.

If a student has temporary difficulty, as a result of a recent illness or accident, they can also be advised to discuss appropriate arrangements with Learning Success.

3.7 Reviewing student evidence

Evidence should be both relevant and significant and will be in the form of written confirmation from an objective, independent, third party. Evidence should relate to facts, not personal opinions.

Evidence will come from an expert or person in authority on an official document (e.g. a police report or registered medical practitioner's note).

The following information should be present in the evidence:

- the date that the document was written;
- a signature or evidence that it comes from the person making the statement (e.g. from an official email address);
- evidence that it is independent and verifiable (e.g. the name and contact details of their company or organisation);
- evidence that the person has the experience or expertise to make the statement (e.g. their job title or qualifications)

'Relevance' indicates that the evidence refers directly to the case the student is making. For example, a relevant doctor's note would confirm that the student was seriously ill at the time of the assessment. An irrelevant note might cover a different period of time or testify that the student had told the doctor they were sick but did not attend the surgery at the time of the illness.

'Significance' means that the evidence is likely to impact on the decision of the Panel. For example, a note from a friend or relative indicating that the student said they were experiencing problems at the time of the assessment would not be significant.

Where the authenticity of student evidence is questionable, the Panel may recommend further investigation. If the outcome of the investigation proves that the evidence is fraudulent, the Panel should refer the case as noted below.

3.7.1 Fraudulent claims

The submission of a false claim may be regarded as an attempt to gain unfair advantage, and if proven to be guilty, it will constitute an academic offence or misconduct. Where the Panel has suspicion based on tangible evidence or a reasonable doubt to believe the claim may be fraudulent, further investigations may be initiated to ensure claims are actually true. Where it is found that the claim is fraudulent and relevant evidence has been gathered, the student should be referred to be dealt with under the City's Disciplinary⁷ Procedures.

3.8 Decisions

In reaching a view, the Panel must consider the academic requirements of the particular assessment(s) said to have been affected and the usual demands and expectations for any student at an equivalent academic stage. The Panel must be satisfied that the Extenuating Circumstances claim meet the criteria outlined in the 'Criteria' section above.

3.8.1 The decisions a Panel can make

The Panel can:

- accept the Extenuating Circumstances (for some or all assessment components);
- ask for further evidence;
- reject the Extenuating Circumstances (for some or all assessment components) or reject the claim if the requested evidence is not provided or if not received by key dates;
- make recommendations to the Assessment Board about resit and repeat options (see the Assessment Regulations for further details);

⁷ http://www.city.ac.uk/_data/assets/pdf_file/0018/134550/student_discipline_policy.pdf

Extenuating Circumstances Panels should not normally approve second or multiple submissions for the same circumstances from any one student.

Panels are able to exercise discretion to recognise, for example, that an acute phase of a long term condition is unlikely to have been foreseen. Individual circumstances cannot be predicted but further guidance is provided for Panels on circumstances likely, and unlikely, to meet the criteria within Students with Disabilities section above. Regardless of the outcome the Panel may determine that referrals to other sources of support or procedures are required.

A Panel may, at its discretion, highlight particular factors in its recommendation which it is satisfied are worthy of consideration by the Assessment Board when deciding on the appropriate course of action. This may include recommendations concerning:

- the setting of an alternative assessment task;
- referring the student to other support services e.g. Learning Success (disability), student counselling and/or mental health;
- referring cases to the Fitness to Study process where there is reasonable evidence that the student maybe struggling with the programme of study.

A Panel cannot suspend a student, but can recommend an interruption in studies.

Recommendations will be made on the basis of the Extenuating Circumstances presented.

The decision on the course of action taken remains with the Assessment Board and will take into account the need to uphold academic standards and demonstrate that learning outcomes have been met as well as the Panel recommendation.⁸

3.9 Reporting to the Assessment Board

The Extenuating Circumstances Panel is required to report the outcome of its consideration as a recommendation to the Assessment Board which is responsible for considering the student's results and for making a decision as to progression or award. This recommendation should be incorporated into the documentation received by the Assessment Boards.

3.10 Record keeping and communication

A formal record will be kept of the Extenuating Circumstances Panel meeting by the Secretary.

The student will be informed in a timely fashion about:

- the outcome and its rationale (where the claim was not accepted); or
- where a claim has been accepted, the recommendation of the Panel together with information about when the Assessment Board will meet to make a final decision on progression/award; and
- recommendations to the student concerning accessing any further sources of support and information concerning any referrals the Panel has made to other procedures or support services.

Students can be notified of the recommendation of the Panel before the meeting of the Assessment Board with the proviso that the outcome is provisional until the Assessment Board meets and ratifies their decision. Where Panels are held throughout the year the outcomes should always be communicated to students as soon as it is practical to do so. Outcomes should not be withheld unless the meeting of the Assessment Board is imminent and there may not be enough time to notify the student.

⁸ Please see Assessment Regulation 4.8 (Extenuating Circumstances) for more information.

If the Assessment Board is imminent, communication to the student should be completed after the formal ratification is received from the Assessment Board.

Records of Extenuating Circumstances submitted will be retained to ensure individual students receive the support they need. Information will be shared appropriately and in accordance with obligations for confidentiality and disclosure. Appropriately anonymised information will be used to support monitoring and enhancement activities.

Extenuating Circumstances Panel Guidance Flow Chart

