

UNIVERSITY OF ESSEX

EXTENUATING CIRCUMSTANCES POLICY FOR UNDERGRADUATE AND TAUGHT POSTGRADUATE STUDENTS

Definition

1. Extenuating circumstances are formally defined as: 'circumstances beyond the student's control which have an impact on their assessed work'. Extenuating circumstances can fall into the following categories:
 - Circumstances which cause the student to perform less well in the assessment
 - Circumstances which cause the student to miss an assessment event or not to submit an assessment
 - Circumstances where the student is unable to submit the coursework by the deadline or to attend a summative assessment event
 - Circumstances which mean the student needs extra time to submit a dissertation (taught postgraduate students only)
2. In general, extenuating circumstances will be of a medical or personal nature affecting the student for any significant period of time and/or on the day of the assessment event, or immediately preceding the time of the deadline.

Completion and submission of extenuating circumstances forms

3. Department Handbooks and the information provided to students for examinations should advise students of the policy for submitting an Extenuating Circumstances Form. Students should be warned that failure to submit an Extenuating Circumstances Form will mean that the circumstances will not be taken into account by the examiners.
4. If a student informs a member of staff that extenuating circumstances have affected their assessment, the member of staff should tell the student to submit an Extenuating Circumstances Form, failing which the extenuating circumstances will not be taken into account.
5. It is the student's responsibility to inform the University of any circumstances that they feel may have affected their assessed work or examinations by submitting an Extenuating Circumstances Form by the stipulated deadline.
6. Students are invited to make a statement on their Extenuating Circumstances Form regarding what they consider to be the material effect their extenuating circumstances may have had on their results, on their ability to undertake the assessment or on their ability to meet a deadline.
7. Students are normally required to submit third party documentary evidence to support their claim, in accordance with the relevant guidance.
8. Students cannot appeal against their results on grounds of extenuating circumstances if they could reasonably have reported them to the University in advance. (Appeals Procedures). *(a-e approved by the Working Party on Extenuating Circumstances, March 2002. Revisions approved by Senate in July 17.)*

Principles for the consideration of extenuating circumstances

(NB The main principles were agreed by the Working Party on Extenuating Circumstances, March 2002, Senate M.130-139/02 S.M.141/02. Minor revisions by the WP on Extenuating Circumstances, Sept 05.)

9. Deciding whether circumstances are extenuating is a matter of discretion. The impact of circumstances on different forms of assessment of different disciplines may not be the same. The

range of things that can happen and how that affects people is too large to list. As a result, whether circumstances extenuate should be decided by a small committee of members of a department relying on their discretion, judgement and experience; the Extenuating Circumstances Committee (ECC).

10. The Head of Department should nominate the members of the departmental ECC. It should include a minimum of three members at least two of whom are academic staff. Consideration should be given to equality and diversity in the composition of the committee. The Chair and secretary are expected to attend extenuating circumstances training.
11. The Committee should have the following powers:
 - To consider extenuating circumstances claims for all taught students in the department
 - To decide whether the claim is valid in accordance with the extenuating circumstances policy, the late submission policy and the associated guidance
 - To take decisions on the claim as follows:
 - Late submission claims, where the committee decides the claim is valid, to permit the work to be marked and for the mark to count
 - Extenuating circumstances claims, where the committee decides the claim is valid, to refer/make a recommendation to the Pre-board
 - Postgraduate Taught dissertation extension, where the committee decides the claim is valid, to grant an extension of up to one month
 - To request further evidence from the student
 - To reject a claim when it does not meet the requirements for a valid claim
 - To keep a record of the decisions taken and to advise the student of the outcome
 - To seek advice on complex cases
12. The departmental ECC shall consider all claims, and should treat all claims and its own discussions as confidential. Where there are legal or safety concerns about a student, the Committee may contact the University's Student Wellbeing and Inclusion Service. Where the Committee makes recommendations to the Pre-Board/Exam Board these should be anonymised.
13. Committees will give greater weight to claims supported by credible evidence. A variety of forms of evidence will be considered but normally third party or documentary evidence will be required.
14. Committees should only determine that circumstances extenuate for bad performance if it lies outside a pattern of better performance demonstrated elsewhere. Consequently, circumstances that an individual suffered throughout the entire period under consideration (e.g. the whole of the first year of study in the case of First Year students, or all years counting towards the degree classification in the case of Final Year students) should not be treated as extenuating. Exam Boards can recommend intermission; they can offer a repeat year and extend the maximum period; and they can determine that extenuating circumstances are carried forward.
15. Committees should never impute marks - that is, attempt to guess what mark a student would have been given if their performance had not been affected.
16. Pre-Boards/Extenuating Circumstances Committees should report their recommendations to the Board of Examiners and any action/effect on the marks presented.
17. Committees should be aware of the University's Equality Policy and current equality legislation, particularly in relation to students who are pregnant or who have caring responsibilities. See

Appendix A for further details. When deciding what action should be taken in respect of extenuating circumstances, committees should ensure they have considered whether equality legislation has any bearing on the case and take this into account when making their recommendations.

Consideration of Extenuating Circumstances at the main Board of Examiners meeting

18. The Board considers the recommendations of the departmental Pre-Board and a report on claims already rejected by the Extenuating Circumstances Committee.
19. The Boards either agree the recommendations from the department or discuss a particular case in detail as necessary at their meetings. Discussion of extenuating circumstances at Board meetings will normally be brief and concentrated on those cases that require further careful consideration.
20. Where extenuating circumstances have already been taken into account during a student's course of study, for example where coursework marks for late coursework have been instated by an Extenuating Circumstances Committee, the Board of Examiners should take such earlier action into account when reaching its own decision, but should nevertheless still feel at liberty to use the same extenuating circumstances in determining the final outcome where appropriate.
21. Although Boards of Examiners are not permitted to alter individual marks for previous years in response to extenuating circumstances, the existence of extenuating circumstances in earlier years should always be indicated on the grid. The Board may take the earlier year's extenuating circumstances into account in the exercise of their discretion in relation to degree classification, where the circumstances have been carried forward. (*ASC.M.14/98 - 28 January 1998*)

Range of possible recommendations on extenuating circumstances

22. Extenuating Circumstances Committees can:
 - Allow late work to be marked and the mark instated
 - Allow late work to be marked for formative purposes only
 - Grant an extension of up to one month for a taught postgraduate dissertation
 - Accept a claim as valid and refer/make a recommendation to the Pre-Board/Board of Examiners
 - Take no action because there are insufficient or illegitimate grounds
 - Reject a claim when it does not meet the requirements for a valid claim
23. Boards of Examiners can, where an Extenuating Circumstances claim is accepted:
 - Where there is no mark available for a module at all, or there is a mark below a pass and insufficient evidence that the learning outcomes have been met, then the Board can recommend that the assessment be taken again as a first attempt.
 - To offer voluntary reassessment as a first attempt in case where a student has passed a module but the mark appears to be out of line with other marks.
 - Where a student's performance has been affected by extenuating circumstances resulting in a mark above a pass, but out of line with the rest of the grid; the Board of Examiners will be able to exercise discretion by zero-weighting certain elements of assessment as appropriate provided learning outcomes are still met. Normally the affected element(s) should not constitute more than one third of the module.

- Where a student's performance has been affected by extenuating circumstances resulting in a mark below a pass, or no mark at all, the Board of Examiners will be able to exercise discretion where other evidence exists of learning outcomes having been met, (e.g. a coursework mark but no exam mark). In such cases the Exam Board can offer uncapped resits or zero-weight elements of assessment normally up to one third of the module as appropriate to calculate the mark for the course/module, or a combination of these.
- Where second year students have achieved the necessary number of credits for the current year, and the exam board is unable to resolve the issue in the current year, it can carry forward the extenuating circumstances to the final year for consideration when the board confirms the degree classification.
- In very serious cases where an entire second or final year of a degree is affected by extenuating circumstances, the exam board might agree that the final classification be based on the unaffected year.
- To extend a student's maximum period in a case where the circumstances are significant and the student must undertake repeat study or reassessment in the next academic year.
- Award an *Aegrotat* degree (for Undergraduate students only).
- Exceptionally, in the case of serious extenuating circumstances, permit students who are in their second year of study to trail up to 30 failed credits into the final year. Reassessment of the failed credits will take place alongside their final year components. (This outcome will normally only be used by the exam board which meets following reassessment, for example by a 2ndyear Sept resit board.)
- Exceptionally, where a student is repeating a year, in the case of serious extenuating circumstances that mean that a student is unable to undertake further reassessment, instate the marks/credits for a module(s) taken previously where the credits would make the difference between a student being eligible for an award, including an appropriate exit award, and otherwise having insufficient credits.
- Instate a formative mark for a late piece of work
- Take no action because there are insufficient or illegitimate grounds, e.g. complaints about exam timetable (these are dealt with under an earlier procedure at confirmation of examination entry),
- Take no action because no material effect on the outcome is possible.
- Take no action because the extenuating circumstances have no material effect on the final degree result, e.g. a student's results suggest a clear 2.1 classification in any case.

24. The following actions are **not** valid as students must achieve credit:

- Leaving coursework, exam or module aggregate mark blank on grid;
- Condoning a failed module and removing FAIL from the transcript.

Appeal against the decision of an Extenuating Circumstances Committee

26. Where an Extenuating Circumstances Committee rejects a student's claim the following are the only legitimate grounds of appeal:

- Further information of which the Extenuating Circumstances Committee was unaware and of which the student could not reasonably have been expected to inform the Committee in advance, of such a nature as to cause reasonable doubt as to whether the result might have been different had they not occurred

- Procedural irregularity in the conduct of the Extenuating Circumstances Committee (including alleged administrative error) of such a nature as to cause reasonable doubt as to whether the outcome might have been different had they not occurred.

The Chair of the Extenuating Circumstances Committee will refer to the Committee any appeal that meets the stated criteria. The Extenuating Circumstances Committee will decide whether the appeal is well founded and what if any action to take.

If the Committee dismisses the appeal or if the student is dissatisfied with any other decision taken by the Committee they may be able to appeal under the [Progress and Appeals Procedures for Taught Programmes of Study](#) once their end-of-year results have been published.

This revised policy was agreed by Senate in September 2020
Policy owner: Assessment Team, Academic Section

APPENDIX A

Equality Act – Guidance for Exam Boards

Policy statement on Equality, Diversity and Inclusion

The University of Essex celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all who have the potential to benefit from membership of it, and which ensures equality of opportunity for all its members. We expect all members of our campus communities, employees, workers, contractors, students and visitors to be treated, and to treat others, with dignity and respect.

We do not tolerate discrimination against any individual or groups of people because of their age, gender identity, marriage and civil partnership status, race, religion or belief, sex, sexual orientation, because they have a disability, or because they are pregnant, breastfeeding or have recently given birth.

To support our value-commitment to inclusivity, we extend protection from discrimination beyond our legal obligations to cover other forms of difference such as socio-economic background, political beliefs and affiliations, family circumstances, appearance, personal interests.

Discrimination: Definitions and examples

Discrimination occurs when a student is treated less favourably than another student because of a protected characteristic.

There are nine protected characteristics which are covered in the Equality Act 2010:

- Age
- Disability
- Gender (also called 'sex' in the Act)
- Marriage and civil partnership
- Race
- Pregnancy and maternity
- Religion or belief
- Sexual orientation
- Trans (also called 'gender reassignment' in the Act)

We extend protection from discrimination beyond the nine protected characteristics, therefore it is important for our Extenuating Circumstances Committees to consider extenuating circumstances beyond those listed above.

We have a person-centred approach, and want to put our students at the centre of our thinking, and so it's also important for Extenuating Circumstances Committees to consider the impact of any automatic biases you may have, and how these might impact decision-making when reviewing extenuating circumstances. It is good practice for those involved in the decision-making process to have a conversation about automatic bias before making any decisions, ensuring that they consider a broad range of perspectives.

The table below sets out some examples of potential discrimination that relate to extenuating circumstances and exams.

We also encourage you to read our Equality Impact Assessments, which provide more detailed examples of how remote studying may be impacting our students, taking into account the protected characteristics and other forms of difference.

[Equality Impact Assessment for remote working and learning](#)
[Equality Impact Assessment for phased return to campus, September 2020](#)
[Equality Impact Assessment for returning to work on campus, November 2020](#)

Type of Discrimination	Definition and examples relating to extenuating circumstances and exams
Direct Discrimination	<p>Definition: Occurs when a student is treated less favourably than another student because of a protected characteristic, which can be actual or perceived.</p> <p>In the case of pregnancy or maternity discrimination a student must show they have been treated unfairly because of their pregnancy or maternity and they do not have to compare their treatment with someone who is not pregnant or has recently given birth.</p> <p>Examples:</p> <ul style="list-style-type: none"> • A pregnant student is absent from a compulsory mid-term test due to attending a hospital appointment and is not given another opportunity to take the test or an alternative assessment. • A student who is known to have chronic fatigue syndrome misses coursework deadlines due to a period of ill health (confirmed by their doctor) and this is not considered by the Extenuating Circumstances committee. • A member of staff refuses to supervise a student because they are trans. • A student is ignored in classes by fellow students because they think the student is Muslim.
Discrimination by association	<p>Definition: Occurs when a student is treated less favourably because of their association with another person who has a protected characteristic, which can be actual or perceived.</p> <p>Examples:</p> <ul style="list-style-type: none"> • A student misses an exam because their elderly mother, who they care for, is taken seriously ill, and they are treated less favourably than a student who misses an exam because they themselves are unwell. • A student is harassed by other students because they think that the student's best friend is gay.
Indirect discrimination* *Indirect discrimination can be justified if it can be shown that it was 'a proportionate means of achieving a legitimate aim'	<p>Definition: Occurs when a decision is made that applies to all students or a particular group of students e.g. all students taking a particular exam, and has the effect of putting students sharing a protected characteristic at a particular disadvantage.</p> <p>Examples:</p> <ul style="list-style-type: none"> • The exam timetable is set such that students taking a particular combination of modules have to take four exams in two days. This could particularly disadvantage students with certain disabilities. • The date and time of a particular exam is changed at the last minute. This could particularly disadvantage students with caring responsibilities, those of a certain religion, or with certain disabilities.