



**UNIVERSITY OF BIRMINGHAM**

**CODE OF PRACTICE ON EXTENUATING CIRCUMSTANCES**

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## Acronyms used in this Code of Practice

BoE	Board of Examiners
EC(s)	Extenuating Circumstances
ECO	Extenuating Circumstances Officer
ECP	Extenuating Circumstances Panel
PAU	Principal Academic Unit

## 1. Principles

- 1.1 This Code of Practice applies to all Registered Students, students on Leave of Absence, students with Thesis Awaited Status and External Resit students undertaking Undergraduate and Postgraduate Taught programmes and taught modules on Doctoral Research programmes (collectively referred to in this Code of Practice as “students”).
- 1.2 This Code of Practice does not apply to Extenuating Circumstances (ECs) affecting a postgraduate research viva which should be raised directly with the student’s supervisor in advance of the viva.
- 1.3 With the exception of extensions, students on joint or multidisciplinary degree programmes should follow the ECs guidance of their Home School (i.e. the leading Principal Academic Unit (PAU) for the programme).
- 1.4 Extensions will normally be dealt with by the module owning PAU, in consultation with the Home School. For details on extensions, please refer to the Code of Practice on Assessment of Taught Programmes and Modules.
- 1.5 For deferral of examinations, please refer to the Code of Practice on Assessment of Taught Programmes and Modules.
- 1.6 Where a decision on a case may affect another PAU, in the case of either an extension or any other ECs matter, the Home School must communicate the decision to any other PAU that may be affected by the decision as soon as possible.
- 1.7 It is the responsibility of the student to report ECs at the earliest possible opportunity.
- 1.8 Each PAU will produce written guidance to supplement this Code of Practice. Such guidance must include details of points of contact, deadlines applicable to ECs and information on how and where the ‘Notification of Extenuating Circumstances’ form can be obtained. PAUs must ensure that the guidance includes relevant information and contact details for both undergraduate and postgraduate students. Schools must ensure that this Code of Practice and its guidance are widely publicised to students.
- 1.9 International Students are recommended to speak to an Advisor in the International Student Team (IST) about any impact extenuating circumstances might have in relation to their visas.
- 1.10 This process cannot be used to change the outcome of a plagiarism investigation or the decision of a College Misconduct and Fitness to Practice Committee. A student would be expected to raise any such extenuating circumstances and use the options available throughout the relevant investigation and / or Committee.

## 2. Definition of Extenuating Circumstances



- 2.1 During a period of study, students may encounter significant personal difficulties that impact on their ability to study for or complete academic assessment(s) including examinations. ECs are circumstances that are exceptional or 'unforeseen' and are over and above the course of everyday experience.
- 2.2 ECs may occur at any point in the academic year and affect any form of assessment including coursework, continuous assessment, class tests and examinations. ECs may also result in absence from academic teaching.
- 2.3 Prolonged, chronic or long-term conditions are not normally considered a basis for ECs. Students with a chronic illness or disability are advised to access the support services available which can put in place reasonable adjustments for specific learning requirements and examinations (see Code of Practice on Reasonable Adjustments). However, the **timing** of the diagnosis, or a marked deterioration of an existing condition may be considered a basis for ECs. For example, if a late diagnosis means that adequate reasonable adjustments cannot be made; an existing condition worsens and is not covered by the reasonable adjustments already in place; or new reasonable adjustments are not finalised in time to be implemented in a forthcoming assessment (see also 3.4.4 below).

### **3. Procedure for Submissions for Consideration by the Extenuating Circumstances Panel (ECP)**

- 3.1 Submissions of ECs for consideration by the ECP must be made on the 'Notification of Extenuating Circumstances' form and submitted to the designated person within the PAU (usually the Extenuating Circumstances Officer (ECO)).
- 3.2 A Student who believes the submission contains sensitive personal information and / or evidence or highly confidential information and / or evidence may submit their 'Notification of Extenuating Circumstances' form and accompanying evidence marked "strictly confidential and for the attention of the Chair of the ECP only".
- 3.3 Should there be a disruption affecting all students during an assessment in a centrally managed examination venue (for example, a fire alarm), Academic Services will arrange for a group ECs submission to the ECP on behalf of those students affected, together with a recommendation for an appropriate outcome. Individual students may opt out of such a group submission or, conversely, may submit additional information to the ECP in relation to their own circumstances.

### **3.4 Evidence**

- 3.4.1 All submissions for consideration of ECs must normally be accompanied by independent third party evidence which must confirm the existence of the ECs and state how the reported circumstances have impacted on the Student concerned.



- 3.4.2 Evidence must be legible and in English. Evidence which is written in another language must be accompanied by a certified translation (with any costs incurred in obtaining evidence being borne by the student).
- 3.4.3 The Student is responsible for providing acceptable and sufficient evidence, except in the circumstances set out in 3.3 above.
- 3.4.4 If reasonable adjustments are not finalised in time to be implemented in a forthcoming assessment, confirmation that reasonable adjustments are being arranged (such as email correspondence with Student Services) will be considered sufficient evidence to support an ECs submission (resulting in one of the outcomes given under 4.8 below).
- 3.4.5 PAUs will not make enquiries to obtain evidence on a Student's behalf.

### 3.5 Deadline

- 3.5.1 A Student may submit a 'Notification of Extenuating Circumstances' form to report ECs arising during their studies. Relevant evidence must be provided by the Student, except in the circumstances set out in 3.3 above. Cases relating to an examination<sup>1</sup> (whether it is a campus-based or online examination) must be submitted to the ECO or designated person within 24 hours of the examination in question. In all cases, evidence should be provided within 5 working days of the submission being made.
- 3.5.2 All other deadlines relating to EC procedures must be set by the PAU, and must be clearly and widely publicised.
- 3.5.3 Except in the circumstances set out in 3.3 above, it is the sole responsibility of the Student to disclose ECs to their PAU and submit the necessary forms and evidence in a timely manner and without delay. PAUs/the University cannot make submissions on behalf of students, except in the circumstances set out in 3.3 above.
- 3.5.4 ECs not submitted by the relevant deadline cannot be considered by the PAU or the ECP under this Code of Practice and may only be considered by an Academic Appeal Committee as part of an academic appeal. An Academic Appeal Committee will not consider ECs reported outside the deadlines set out in this Code of Practice unless there is an exceptional reason why the submission was not presented at the correct time, accompanied by supporting evidence.

## 4. **Organisation of Extenuating Circumstances Panels**

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<sup>1</sup> Exams are generally defined as assessments which are marked in a way which means that individual feedback is not prepared for students within 15 working days.



- 4.1 Normally there will be one ECP per PAU. If there is a College ECP, it should include a representative from each PAU. PAUs may constitute separate Undergraduate and Postgraduate ECPs if appropriate. Colleges with large numbers of joint or multidisciplinary degree programmes may decide to constitute a separate ECP for these programmes.
- 4.2 Membership of the ECP will be decided by the Head of PAU, will normally reflect the appropriate range of programmes, and will not usually exceed 5 members.
- 4.3 The ECP should be scheduled to convene at appropriate points in the academic year after the deadline for submission of a 'Notification of Extenuating Circumstances' form has passed, usually in the week following this deadline, but before the Board of Examiners and meetings will be organised to suit the requirements of a programme:
- An ECP should normally take place after the January assessment period to consider all ECs cases that have been submitted in accordance with the deadline which will be set and publicised by the PAU (*please note that no Board of Examiners will be held in January – see 4.8 and 4.14 below*).
  - An ECP should normally take place after the May/June and August assessment periods to consider all ECs cases that have been submitted in accordance with the deadline which will be set and publicised by the PAU.
- 4.4 An agenda must be set and will contain the following items:
- a) Approval of terms of reference
  - b) Approval of membership
  - c) Recommendations for Board of Examiners
- 4.5 Cases will be discussed with the utmost sensitivity. An ECP may, but need not, assess cases anonymously; however privacy and confidentiality are paramount. Members of the ECP must not discuss cases outside the meeting.
- 4.6 The ECP may use grading criteria to classify cases and may use the University template for grading criteria if appropriate.
- 4.7 An ECP will not raise marks under any circumstances.

4.8 Possible Outcomes

ECPs must make recommendations to the Examination Board on reasonable allowances for ECs. The Board of Examiners will decide whether to approve the recommendations.

Marks for individual modules cannot be adjusted, except in accordance with 4.8.7 below. One of the following recommendations will be made (the ECP should specify whether the outcome should be as an internal or external candidate. There are fee implications for internal candidates):

- 4.8.1 Allow further sit / submit opportunity. This would be as a first attempt so the marks will not be capped and there will be a further opportunity to retrieve



failure, where it is available under normal assessment regulations. Any marks achieved in the subsequent attempt will replace the original mark.

- 4.8.2 Allow further re-sit / re-submit opportunity. This would be as a final attempt so the marks will be capped at the pass mark and there will be no further opportunity to retrieve failure.
- 4.8.3 Waive late penalties. The penalties applied for late submission of work will be waived.
- 4.8.4 Repeat the year in full. This would be as a first attempt so the marks will not be capped and there will be a further opportunity to retrieve failure.
- 4.8.5 Re-sit the year in full. This would be as a final attempt so the marks will be capped at the pass mark and there will be no further opportunity to retrieve failure. *(Please note: the decision to allow a resit of the year due to COVID-19 related issues will be taken by the Pro-Vice Chancellor (Education) or their nominee).*
- 4.8.6 Proceed with low credit. This decision must be made within University and Programme regulations. Students are not permitted to proceed into the next year with less than 100 credits at the relevant level. Students must be notified of the implications this has on any future failure and the achievement of their degree.
- 4.8.7 Marks scaling. Scaling is the adjustment of marks for a group of students as set out in section 5.3.8 of the Code of Practice on Taught Programme and Module Assessment and Feedback. Scaling as a result of ECs may only be applied in the circumstances set out in 3.3 above, i.e. where there has been a disruption in a centrally managed examination venue. This decision may only be taken in discussion with Academic Services and with the agreement of the external examiner, following consideration of the impact of the disruption upon student performance. Any scaling of marks must be applied to all students affected.
- 4.8.8 ECs carried forward. No action required in terms of progress decisions, but the circumstances will be considered when determining the degree classification<sup>2</sup> at the relevant time.
- 4.8.9 Award Notwithstanding Regulations. Subject to any restrictions imposed by accreditation or professional certification, recommend to the Board of Examiners to award a Degree (or other qualification), or award a higher class of degree than would be merited by the marks returned in light of ECs. All recommendations are subject to the approval of the Board of Examiners.

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<sup>2</sup> Extenuating circumstances are **not** taken into account when working out a Registered Student's weighted mean mark, grade point average and award of 'cum laude'.



- 4.8.10 Action already taken. The ECs have been noted, but appropriate action has already been taken at the time (e.g. an extension to a deadline, etc).
- 4.8.11 No action required / submission rejected. The ECs were not considered serious, and or had no material effect on the student's academic performance.
- 4.9 A PAU's decision on ECs should take into account any reflect relevant factors such as the Student's mode of study, or mode of assessment.
- 4.10 The decision of the ECP should only be based on the evidence that has been presented to the ECP for consideration in the original submission.
- 4.11 Decisions on cases concerning students on joint or multidisciplinary degree programmes should be made by the Home School and should be communicated immediately to the module-owning department.
- 4.12 A record of outcomes / recommendations must be taken at the ECP, with cases referred to by ID number only. The record will include a brief summary of the discussion of the case. A Student is entitled to know the outcome of their submission; however, details on the discussions held at the ECP will not normally be disclosed, unless requested by the Student.
- 4.13 The ECP will report recommendations relating to progress decisions to the relevant Board of Examiners for a final decision to be made. Individual case details will not be discussed at the Board of Examiners.
- 4.14 As stated in 4.3, as no Board of Examiners (BoE) will be held in January, any recommendations made by ECPs in January will be reported to the Board of Examiners for consideration following the May / June assessment period.
- Where the ECP takes place in January, your School / Department will confirm the outcome / recommendation to you and advise when you can expect to receive the BoE decision (expected to be in June).
  - Following the ECP in June (after the May / June assessment period) or September (after the August supplementary period), you will receive the final decision once the BoE has taken place.