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EXTENUATING CIRCUMSTANCES REGULATIONS 2018/2019

### Introduction

* 1. The extenuating circumstances regulations apply to:
* Students studying at the University, at the University’s Dubai Campus and University of South Wales courses through distance delivery.
* Students studying at the Royal Welsh College of Music and Drama (RWCMD[[1]](#footnote-1)).

*(NB Any reference made to ‘faculties’ or ‘faculty’ in the regulations should be read as ‘the College’.)*

* Students studying university courses at the University’s partner institutions.
* Students studying on work placements or engaged in work-based learning.

1.2 The University definition of extenuating circumstances is as follows:

*Exceptional circumstances which are outside the control of the student and which have prevented, or will prevent, them from performing in assessment at the level expected or required of them.*

* 1. Extenuating circumstances are not applicable in the case of disabled students who have on-going conditions for whom an Individual Support Plan (ISP) has been put in place. However, extenuating circumstances can be applied for in cases where there is a sudden or unexpected deterioration of the known condition or where appropriate reasonable adjustments have not been made. Students are responsible for informing Wellbeing and Disability, as soon as possible, of any changes to their circumstances that may require amendment of their ISP.

### 2. Principles and Aims

2.1 The key principle of these regulations is to provide equality for all students in relation to the assessments they are required to undertake during their course. In order to implement this principle, **students have a responsibility to notify the University of any circumstances which may affect their assessments as soon as they arise, using the Extenuating Circumstances claim form.**

2.2 The University aims to ensure that a student, who has proven extenuating circumstances, as defined above, is not unfairly disadvantaged as a result; at the same time, students with extenuating circumstances will not be disproportionately advantaged over other students.

2.3 The following is a non-exhaustive list of what the University would regard as extenuating circumstances that could have affected performance and which could not have been remedied in advance of the assessments:

* bereavement - the death of a close relative/person of significance to the student (of a nature which, in an employment context, would have led to an absence in accordance with compassionate leave regulations);
* serious short-term illness or accident (of a nature which, in an employment context, would have led to absence on sick leave);
* the significant worsening of an on-going health condition;
* pregnancy-related illness or child birth, but not pregnancy itself;
* significant adverse personal/family circumstances;
* significant financial problems, e.g. bankruptcy;
* victim of serious crime;
* competing at an international level, for example in a sport or drama competition;
* fire alarm going off in an examination;
* other exceptional factors which have caused significant stress.

2.4 The University will not accept as extenuating circumstances any situations which students could reasonably have been expected to avoid or to have made arrangements in advance to address the issues or taken action to limit their impact. The following are examples of what will not be considered as extenuating circumstances:

* study related circumstances: equipment failure including computing/printer difficulties (unless they occur in the examination itself) and failure to have taken back up copies for work stolen or corrupted[[2]](#footnote-2); bunching of deadlines/examinations; missing books; poor time management; misreading the examination timetable and not being aware of dates or times of submission of coursework assessment[[3]](#footnote-3); taking the wrong examination;
* non-serious domestic or personal disruptions: moving house; change of job; holidays; weddings; normal job pressure; failed travel arrangements (unless these are as a result of a major incident); oversleeping;
* general financial issues;
* alleged statement of a medical condition without reasonable evidence to support it;
* medical circumstances outside the relevant assessment period or the learning period;
* any circumstances which were foreseeable and/or preventable;
* minor illness or ailment (which in the work situation would be unlikely to lead to absence from work);
* late disclosure of circumstances on the basis that students felt unable to or did not feel comfortable in confiding in a member of staff about their circumstances without good reason (students should contact the Advice Zone and/or Students’ Union, if they need support in conveying specific circumstances which may affect their assessments);
* religious observances – the University will not alter assessment deadlines or examination timetables around religious festivals of the various faiths of students. If a deadline coincides with a religious festival, students should plan their time accordingly and submit any assessments prior to the submission date. For examinations, students are expected to participate in any religious observance before or after any scheduled examination.

2.5 Eligible claims will be considered based on the evidence and information provided and the decision will be based on whether the circumstances impacted on the student’s ability to study.[[4]](#footnote-4)

2.6 Sensitive personal, family or cultural reasons may not be accepted as good reason why a student did not submit a claim within the specified deadlines.

### 3. Timescales

3.1 Coursework

 Claims must be submitted prior to, or within 5 working days, of the deadline for the submission of coursework.

3.2 Timetabled examinations/assessments

 Claims must be submitted prior to, or within 5 working days, of the examination.

3.3 Exceptions

The only exception to the timescales set out in 3.1 and 3.2 is where the student has evidence that circumstances or illness prevented them from submitting the form on time.  If a student has evidence they must submit an extenuating circumstances claim, ensuring that they complete the relevant section of the form to provide an explanation of why their claim was not submitted in a timely manner. The evidence must be submitted with the claim.

3.4 Extenuating circumstances claims will normally only be considered within 4 weeks prior to the assessment deadline/examination date. Exceptions to this are where the student has evidence, in advance, of specific circumstances that will impact for a specified period. For example a hospital admission or where the assessment deadline relates to submission of a dissertation or major project.

### 4. Fit to Sit Policy

4.1 The University operates a Fit to Sit Policy whereby all students, in submitting or presenting themselves for assessments[[5]](#footnote-5), are declaring that they are fit to sit the assessment. In signing the attendance slip for an examination, or indicating they are present on an attendance register[[6]](#footnote-6), a student is declaring themselves fit to sit. Students cannot subsequently claim that their performance in that assessment was affected by existing circumstances or illness, other than in exceptional circumstances.

4.2 If a student submits an assessment[[7]](#footnote-7) pending the decision of the nominee of the Advice Zone Manager/Extenuating Circumstances Panel, the submission will not be classed as a formal submission if the nominee of the Advice Zone Manager/Extenuating Circumstances Panel subsequently approves the claim. If the student is given the opportunity to re-submit the assessment and chooses to do so, the mark awarded will be that obtained for the re-submitted assessment.

4.3 If a student is taken unexpectedly ill during an examination, they should submit a claim, and supporting evidence, or alternatively a Self-Certification Form, for extenuating circumstances as soon as possible after the examination. Any such claim must contain evidence of the situation recorded at the time by the examination invigilator.

### 5. Evidence of Extenuating Circumstances

5.1 Students will be allowed to self-certificate for a period of 7 calendar days once only in each academic year. In order to self-certificate students will be required to complete a Self-Certification Form available from the Advice Zone.

5.2 All other claims for extenuating circumstances must be supported by independent evidence, with the exception of group/cohort extenuating circumstances, such as a fire alarm going off during an examination. In these cases the University will provide the evidence.

5.3 It is a student’s responsibility to provide evidence when submitting a claim. Claims which do not provide such evidence will not be accepted. Evidence provided should be copies of originals and must be written and signed/officially stamped, where appropriate, by a suitable third party on headed paper. Documents provided or signed by family members, friends or fellow students will not be accepted.

5.4 Where the original evidence is not in English or Welsh, the student must arrange for translation into English or Welsh with a verification provided showing by whom and where the translation was undertaken.

5.5 The following are examplesof what would be considered as acceptable evidence (see also Appendix 1):

* In the case of bereavement, a death certificate, an obituary, or order of service from a funeral.
* For a medical condition, a medical certificate or a report from an appropriate professional which must be specific and contain a date which is relevant to the claim. Students must have visited a medical/ appropriate professional during the course of any illness and certificates issued must contain verification of the date of the visit. A medical certificate or report from an appropriate professional in retrospect or post-dated will not be accepted. In relation to medical conditions there must be sufficient evidence of the impact of the illness/situation on the assessment to which the extenuating circumstances claim relates.

5.6 The University has the right to check or verify any evidence submitted. If a student submits any evidence which turns out to be false, an investigation under the Student Conduct Regulations will commence.

5.7 In the case of a major event/issue affecting a large number of students, e.g. severe weather conditions, the Academic Registrar will consider the impact and may make an announcement via UniLife and Blackboard with an agreed university-wide or, where appropriate, campus-specific course of action.

**6. Submission of Claims for Extenuating Circumstances**

6.1 Students are advised to seek information and guidance on how to submit a claim from the Advice Zone and/or Advice Zone Online. The Students’ Union are also available to provide support and guidance.

6.2 All claims must be submitted via the Advice Zone or Advice Zone Online, using the student ID number, within the timescales specified in section 3. The only exception is for group/cohort extenuating circumstances, such as a fire alarm going off during an examination, in which case a member of University staff will bring the case to the attention of the Advice Zone for consideration.

6.3 Where a student is so incapacitated that they are not able to complete and submit an extenuating circumstances form at the time the circumstances occur, the student should endeavour to contact the Advice Zone to outline the circumstances or arrange for a friend or relative to do so. Claims not made within the timescales set out in sections 3.1 and 3.2 should be submitted in line with section 3.3 of these regulations.

6.4 All sections of the Extenuating Circumstances Form must be completed.

6.5 The completed Extenuating Circumstances Form must include a clear explanation of:

* how the extenuating circumstances affected the student’s ability to undertake the assessment or to perform at the level expected or required;
* the period of time during which the circumstances which affected the assessment took place;
* the assessments which were affected by the circumstances;
* the outcome the student is seeking as a result of the claim.

6.6 Evidence to support a claim, or Self-Certification Form, must be submitted with the form or it will not be possible for the Advice Zone to consider the claim. The University reserves the right to request additional evidence prior to making a decision.

### 7. Handling Submissions for Extenuating Circumstances

7.1 Straightforward Claims

7.1.1 Where a claim for extenuating circumstances is straightforward the nominee of Advice Zone Manager will review the claim and make a decision in line with published guidelines. The nominee of the Advice Zone Manager, in signing the form, authorises the decision.

7.1.2 Claims will be referred to the Extenuating Circumstances Panel if there is any doubt about the validity of the claim or where the claim is complex.

7.1.3 A sample of all claims will be reviewed each term by the Advice Zone Manager to ensure consistency across the University.

7.2 Complex Claims

7.2.1 Complex cases will be considered by a university wide Extenuating Circumstances Panel on a minimum of a fortnightly basis.

7.2.2 The constitution and terms of reference of the Extenuating Circumstances Panel are as set out in section 8. Where chair’s action is taken, the outcome will be reported to the next meeting of the Extenuating Circumstances Panel.

**8. Constitution and Terms of Reference of the Extenuating Circumstances Board/Panel**

8.1 The University has an Extenuating Circumstances Board from which the members of the Extenuating Circumstances Panel will be drawn to hear complex claims.

8.2 The composition of the Extenuating Circumstances Board will be:

* Eight members of academic staff from across the institution (two from each faculty), nominated by the deans of faculty (or their nominees).

8.3 The composition of the Extenuating Circumstances Panel will be:

* a chair, who is an academic member of staff nominated by the Academic Registrar (or nominee) in agreement with the relevant dean of faculty;
* a further three members of academic staff, each from a different faculty (one of these will be vice chair).

One member of academic staff from each faculty must be in attendance at each meeting.

A senior member of staff from the Advice Zone will attend all meetings of the panel to provide advice and guidance and to ensure there is an accurate record of proceedings. In addition other staff may be requested to attend the meetings in an advisory capacity as required.

Any academic members of staff on the panel who have been teaching, supervising or have had close connections with a student who has submitted a claim for extenuating circumstances will not be permitted to participate in the decision on the claim.

8.4 The terms of reference of the Extenuating Circumstances Panels are:

1. To consider extenuating circumstances claims in line with the University’s Extenuating Circumstances Regulations.
2. To ensure that all evidence provided in support of claims is carefully considered.
3. To make decisions on whether or not to accept a claim and the appropriate outcome for any claim which is accepted.
4. To ensure a consistent and reasonable approach is taken in relation to all claims.

1. To report decisions to the appropriate assessment boards.
2. To refer students, as appropriate, to other services or regulations.

8.5 The chair of the Extenuating Circumstances Panel, in signing the Extenuating Circumstances Form, authorises the decision of the panel.

8.6 Assessment boards must accept the decision of the Extenuating Circumstances Panel.

### 9. Outcomes of Claims for Extenuating Circumstances

9.1 The outcome of a student's extenuating circumstances claim will be provided to them not later than 5 working days after the decision has been made.

9.2 Students who have submitted claims for extenuating circumstances will be provided with a clear explanation of the reason for the outcome. The Advice Zone will record details of the issues considered as well as the reason for the decision taken.

9.3 Where the medical evidence provided or the frequency of claims raises concerns about a student’s fitness to study the panel can refer the student’s case for consideration under the Fitness to Study Regulations.

9.4 It is not possible for additional marks to be awarded to any individual student for any assessment as a result of a claim for extenuating circumstances.

9.5 Possible outcomes of a claim for extenuating circumstances are:

* the claim may be declined;
* the claim may be deferred, pending a request for additional information/evidence;
* an extension of the deadline for submission of the assessment[[8]](#footnote-8) may be granted;
* the student may be allowed to undertake the assessment/examination at the next assessment period as the same attempt and without further penalty;[[9]](#footnote-9)
* the Subject Assessment Board will take account of the grade profile of the assessment in the case of a group/cohort extenuating claim.

9.6 Tier 4 visa regulations may restrict the number of attempts that international, non-EU students on a Tier 4 visa can be offered and restrict the overall time duration that they may study in the UK.  Students must be advised to seek advice from Immigration and International Student Advice in relation to how this will affect their immigration status.

**10. Interruption of Studies**

10.1 If the extenuating circumstances are so severe that the student is temporarily unable to continue to study, the student may apply for an interruption of studies for the remainder of the academic year, providing there is a possibility that they will be able to resume studies on the same course at the date of enrolment for the following year of study.

10.2 A student wishing to apply for an interruption of studies must discuss this with the appropriate course leader(s) and complete the ‘Student Request to Interrupt Studies’ form available from the Advice Zone.

10.3 Interruption of studies is not a student right and must be approved by the student’s course leader(s) (who will advise on feasibility in terms of course delivery) and the nominee of the Advice Zone Manager/ Extenuating Circumstances Panel. The student may be referred to the Student Progression, Student Money Advice Team and/or the Revenue Unit who will offer support and provide advice regarding the financial implications.

10.4 The following are some examples of circumstances that might be acceptable reasons for in year interruption of studies:

* medical circumstances, accident or disability (for example, debilitating illness; illness over a long period of time, i.e. 4 weeks or more; broken limbs restricting mobility or writing for a prolonged period; mental health problems; extensive hospital treatment; pregnancy or major surgery);
* death or serious illness of a close relative or friend, thus preventing a student being able to continue on their course;
* childbirth;
* bankruptcy or significant financial problems;
* personal/family problems;
* involvement in a prolonged legal case;
* employment e.g. unexpected increase in workload.

10.5 Poor marks and/or failure to engage with the course are not acceptable reasons for an interruption of studies.

10.6 All applications for an interruption of studies in year should be supported by evidence in writing from an independent source, i.e. from an appropriate third party who can verify the circumstances from a position of authority. It is the student’s responsibility to seek and provide this evidence. The following are examples of acceptable evidence:

* a medical certificate, preferably with an indication of speed of recovery;
* a statement from a religious or community leader;
* an official document, for example a birth or death certificate;
* a letter from a solicitor;
* a summons to attend court;
* a report from a police officer;
* a bankruptcy notification;
* a letter from an employer;
* a contract for work (for self-employed students);
* a letter/medical certificate from Student Services.

10.7 Letters from family members, friends, tutors or fellow students are not acceptable.

10.8 The maximum period for an interruption of studies is one academic year; applications for an indefinite period will not be permitted. Applications for an interruption of studies for a whole academic year must be received prior to the date of enrolment for that year[[10]](#footnote-10). Approval to interrupt studies may be renewed in exceptional circumstances only.

10.9 Students must be informed of the agreed date of return from an interruption of studies at the time it is approved. Students must also be informed that, upon their return, they will be governed by current regulations and not those in force when they interrupted their studies. Failure to return at the agreed time will result in withdrawal.

10.10 The nominee of the Advice Zone Manager/ Extenuating Circumstances Panel, with advice from the relevant academic member of staff, will determine whether the student will:

* retain the marks achieved in all modules in the academic session up to the agreed date of the interruption of studies; this may include marks for individual assessments;
* forfeit the marks achieved in all modules in the academic session even if the marks may have resulted in modules being passed.

No other option, such as retaining some but not all marks, is allowed.

10.11 Applications received within six weeks prior to the start of the assessment boards will not normally be considered; students should then apply for extenuating circumstances instead.

10.12 In the case of international non-EU students studying on a Tier 4 visa, Tier 4 sponsorship will cease. The student must leave the UK and re-apply for an appropriate visa prior to returning to studies.

10.13 In circumstances in which an absence of more than 20 working days is unavoidable the University reserves the right to require a student to interrupt their studies.

**11. Requests for Review of an Outcome of an Extenuating Circumstances or Interruption of Studies Claim**

11.1.1 Students are entitled to submit a request for review of the outcome of an extenuating circumstances or interruption of studies claim on the following grounds.

1. The student has evidence that there was procedural error during the consideration of the extenuating circumstances/interruption of studies claim and this has materially disadvantaged them.
2. The student has new and relevant evidence, which **for good reason** was not available at the time the initial extenuating circumstances/interruption of studies claim was submitted. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason as they should have been drawn to attention at the time was submitted)*.

This information should not have been accessible or known to the student when the initial extenuating circumstances/interruption of studies claim was submitted. Information which was available and not provided with the extenuating circumstances/interruption of studies claim will not be considered valid grounds for a request for review.

11.1.2 Students are only entitled to submit a request for review once the initial extenuating circumstances/interruption of studies claim has been considered.

11.1.3 No new issues may be introduced as part of the request for review.

11.1.4 Requests for review must be submitted within 10 working days of notification of the outcome of the initial extenuating circumstances/interruption of studies claim, using the Extenuating Circumstances/Interruption of Studies – Request for Review Form, and must include appropriate evidence. The Request for Review Form is available at https://registry.southwales.ac.uk/student-regulations/extenuating-circumstances/ and the Advice Zone Online. Requests for review will not be accepted unless they comply with the requirements above.

11.1.5 Requests for review will be considered by the Academic Registrar (or nominee) to determine whether there is a *prima facie* case for review, within 5 working daysof submission of the request.

11.1.6 If the Academic Registrar (or nominee), after considering the request for review, concludes that:

1. it does not meet the grounds above set out in 11.1.1;
2. it was submitted outside the 10 working day deadline;
3. it does not include the appropriate evidence.

the request for review will be disallowed and the original decision will stand. The student will be issued with a Completion of Procedures Letter within 5 working days.

11.1.7 If it is decided by the Academic Registrar (or nominee) that the request for review meets one or more of the grounds, the following action may be taken:

1. if the case is straightforward, it will be considered by the Associate Registrar (Student Casework) (or nominee); a response will be provided to the student within 10 working days;
2. if the case is complex, it will be referred to the Extenuating Circumstances Panel. The Extenuating Circumstances Panel may be reconstituted if appropriate. A response will be provided to the student within 5 working days of referral.

**12. OIA**

12.1 A student who is unhappy with the outcome of their extenuating circumstances/interruption of studies claim or whose request for review is unsuccessful may, following issue of a Completion of Procedures Letter, lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit.

**Appendix 1**

**Evidence for extenuating circumstances and appeals submitted under ground b)**

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| **This table provides you with an indication of the types of evidence that you will be required to provide in order to support an extenuating circumstances claim or an****appeal submitted under ground b). You may not need to provide all the various forms of evidence but your claim/appeal must be supported by independent evidence.** **Please note that this is not an exhaustive list and there will be issues which are not covered below. In these cases you should provide the most relevant evidence to****support your claim/appeal; advice should be sought from the Advice Zone. Extenuating circumstances and appeals will be accepted or rejected depending on****their nature, severity, timing and the appropriateness of the evidence.**  |
|  | **Letter from****Medical****professional or****counsellor** | **Letter/ evidence****from an****independent****professional** | **Death certificate** | **Obituary/ order of****service** | **News/ Media****report** | **Official witness****report/police****report which** **details information****related to the****offence** | **Letter from****bank/debt letters** |
| **All evidence should be submitted in English or in the original language with an official certified translation provided** |
| **Serious short-term illness/accident** | **✓** | **✓** |  |  |  |  |  |
| **Bereavement** | **✓** | **✓** | **✓** | **✓** | **✓** |  |  |
| **Significant worsening of an ongoing health condition** | **✓** | **✓** |  |  |  |  |  |
| **Pregnancy related illness or childbirth** | **✓** | **✓** |  |  |  |  |  |
| **Significant adverse personal/ family circumstances** | **✓** | **✓** |  |  |  |  |  |
| **Significant financial problems** | **✓** | **✓** |  |  |  |  | **✓** |
| **Victim of crime** | **✓** | **✓** |  |  | **✓** | **✓** |  |

1. RWCMD manage their own extenuating circumstances procedures and operate their own panels [↑](#footnote-ref-1)
2. Students should allow sufficient time to submit electronically or print any assessment submissions by the required deadlines to avoid any difficulties. [↑](#footnote-ref-2)
3. The faculty will provide clear information on such dates and times, but students also have an individual responsibility for seeking clarification of all deadlines and examinations. [↑](#footnote-ref-3)
4. Consideration of whether the circumstances impacted on the student’s ability to study will be in line with the balance of probability. This means that the circumstances were more likely to have affected a student’s ability to study than not. [↑](#footnote-ref-4)
5. This regulation applies to examinations, in-class tests, presentations, clinical practice appraisals, practical tests, coursework assessments and projects but not to stage performance assessments/assessed performances in music. [↑](#footnote-ref-5)
6. Attendance registers for in-class tests, etc should include a note at the top reminding the students that by signing the register they are declaring themselves fit to sit the assessment. [↑](#footnote-ref-6)
7. This regulation applies to examinations, in-class tests, presentations, clinical practice appraisals, practical tests, coursework assessments and projects but not to stage performance assessments/assessed performances in music. [↑](#footnote-ref-7)
8. In this case the 5 day late submission regulation (which enables the student to have the assessment marked but capped at 40%) cannot also be applied. [↑](#footnote-ref-8)
9. For example, first attempts remain as first attempts, referred work remains as referred work. [↑](#footnote-ref-9)
10. The date of enrolment for that year refers to the date students were expected to enrol. [↑](#footnote-ref-10)