

Proposed amendment to Assessment Regulation 19

Summary

In April 2017, AGC considered proposed amendments to the Assessment Regulations for 2016/17 as outlined within the two parts of this paper.

Part A – Minor amendment for clarification – Failure of a Module

Further to discussions with colleagues in Schools and IT, minor amendments to the wording of the Failure of a Module section of the Assessment Regulations are proposed for clarification. These relate to two areas of text within paragraph 4.7.3 Partial Repeat Year.

Part B – OIA recommendation – Late Diagnosis of Disability

City has recently received notification of an outcome from the Office of the Independent Adjudicator (OIA) for a case which relates to late diagnosis of a disability. It has been recommended that, in exceptional circumstances, City ensures that there is sufficient flexibility within its procedures for Assessment Boards to consider recommendations from Extenuating Circumstances Panels relating to late diagnosis of disability.

Subject to further minor amendment to clarify section 4.7.3 of Regulation 19, AGC agreed to recommend to Senate that the updated Regulation is approved for 2016/17.

One action is required.

Recommended Action

Senate is asked to **approve** the proposed amendments to Regulation 19 for 2016/17.

Publication: Open

Proposed amendment to Assessment Regulation 19

Part A

Minor amendment for clarification – Failure of a Module

Further to discussion with colleagues in Schools and IT, minor amendments to the Assessment Regulations for 2016/17 are proposed for clarification.

The amendments seek to clarify the arrangements for students who have multiple failed assessments and are not able to progress to the next Programme Stage or complete their Award, i.e. to confirm that:

- if the student returns for resits at the next opportunity, there is no requirement for them to attend City other than to complete the required assessments (Note: the student is noted as 'dormant' on SITS and retains the use of their student card)
- if the student returns to attempt the resits during a Partial Repeat Year, the student is only required to resit any failed components

Please see Appendix 1 for the proposed revised wording which includes additional clarification as suggested by AGC at their meeting in April 2017.

Part B

OIA recommendation – Late Diagnosis of Disability

The current Assessment Regulations state:

'For the avoidance of doubt, Assessment Boards cannot alter a student's marks or reconsider assessment decisions that were made prior to receiving formal notification of a potential disability via an Extenuating Circumstances claim or on the basis of subsequent diagnosis.

City has recently received notification of an outcome from the Office of the Independent Adjudicator (OIA) for a case which relates to late diagnosis of a disability. It has been recommended that, in exceptional circumstances, City ensures that there is sufficient flexibility within its procedures for Assessment Boards to consider recommendations from Extenuating Circumstances Panels relating to late diagnosis of disability:

'... the University should ensure that it retains sufficient discretion to enable where appropriate in exceptional cases, the reconsideration of assessment decisions made prior to notification of a formal diagnosis of a specific learning difficulty or other disability.' (OIA relating to City case March 2017)

This recommendation is based on the outcome of a judicial review where the Judge's outcome included;

*'181. If a case arose in which... some quite unsuspected and undiagnosed condition was revealed by medical evidence soon after the failure of an examination, **when there had been no reasonable possibility that it was diagnosable beforehand**, it might very well be appropriate, if not necessary, for the matter to be looked at afresh by the University...' - R (Gopikrishna) v The Office of the Independent Adjudicator [2015] EWHC 207 (Admin)*

City have corresponded with the OIA regarding the current Assessment Regulations which were amended for 2015/16 to include some flexibility for cases of late diagnosis of disability (as noted in the extract above), however the OIA advised that further flexibility was warranted due to the outcome noted above;

*'We are pleased to note from the e-mail of 16 March 2017 that the University had already made amendments to its Assessment Regulations and Guidance for Extenuating Circumstances Panels for the 16/17 academic year which now afford it flexibility to consider fluctuations with previously declared long term conditions as extenuating circumstances. As we discussed in our telephone conversations, we were concerned that the amendments had not afforded the University the full level of flexibility intended by our recommendation. We are satisfied that the further amendments the University has now proposed in its e-mail of 28 March 2017 would, once approved, demonstrate sufficient flexibility to incorporate circumstances similar to those that occurred in this case, i.e. **the sudden diagnosis of a long term condition that was previously unsuspected in close proximity to an assessment event.** Once we receive evidence from the University confirming that these proposed further amendments have been approved and implemented, we will be happy to confirm compliance with this recommendation.'* (OIA, April 2017)

Please see Appendix 2 for the proposed revised wording

Consultation (Student Case Management Forum, April 2017)

The proposed changes were presented to Student Case Management Forum for comments. The consultation involved staff from each School, Learning Success and Student & Academic Services.

Concerns were raised regarding definitions for terms used in the Regulation and how the evidence should be considered. There were also concerns regarding establishing how a student would evidence that they could not have potentially known about a disability. It was suggested that clarification on definitions and the consideration of evidence could be addressed in accompanying guidance. It was highlighted that submissions would need to be considered on a case by case basis as each would depend on the nature of the student's circumstances and what can be taken into consideration by an Extenuating Circumstances Panel, for example what would be deemed to be a reasonable amount of time elapsed before the claim was submitted, and whether the student was referred to support services prior to the assessment in question.

The proposed changes were then submitted to the Academic Governance Committee who agreed to recommend to Senate that the proposed changes may be approved.

The Extenuating Circumstances Panel Guidance will be updated to support the amendments, this may include further information on applying the suggested amendments and examples of cases.

It has been clarified that a student cannot submit an appeal until their confirmed marks are released following an Assessment Board, however students are encouraged to seek diagnosis and alert their School before then.

Helen Fitch, Assistant Registrar (Quality)
Sophie Cutforth (Student Experience Administrator)

May 2017

Part A - Minor amendment for clarification – Failure of a Module**4.7 Failure of a Module**

If a student fails a Module due to failure in an assessment component, the Assessment Board will normally offer one of the following options:

- Compensation (where this option is permitted and detailed within the Programme Specification, and the student has met specific criteria), as detailed in Section 4.7.1
- Resit, as detailed in 4.7.2

Where a student is eligible for compensation at the first assessment attempt, this should be applied in the first instance rather than offering a resit opportunity.

A student may not progress to the next Programme Stage until they have successfully passed the current Programme Stage, except in exceptional circumstances as detailed below.

If a student has multiple failed assessments at the first attempt, an Assessment Board may offer a partial repeat year, as detailed in Section 4.7.3.

If a student has Extenuating Circumstances affecting multiple assessments, an Assessment Board may offer a repeat year, as detailed in Section 4.7.4.

Exceptionally, where a student has:

- approved Extenuating Circumstances, and
- where the nature of the assessment and Programme permits, and
- taking into account PSRB requirements, where applicable

an Assessment Board may exercise discretion in permitting a student to complete a limited number of outstanding assessments (no more than 15 credits) in the following academic year whilst continuing with the next block or stage of the Programme. The specific arrangements for completing these assessments must be approved as a Special Scheme of Study in accordance with the arrangements set out in the [Special Scheme of Study Policy](#) and must take account of the maintenance of academic standards, and any legal obligations. The Assessment Board must make it clear to the student that failure to pass the assessments being completed will normally result in withdrawal from the Programme, even if Modules from the next block or Programme Stage of the Programme have been successfully completed.

4.7.1 Compensation

Consideration of compensation for a failed Module requires that the overall Learning Outcomes of the Programme Stage have been met. Where compensation arrangements are permitted, these are detailed in the Programme Specification and will be applied in accordance with any PSRB requirement.

Compensation can only be awarded by an Assessment Board and must be applied within the following limits and conditions:

- The maximum amount of compensation that can be applied across one or more Modules within a Programme Stage or for the Programme is as follows:

- **Undergraduate/Graduate/Integrated Masters Programmes** - 15 credits or one sixth of the total credits within a Programme Stage, whichever is greater
 - **Postgraduate Programmes** - 15 credits of the Programme as a whole can be compensated in a Postgraduate Certificate and no more than 20 credits may be compensated in a Postgraduate Diploma or Masters degree.
- A mark of no more than 10% below the Module pass mark must have been achieved in the Module to be compensated.
 - It can be demonstrated that the Learning Outcomes of the Modules in the Programme Stage have been satisfied.
 - Taking the mark to be compensated into account:
 - **Undergraduate/Graduate Programmes** – an overall aggregate mark of 40% must have been achieved for the Programme Stage calculated on the basis of the Module marks weighted according to their credit value.
 - **Integrated Masters Programmes** – an overall aggregate for the Programme Stage (40% for Stages 1-3, and 50% for Stage 4), must have been achieved calculated on the basis of the Module mark weighted according to their credit value.
 - **Postgraduate Programmes** - an overall aggregate mark of at least 50% must have been achieved; this is normally calculated excluding the project or dissertation mark.
 - Compensation cannot be applied to a Dissertation or equivalent major project.
 - A student who receives a compensated pass in a Module will be awarded the credit for the Module. The mark used to calculate the Award will be the original Module mark. The original component mark(s) (i.e. those below the pass mark) will be retained in the record of marks.
 - A pass/fail module cannot be compensated
 - Modules failed due to academic misconduct cannot be compensated

4.7.2 Resits

A resit is a second attempt at an initial failed assessment without having to repeat the original period of teaching and learning. The resit mode may vary depending on the nature of the initial assessment.

A resit is granted by the relevant Assessment Board which also makes the final decision on resit arrangements.

Where there is more than one assessment component in a Module, an Assessment Board will need to make clear which assessment components they are required to resit (see 4.7.2v below).

A student normally has a maximum of two attempts to pass each assessment component; a first attempt and a resit. Students who have approved Extenuating Circumstances may be granted a further attempt (see Section 4.8).

In exceptional circumstances, usually for PSRB reasons, the Assessment Board may decide to permit the student to take a second resit. This option must be an approved part of a Programme, listed as a Programme Regulation (Appendix 1).

Resit provision is subject to all the following conditions:

- i. If a student fails to participate in an assessment component at the first attempt and has no Extenuating Circumstances, the first attempt will be recorded as a fail and a resit will be offered for that component.
- ii. No resit assessment(s) can be undertaken until failure of the assessment component(s) has been confirmed by the Assessment Board, or an Interim Assessment Panel or, where a final decision is pending following a meeting of the Assessment Board, by the Assessment Board Chair and External Examiner.
- iii. The method and date of resit will be set by the Assessment Board or by Chair's action following initial consideration by the Assessment Board. Interim Assessment Panel decisions on resits are provisional and subject to approval by the Assessment Board.
- iv. Resit arrangements will be as follows:
 - a. If the student fails to achieve the minimum qualifying mark in any component, they must resit that component regardless of the aggregate Module mark.
 - b. If the student fails to achieve the pass mark for the Module on aggregate, it will be necessary to resit all components with a mark below the Module pass mark. This includes components without minimum qualifying marks as well as components with minimum qualifying marks.
 - c. The mark for each assessment component that is subject to a resit opportunity will be capped at the pass mark for the **Module (40% for undergraduate Modules or 50% for postgraduate Modules)**. This capped mark will be used in the calculation of the final Module mark (which will be used in the Award calculation), together with any original marks for components that were passed at first attempt.
 - d. If a student receives a lower mark in a resit for an assessment component than that achieved at the first attempt, the lower mark stands (not the first attempt mark even where this was failed); the Assessment Board cannot exercise discretion over which to accept.
- v. Where the pass mark for the Module overall is achieved and any component requirements are satisfied, the student will be awarded the credit for the Module.
- vi. A student who has not met the pass requirements for the Module(s) and does not complete the resit by the date specified will not normally proceed on the Programme; the Assessment Board will require them to be withdrawn.

4.7.3 **Multiple Failed Assessments (Resits or Partial Repeat Year)**

If a student:

- has multiple failed assessments at their first attempt (and has no approved Extenuating Circumstances) or,
- has approved Extenuating Circumstances affecting the second (resit) attempt at their assessments

and has not met the requirements to progress to the next Programme Stage or complete their Award, an Assessment Board may, at their discretion, offer either option (i) or (ii) below:

i. Resits at the next opportunity

The student must resit any failed components (i.e. all those where the pass requirements have not been met) at the next opportunity to complete:

- their second attempt at the failed assessments (if the student had no Extenuating Circumstances), or
- an additional resit attempt (if the student has approved Extenuating Circumstances that related to a resit attempt).

The student is not expected to attend City other than to participate in relevant assessments.

Marks for the resit attempt are capped at Module 40% (undergraduate) or 50% (postgraduate) and no further resit or compensation opportunities will be permitted.

If a Module is failed, the student will be withdrawn unless they are eligible for compensation and the Assessment Board agrees that they have therefore met the requirements for progression to the next Programme Stage or an Award..

ii. Partial Repeat Year

Based on the nature and number of assessments that have been failed, the Assessment Board may offer the student a partial repeat year (with attendance) to complete:

- their second attempt at the failed assessments (if the student had no Extenuating Circumstances), or
- an additional resit attempt (if the student has approved Extenuating Circumstances that related to a resit attempt).

If a partial repeat year is undertaken:

- The student is not permitted to progress to the next Programme Stage of the Programme but must repeat the failed Modules and/or assessment components in full (with attendance) during the following academic year.
- The student retains the marks for the Modules and/or components already passed in the previous academic year.
- The student attends City, and has full access to all facilities during the partial repeat year.

- Previous marks for the relevant failed Modules are disregarded and all assessment components are repeated. New marks are capped at the Module pass mark and no further resit or compensation opportunities will be permitted. If a Module is failed during a partial repeat year, the student will be withdrawn.

The student must resit any failed components where the pass requirements have not been met.

Marks for the resit attempt are capped at Module 40% (undergraduate) or 50% (postgraduate) and no further resit or compensation opportunities will be permitted.

If a Module is failed during a partial repeat year, the student will be withdrawn unless they are eligible for compensation and the Assessment Board agrees that they have therefore met the requirements for progression to the next Programme Stage or an Award.

- Normally, the opportunity to repeat a year of study for progression purposes can only be offered once in the duration of the registration and will be counted as part of the student's maximum period of registration.

There is no automatic right to a partial repeat year.

Repeats may not be used to improve the classification of the Award where a student has passed.

If the Assessment Board offers a partial repeat year, the student may decline this and decide to participate in the resits at the next opportunity. If a student declines the offer of a partial repeat year, and participates in the resits at the next opportunity they will not be offered any further attempts at the failed assessments if they fail their resit attempts.

4.7.4 Full Repeat Year

A full repeat year is only permitted where the student has approved Extenuating Circumstances (see Section 4.8) affecting multiple assessments or the student has been suspended in accordance with the Fitness to Study Regulation ([see Senate Regulations](#)). Either the student or the Assessment Board can propose this approach. Where a student recommends a full repeat year, the Assessment Board will use its discretion in deciding whether the request is approved and will consider the requirements of any PSRB where applicable.

If a full repeat year is undertaken:

- The student does not progress to the next Programme Stage but repeats all the Modules in the current Programme Stage during the following academic year.
- The student is not able to carry forward any marks or credit from previous attempts at the Programme Stage in the previous academic year. Previous marks for the Programme Stage are disregarded and all assessment components are repeated including any which the student has previously passed.
- The student attends City and has full access to all facilities during the full repeat year.
- The marks that can be achieved are not capped, and the student is normally entitled to the resit opportunities available. If, however, the repeat year was granted in

relation to resit assessments, the marks will be capped and no further resit opportunity will be offered.

Normally, the opportunity to repeat a year of study for progression purposes can only be offered once in the duration of the registration and will be counted as part of the student's maximum period of registration

Part B - OIA recommendation – Late Diagnosis of Disability

4.8 Extenuating Circumstances

Students are expected to plan their work in order to meet assessment deadlines and to be aware of the relevant regulations and requirements detailed in Programme Handbooks. The Extenuating Circumstances process is for students who have experienced unforeseen significant disruption to their studies due to reasons beyond their control.

Extenuating Circumstances criteria

Extenuating Circumstances are defined 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 the student's capacity to study prior to an assessment, on their ability to complete an assessment, and/or on performance during an assessment).

An application for Extenuating Circumstances must demonstrate that it meets these criteria.

Students with disabilities or long-term conditions

Arrangements for students with disabilities or long-term conditions are detailed in Section 4.8.4 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 which 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.

4.8.1 Submission of applications

City sets strict deadlines for the submission of requests for consideration of Extenuating Circumstances relating to assessment, progression or Award. This is to safeguard the fairness of the assessment process and to avoid creating an unfair advantage.

Students are encouraged to raise issues early and before the assessment(s) if possible. Claims for Extenuating Circumstances must be submitted by the student to the relevant Extenuating Circumstances Panel:

- not later than 7 calendar days after the assessment said to have been affected, and
- all submissions must be made before the meetings of the relevant Extenuating Circumstances Panel and Assessment Board. Students will be notified of the relevant deadlines for their Programme in the Programme Handbook.

The claim must be supported by evidence. The form can be submitted initially without supporting evidence but any outstanding evidence must be submitted by the deadline agreed by the School.

If further assessments are affected by the Extenuating Circumstances after the initial claim, a new form should be submitted. The claim will be considered in accordance with Section 4.8.2 below)

If, for a valid and overriding reason, the student is unable to meet the deadline for submitting a claim or supporting evidence for an Extenuating Circumstance, an appeal can be lodged (see Section 6.11)

The full procedures which must be followed for the submission and consideration of Extenuating Circumstances claims is set out in the Extenuating Circumstances Guidance for Students and the Guidance for Extenuating Circumstances Panels.

4.8.2 Extenuating Circumstances Panel

Each Board of Studies will establish a Panel to consider applications for Extenuating Circumstances claims (see Appendix 2 for membership).

- The Extenuating Circumstances Panel will determine whether the claim meets the criteria for Extenuating Circumstances and whether supporting evidence is sufficient. The Panel will not have sight of the student's individual marks when considering the application.
- Where the Extenuating Circumstances Panel is satisfied that the criteria have been met and the evidence received is sufficient, it will report the outcome of its consideration as a recommendation to the relevant Assessment Board (responsible for considering the student's results and for making a decision on Award or progression).
- Where an application for Extenuating Circumstances is accepted by the Panel, the most usual recommendation is for the student to be offered an additional opportunity to take the assessment(s). The 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, as outlined in the Guidance for Extenuating Circumstances Panels. A formal record will be kept of the meeting and Panel's recommendations.
- The student will be informed within 14 days from the date of the Panel's recommendations and when the Assessment Board will meet to ratify the decision.
- 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.
- If a claim has not been accepted by the Panel this will be reported to the Assessment Board; no adjustment should be made and the student's results should be considered in the usual way.
- Extenuating Circumstances Panels should not normally approve second or multiple submissions for the same circumstances from any one student but there may be some cases where unforeseen circumstances last beyond the submission of the original claim. Students who have on-going medical conditions or other circumstances which cannot be described as unforeseen should be referred to the appropriate service for assessment of their needs (except where a student experiences an acute phase of an ongoing condition that has been previously notified to City which is likely to have

seriously impaired the student's performance at the same time as an assessment event or before an assignment deadline).

4.8.3 Assessment Board consideration of Extenuating Circumstances Recommendations

Based upon the report and recommendation from the Extenuating Circumstances Panel, the Assessment Board will consider the most appropriate course of action from the following:

- i. The attempt at the affected assessment(s) should be set aside and the student offered an additional opportunity of taking the assessment/s. This will be either:
 - as an additional first attempt (if the Extenuating Circumstances related to a first attempt) or
 - as an additional resit attempt (if the Extenuating Circumstances related to a resit attempt).

If a student chooses to take up the offer of an additional attempt, any mark received for the previous affected attempt will be permanently disregarded. If the student decides not to take up the offer of an additional attempt, the mark received for the previous attempt will stand.

Where appropriate, (normally where there are multiple assessments affected by the Extenuating Circumstances) the Assessment Board may offer a repeat year option to enable the student to re-access learning and teaching, and take the assessments as a first attempt (or as a resit with a capped mark if the repeat year option is granted following resit assessments) (see Section 4.7.4).

- ii. Where the Assessment Board is satisfied that a further opportunity to take the original assessment is not possible or is inappropriate, it may arrange for an alternative assessment task to be set, on the condition that it must be an equivalent task which will enable the relevant Learning Outcomes to be demonstrated.
- iii. In exceptional cases, where a student's performance in one or more Modules has been affected by Extenuating Circumstances, and the Assessment Board considers the options available under (i) and (ii) above to be unsuitable, it may review borderline progression/Award decisions based on the affected performance. Recommendations arising from such reviews of borderline progression/Award decisions will require the approval Chair of the Board of Studies and will be reported to Senate on an annual basis.

If Extenuating Circumstances prevent a student from completing the final assessment, the Assessment Board may recommend to Senate that an *Aegrotat* Award should be made (see Section 4.15).

When selecting any of the options set out in (i) to (iii) above, the Assessment Board's decision must take account of the need to ensure parity of treatment of all students, and to avoid any action which might compromise academic standards and integrity. It must also have regard to any PSRB requirements.

- iv. In exceptional circumstances where soon after assessment(s) a student presents new evidence of a previously unsuspected disability after the deadline for submission of an Extenuating Circumstances claim, and the student could not have reasonably suspected they had the condition, or obtained a diagnosis at an earlier time, the student may request consideration under the Extenuating Circumstances Regulation and Policy. The student should submit a Stage 1 Appeal on the grounds of Undisclosed Extenuating Circumstances, in accordance with the appeal regulations. An Extenuating Circumstances Panel may only consider the claim once formal diagnosis is confirmed.

For the avoidance of doubt, Assessment Boards cannot alter a student's marks or re-consider assessment decisions that were made prior to receiving formal notification of a potential disability via an Extenuating Circumstances claim. ~~or on~~ On the basis of subsequent diagnosis of disability, an Assessment Board may either:

- offer an additional first attempt at the relevant assessment(s) with reasonable adjustments in place (if the Extenuating Circumstances related to a first attempt),
- offer an additional resit attempt (if the Extenuating Circumstances related to a resit attempt and the student has not yet attempted the resit(s) for the relevant assessment(s)) or
- uncap the marks for the relevant resit assessment(s) (if the student has already completed the resits for the relevant assessments(s) or offer an additional discretionary resit attempt with reasonable adjustments in place

The above would apply to the student's current Programme Stage only.

4.8.4 Students with ongoing health-related conditions or disabilities

Where a student is admitted to a Programme with declared disabilities or on-going health conditions, City will agree learning and assessment strategies to provide the student with reasonable adjustments, additional support and/or facilities (see [Disability Support](#)).

Students can declare a disability or ongoing health condition prior to admission and at any time whilst they are registered at City. It is expected that when a student consents for information to be shared, it will be shared sensitively with all relevant services and the personal tutor for the assessment of their needs and not just the initial point of contact. A record of formal diagnosis of ongoing health conditions, specific learning difficulties or other disability will be requested to enable City to implement reasonable adjustments to support the student. If the student fails to provide records of formal diagnosis, this will hinder City's ability to implement the necessary reasonable adjustments.

Students awaiting formal diagnosis of disability should submit a claim to the Extenuating Circumstances Panel for consideration with supporting evidence to follow.

If the student experiences a health condition after their initial admission to a Programme which may have a temporary but significant impact on their ability to engage with their studies, the student may be advised to interrupt their studies if it is considered that the Extenuating Circumstances and/or extensions procedures would be insufficient (see Section 4.19). Otherwise, City will endeavour to provide support and guidance to enable the student to complete their Programme of study.