



EXTENUATING CIRCUMSTANCES REGULATIONS (Research Degree programmes)

GENERAL PRINCIPLES

1. Introduction

- 1.1 All research students have a responsibility to manage their own research workload during their Registration to ensure that application for Progression or Annual Review are made by agreed deadlines; submission of the final thesis for examination is made prior to the expiry of Registration; and to attend School Progression Board meetings, Annual Review meetings, and the final oral examination on the agreed date and time.
- 1.2 However, the University recognises that there may be times when a student's circumstances are such that they cannot meet such deadlines to the best of their ability due to adverse circumstances beyond their control. As a result, students can request that these circumstances are taken into consideration by the University.
- 1.3 Additional to the submission of reports and/or theses for assessment/examination purposes, there may also be circumstances that affect a research student's ability to attend the Progression Board, Annual Review meeting, or the final oral examination.
- 1.4 Research students are encouraged to inform the University whenever they are experiencing difficulties. If the University agrees with the student, there are a number of remedies that can be offered, depending on how severe the problem is. In many cases the student's problem can be resolved by deferring a submission deadline or date. In some cases the student and the University may decide that it is appropriate for the student to interrupt their registration for an agreed period of time.

2. Scope

- 2.1 These Regulations apply to Research Degree students studying at the University.
- 2.2 Students can apply for Interruption of Registration, Extension of Registration, Deferral of Date, or Mitigating Circumstances.
- 2.3 International Students (Tier 4) must be treated in accordance with UKVI visa rules and sponsor guidance. As such, the University may be unable to grant an Interruption or Extension of Registration to international students.

- 2.4 Concerns relating to the operation of these Regulations must be considered in accordance with the Review process established by these Regulations. Concerns cannot be investigated using the University's Student Complaints Policy and Procedure.
- 2.5 The Chair of Academic Board may amend the appendices to these Regulations. Amendments need to be reported to Academic Board.

3. **Definitions**

- 3.1 **Extenuating Circumstances** are defined as unforeseen and unpreventable circumstances outside the control of the student, which have significantly affected their ability to meet submission deadlines or their ability to attend an assessment or examination.
- 3.2 These are normally circumstances relating to the health and/or personal life of a student that affect progress with the research and which are sufficiently serious and significant in nature to result in them being unable to submit for interim assessment by a specified deadline; submit a thesis for final examination prior to the expiry of Registration; attend an interim assessment (School Progression Board meeting, Annual Review meeting) or final oral examination on the date agreed; or submit or re-submit amendments or revisions to a previously examined thesis by the agreed deadline.
- 3.3 Students are expected to have taken reasonable steps to ensure that they could not have prevented the circumstances. **Appendix 1** provides a list of examples of acceptable and non-acceptable extenuating circumstances.
- 3.4 Students with an underlying disability or chronic illness should normally have agreed a formal student support plan/Needs Assessment with Student and Library Services to provide additional support for assessment, as required. However, where such an underlying disability or chronic illness suddenly flares up, or is exacerbated, this would fall within the above definition of extenuating circumstances.
- 3.5 There are four types of remedy that may be available to a student who is experiencing difficulties outside their control:
- **Interruption of Registration** until an agreed date, which will normally be used to cover periods of ill health, parental leave, or to remedy situations in which time pressures from elsewhere (new job, caring duties etc) may impinge on the expectations of workload on the research degree;
 - An **Extension of Registration** period which permits a longer than usual period in which to make a final submission of a thesis for examination;
 - An **Extension of Assessment** which permits the changing of the date of a previously agreed submission point, School Progression Board meeting, Annual Review meeting, or final oral examination, to a later date;

- A formal application for **Mitigating Circumstances** which may be made in cases such as sudden events or illness which affect a students' ability to attend a School Progression Board meeting, Annual Review meeting, or final oral examination and also prevent that student from obtaining an Extension of Assessment; or sudden illness which prevents a student from completing an assessment already in progress, such as a School Progression Board meeting, Annual Review meeting, or final oral examination, which also prevent the completion of the assessment by the assessors or examiners.
- 3.6 **Interruption of Registration** is available for a minimum of three months up to a maximum of 12 months per application and the period of interruption can be applied retrospectively up to a maximum of three months. A formal agreement must define the resumption of Registration date. It should be agreed by a student's Director of Studies and the Postgraduate Tutor and then forwarded to the Postgraduate Research Assessment Board (PRAB) for final consideration. It requires a formal request from the student giving a justification for why an Interruption of Registration is sought.
- 3.7 **Extension of Registration** is a request by a student to extend their period of registration within which a submission for final examination must be made. The Extension of Registration is for a minimum of three months and a maximum period of 12 months and cannot be applied retrospectively. An Extension of Registration should have been agreed by a student's Director of Studies and the Postgraduate Tutor and then forwarded to the Postgraduate Research Assessment Board (PRAB) for final consideration prior to the expiry of Registration. In cases where circumstances prevent an advance application for an Extension of Registration being made, students should apply for Mitigating Circumstances in order to have an exceptional retrospective Extension applied.
- 3.8 **Extension of Assessment** is a request for an interim assessment point, which has been pre-defined in relation to the student's Registration date, to be deferred to a later point. Because all research degree assessment is arranged individually for each student, assessment and examination dates can be changed according to the student's circumstances. An Extension of Assessment may therefore be applied in the following cases:
- a) Deadline for submission of Application for Progression;
 - b) Deadline for submission of Application for Annual Review;
 - c) Date of School Progression Board meeting;
 - d) Date of School Annual Review meeting;
 - e) Date of final oral examination ('viva voce');
 - f) Date for submission of revised or amended thesis following final examination.
- 3.9 A **Mitigating Circumstances application** is available for a student in other cases where an Interruption of Registration, Extension of Registration or Extension of Assessment is not appropriate. Cases where a mitigating circumstances application would be made are as follows:

- a) Failure to attend or complete a School Progression Board meeting;
- b) Failure to attend or complete a School Annual Review meeting;
- c) Failure to apply for an Extension of Registration in advance;
- d) Failure to attend or complete a final oral examination ('viva voce')

In such cases, a mitigating circumstance application will be considered by the Postgraduate Research Assessment Board (PRAB) after the event. Since all research degree assessment is arranged individually for each student, assessment and examination dates can be changed according to the individual student's circumstances. Therefore, an Extension of Assessment should be used where a student needs to change the date of an assessment or examination because they are unable to attend due to Extenuating Circumstances. Mitigating Circumstances should only be used following a missed date that could otherwise have been deferred using an Extension of Assessment but that was not deferred due to a student's inability to notify the University in advance; or in cases where a student cannot complete an assessment meeting or examination once it has commenced. "Cannot complete" in such cases means *being unable to continue in attendance* at the assessment or examination due to reasons outside their control. Non-completion of an assessment or examination means, in such cases, one in which the assessors or examiners are unable to finalise the assessment or examination because the student is unable to continue. Mitigating Circumstances cannot be applied retrospectively once an assessment or examination has been completed.

4 Communication of Information to Students

- 4.1 Students must be advised of the Extenuating Circumstances process at the beginning of their programme, via the PGR Handbook and Induction sessions.
- 4.2 Following a decision on an application, the student must be informed of whether their application was accepted or was unsuccessful and, where applicable, details of new arrangements for submission, interim assessment or final examination.
- 4.3 Written communication with a student can be in paper or electronic format.

5 Advice and Guidance

- 5.1 Students and staff can obtain advice on these Regulations from a number of sources. In particular, the Postgraduate Tutor in each academic School, staff within the Doctoral Training Team in Research & Innovation Services (RIS) can advise on how these Regulations apply in individual student cases. An Academic Adviser in the Students' Union can provide students with advice, independent of the University relating, for instance, to assistance in submitting an application or attending a Hearing in a supporting role. Staff can seek advice and support on understanding the Regulations from RIS and from the Office of Student Complaints, Appeals and Regulations (OSCAR).
- 5.2 Student and Library Services provide advice and guidance to students on a range of issues including disability and student welfare. They can advise on the additional

learning support for which students with a disability are eligible. It is important during the extenuating circumstances process that students with a disability demonstrate that they have explored all the relevant resources and sources of support. In addition, staff should signpost these services to students as appropriate.

5.3 The OSCAR can only provide advice on the operation of these Regulations.

6. Fair Treatment

6.1 No student submitting an application, whether successfully or otherwise, will be treated less favourably by any member of staff. All staff involved in handling any stage of the application have a duty to ensure that no decision they make regarding assessment is influenced by the submission of an application. If evidence to the contrary is found, the member of staff may be subject to action under the University's Staff Disciplinary Procedure.

6.2 Where a student or staff member believes that consideration of an application is likely to affect the relationship between them, all parties will be expected to continue that relationship in a professional manner.

7. Confidentiality

7.1 Discussions of applications are confidential. Access to applications and supporting evidence is normally restricted to the Chair, Secretary and membership of the Postgraduate Research Assessment Board (PRAB).

7.2 If the information presented raises concerns about the student's personal safety or about a risk to the public, the University reserves the right to disclose the information to an appropriate person (for example, the Occupational Health Advisor). This must only be done in exceptional circumstances.

7.3 When the process is concluded, all details of the application must be kept securely.

7.4 The outcomes of applications must be confidential until formal notification is sent to the student.

7.5 The contents of applications must be destroyed in line with the University's retention schedule.

8. Timescales

8.1 Procedures shall normally be completed within the timescales in these Regulations. There may be circumstances where the timescales cannot be met. When this happens the PRAB and/or OSCAR must keep the student updated on progress. The University also expects students to meet the timescales when communicating with the University, unless there are exceptional circumstances beyond the reasonable control of the student.

8.2 Reference to timescales in these Regulations relate to calendar days excluding the Christmas closure period of the University and statutory bank holidays.

9. Submission of Fraudulent Claims

If a student is suspected of submitting a fraudulent application or supporting evidence, as an attempt to gain an unfair advantage, they will be investigated under the *Regulations Relating to Research Misconduct on Research Degree Programmes*.

10. Monitoring and Evaluation

Once a year, the OSCAR shall provide a written report to SLEC and to the Academic Board on cases of mitigating circumstances applications only. That report shall provide statistical data, identify any trends or wider issues, and make any observations and/or recommendations which may assist the University to further good practice in the management of mitigating circumstances applications.

11. Determination of the Relevant Procedure

If a student believes that they will be unable to meet submission deadlines or fulfil expectations to attend a previously agreed School Progression Board, Annual Review, or final oral examination date, the student must be encouraged to discuss their circumstances with their Director of Studies and the Postgraduate Tutor in advance of the relevant submission deadline or review/examination date. In cases where it is expected that the student will require less than three months in order to meet their submission or assessment/examination requirements, the student should apply for an Extension of Assessment. In cases where a student is unable to meet deadlines or fulfil attendance requirements due to circumstances which are expected to last for a longer period of time, they may need to apply for an Interruption of Registration (minimum applicable period, 3 months) so not to lose time from the Registration period that they have been granted to complete their final submission. In cases where the expiry of Registration date is unlikely to be met, a student should make an Extension of Registration application. Students considering an application for Mitigating Circumstances should discuss their intention to apply with their Director of Studies and the Postgraduate Tutor. For students in the examination process post-submission and applying for Extension of Assessment or Mitigating Circumstances with respect to final oral examination or submission of amendments or a revised theses, applications should be notified to the Secretary of PRAB as well as discussed with School staff.

PROCEDURE

12 Process for Reporting Extenuating Circumstances Requests for Interruption of Registration, Extension of Registration, or Extension of Assessment

- 12.1 It is the student's responsibility to inform their Director of Studies and the Postgraduate Tutor of any circumstances which may affect their ability to meet their programme commitment. This should normally take place as far as possible in advance of any interim assessment dates and/or final examination. The member of staff will advise on the appropriate course of action and how to apply for it.
- 12.2 A student should obtain the relevant application form from the Secretary of PRAB and must complete it as fully as possible, giving the reasons for their request.
- 12.3 Normally, the relevant member of academic staff must sign and date the application, to confirm that they have discussed the situation with the student and have provided advice.
- 12.4 Where a student has submitted an application, but has not had a response with regard to whether or not it has been accepted, the student should, wherever possible, continue with their submission and/or assessment. Where a student believes they are unable to do so, and their application is not subsequently supported, they will receive the appropriate outcome as outlined in the *Framework and Regulations for the Award of Higher Degrees by Research*.
- 12.5 An Extension of Assessment application can be made at short notice, including on the day of the assessment or examination. In such cases, the student must confirm that the Extension of Assessment application has been received by the University before not making a submission or arriving for an assessment or examination. Full formal approval of Extension of Assessment for short notice cases will normally be noted by the PRAB after the date so deferred. Confirmed receipt of the application for an Extension of Assessment by the Secretary of PRAB will constitute acceptance of the application which will then be approved by PRAB Chair's Action in advance of final confirmation at the next meeting of PRAB. Detailed procedures for handling short notice deferral of the final oral examination are also given in the *Guidance Notes for Examiners of Research Degrees* where examiners may already be in transit to conduct a viva voce examination in person.
- 12.6 Where a student becomes unwell during an assessment meeting or during the final oral examination, such that they believe that their performance is being affected and they do not believe that they are able to complete the assessment meeting or final oral examination, they should immediately notify the Chair of the Progression Board, Annual Review meeting, or final oral examination who will halt the examination. Following the halting of the assessment or examination, the student should submit a Mitigating Circumstances application with relevant documentary evidence to support their request for the assessment of examination to be halted. Detailed examination regulations relating to temporary absence or halting of final examinations are provided in RDC-E Section 9.

13 Evidence to accompany an application

- 13.1 Students must normally provide independent third party documentary evidence to support their application, so that the application can be considered (for example from a medical practitioner, counsellor, hospital worker, specialist advisor, the police, a solicitor, or named Student Services staff). A statement from a Director of Studies and/or Postgraduate Tutor may be helpful, but it would not be considered as sole evidence in itself. Evidence from family members or fellow students would not usually be accepted under normal circumstances. A list of examples of acceptable and non-acceptable extenuating circumstances is available at Appendix 1. In cases of short notice applications for Extension of Assessment, such formal evidence is required by the PRAB when formally recording the Extension.
- 13.2 If the basis of the application is illness, the student must provide a certificate from a medical practitioner, specifying the dates of the illness.
- 13.3 If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.
- 13.4 The University acknowledges that, in some situations, there may be legitimate reasons which make it impossible to submit documentary evidence. If this is the case the student must explain, on their application, why no evidence can be submitted.
- 13.5 Where it is not possible to submit documentary evidence at the same time as an application, due to circumstances outside the student's control, the student must still submit their application. The student must give the PRAB a date by which the evidence will be provided, and a reason for the delay.
- 13.6 Students must always keep a copy of their application and accompanying evidence, as submitted documents will not be returned. Students may be required to provide a designated member of staff with sight of original documents, if they have provided photocopies.
- 13.7 The University reserves the right to contact any person named in the submission, to seek clarification or further information.
- 13.8 The University will not (and cannot) obtain information about a student from a third party (such as a doctor) without the student's explicit permission.

14 Submission of a Late Application

- 14.1 Applications for Extension of Registration or Extension of Assessment may **NOT** be submitted **after** the date to which they apply. In such cases, an Application for Mitigating Circumstances should be made in order to be applied retrospectively. (See Section 17)

15 Approval Process

- 15.1 All applications will be considered by the PRAB drawing on advice from appropriate staff. Extension of Assessment applications made at short notice will normally be initially approved by PRAB Chair's Action and then forwarded to a full PRAB meeting for final approval and recording. Any decision taken retrospectively may be linked to further actions taken by PRAB but in all other cases, PRAB must consider and approve all actions taken with respect to the remedies of Extenuating Circumstances before they are acted upon formally.
- 15.2 If an Interruption of Registration is agreed, a formal agreement must be approved by PRAB which should define an agreed date for re-starting Registration. The minimum period applied on an Interruption of Registration is 3 months and the maximum period is 12 months. If, at the agreed date for re-starting Registration, the student is unable to re-commence the Registration period and the Interruption period is less than 12 months, then, at the discretion of the Secretary of PRAB in consultation with the Chair, the original Interruption may be extended as necessary up to the maximum period of 12 months without a further application for Interruption of Registration being required. If the original Interruption of Registration was for the maximum 12 months and, at the agreed date for re-starting Registration, the student is unable to re-commence the Registration period, then a new application for Interruption of Registration is required. The agreement stating the agreed date for re-starting registration must be signed by the student and by the Director of Studies and Postgraduate Tutor. Where the Director of Studies and/or Postgraduate Tutor believes it appropriate they may refer the student to the Student Life Services Department for appropriate advice/support before they return to their studies.
- 15.3 PRAB Chair's Actions must be formally noted at the next PRAB. If the Chair considers the case to be complex they may defer the decision to the next PRAB, instead of making a unilateral decision.
- 15.4 A student who is not happy with a decision of PRAB is entitled to submit a request for review as detailed in paragraph 19.

16 Application Process in the case of retrospective applications for MITIGATING CIRCUMSTANCES

- 16.1 The application must normally be submitted for consideration by PRAB **within 14 days** from the missed application date, missed submission date, or non-completed assessment or examination. A student must normally be able to substantiate their case with documentary evidence.
- 16.2 New evidence presented on the day of the PRAB meeting will only be accepted in exceptional circumstances, and with the agreement of the Chair.
- 16.3 Representation of a student under these Regulations cannot be made by a third party unless written consent is received from the student allowing an individual to act on his/her behalf. This includes an application submitted by a legal representative, parent, guardian, or spouse of the student. Where consent is provided, all communications relating to these Regulations will be made through the nominated individual only. Oral evidence is not permitted.

17 CONSIDERATION OF APPLICATIONS

17.1 Membership for consideration of Applications

- 17.1.1 The PRAB Extenuating Circumstances meeting must only be chaired by the formally approved Chair or their authorised Deputy.
- 17.1.2 The PRAB must determine a core list of members.
- 17.1.3 The PRAB must appoint a Secretary, who must not be one of the members.
- 17.1.4 Students may not attend the PRAB.

17.2 Procedure for consideration of an Application

- 17.2.1 The Chair and Secretary must be provided with a full copy of the student's application.
- 17.2.2 The Chair must read out the University's confidentiality and declaration of interest statement, at the start of the PRAB Extenuating Circumstances meeting.
- 17.2.3 The Chair must then present a summary of each case. All other members of the PRAB will normally be provided with a written report, identifying relevant and non-confidential information relating to the student.
- 17.2.4 The PRAB must give full consideration to applications and must take account of the nature of the circumstances, the proximity to submission or assessment/examination dates, and any prior applications which have been submitted. The PRAB must ensure that all decision-making is independent of the assessment process.

- 17.2.5 Detailed records need not be taken, but where applications are unsuccessful, the reasons must be clearly recorded.
- 17.2.6 Supporting documentation must be collected together by the Secretary at the conclusion of the PRAB Extenuating Circumstances meeting, and must be securely destroyed.
- 17.2.7 Cases may be adjourned if further information is needed. The Secretary must write to the student to request the information, which must be provided by a date agreed by the PRAB. If the information is not provided, the application will not be granted. The student must then be informed of the PRAB decision.
- 17.2.8 Appendix 1 provides a list of examples of acceptable and non-acceptable extenuating circumstances.

18 Procedure following consideration of an Application

- 18.1 Students must be informed of decisions within **15 days** of the PRAB Extenuating Circumstances meeting. This should be done in writing or email. If the PRAB has decided not to grant application the reasons for the decision must be clearly explained, in writing.
- 18.2 If the application is successful, the decision will be as follows, for each of the Extenuating Circumstances categories:

18.2.1 Interruption of Registration

The approved period of Interruption (from 3 to 12 months) and the agreed date for re-starting Registration will be confirmed and the period of time for the Interruption added on to the full period for Registration;

18.2.2 Extension of Registration

The approved period of Extension of Registration (from 3 to 12 months) and the agreed date for final submission of the thesis for examination will be confirmed along with any conditions which pertain to the Extension of Registration;

18.2.3 Extension of Assessment

The submission date or assessment date previously scheduled for the student will be formally deferred to a later date, to be confirmed by the PRAB in consultation with the School or, in the case of final examination, with the examiners;

18.2.4 Mitigating Circumstances

- 18.2.4.1 For a missed application for Extension of Assessment or Extension of Registration which resulted in a student missing a submission date, assessment date, or not submitting a thesis for final examination prior to the expiry of Registration, the Board will confirm that the missed application will be set aside and proceed as at 18.2.2 or 18.2.3;
- 18.2.4.2 For an incomplete assessment or examination, the Board will confirm how the assessment or examination will be re-scheduled and, in the case of final examination, the arrangements to be agreed with the examiners for the conducting of a re-arranged final oral examination, including whether new Preliminary Reports are required, the status with respect to First or Re-examination, and any formal reports relating to revision-and-resubmission or amendments. The student will be offered the opportunity to accept or decline the offer of a re-scheduled assessment or examination and must accept prior to any formal re-scheduling of the assessment or final examination.
- 18.3 In cases where the Board's decision is in the favour of the student, all negative consequences relating to the Registration period, submission, assessment and/or examination that may have resulted from the Extenuating Circumstances will be set aside ensuring that the student's status as a candidate for a research degree is unaffected.
- 18.4 In cases where the Board's decision is against the student, the Board will decide at what stage the relevant assessment or examination is formally agreed to be set. In cases of interim assessment (Progression or Annual Review), the Board will determine whether the student be required to undertake assessment as if under Resubmission for Progression or under Special Review, rather than as at standard Application for Progression or standard Annual Review. For final examination, the Board will determine whether the student be required to undertake examination as if at Second Examination. For cases at Second Examinations, the decision to ratify a final outcome may be taken in consultation with the examiners.

19 REVIEW PROCESS

19.1 Submitting a request for a Review

- 18.1.1 In exceptional circumstances, within **10 days** of being informed of the decision of the PRAB, a student may make a written request for a review of the decision of the PRAB. This Review will not usually consider the issues afresh or involve a further investigation. The Review should be submitted to the OSCAR. Where a student has a disability or learning difficulty they should identify in their Review any adjustments they feel necessary to assist in accessing the process.
- 18.1.2 Only in exceptional circumstances will a request for a Review be accepted after the cut-off date, and then only to an absolute deadline of **35 days** after the publication of the decision of the PRAB. The student must submit with their Review a written explanation for the late submission. The decision on whether, exceptionally, to accept a late Review will be at the discretion of the Chair of the Review Panel. Their decision is final and not subject to further review. If the Review is declined, the student will be issued with a 'Letter of Completion'.
- 18.1.3 The request **must** identify the grounds and reasons for the Review. If the relevant information is not provided the OSCAR will return the Review to the student asking that he/she provide the necessary information. The student will have **5 days** to provide this information to the OSCAR. If the required information is not received the Review will be rejected and the student will be issued with a 'Letter of Completion'.
- 18.1.4 A Review can only be made on the grounds:
- i) That the decision not to approve Extenuating Circumstances was inconsistent and/or unsupported by the evidence presented;
- and/or**
- ii) That there was a material procedural irregularity by the PRAB, which prejudiced the student's case.
- and/or**
- iii) That additional evidence has come to light since the decision of the PRAB, which could not reasonably have been expected to have been produced at the time of the consideration of the application.
- 18.1.5 It is expected that students will provide documentary evidence (where

appropriate) to support their case at the same time as their Review. Where the submission of supporting documentary evidence is not possible, due to circumstances outside the student's control, the Review should be submitted with a clear statement that evidence will follow, normally within **20 days**. If no subsequent support evidence is received the OSCAR will process the Review based on the available documentation.

- 18.1.6 Students are advised to retain a copy of their Review and any supporting documentation. Documents supplied as part of the Review process will not be returned. Where photocopies of documents are submitted, the student may be required to provide the OSCAR with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

18.2 Initial Consideration of a Review

- 19.2.1 Receipt of the Review will normally be acknowledged by the OSCAR within **3 days** of its receipt.
- 19.2.2 A Review of the decision of the PRAB, submitted on time, will normally be considered by the relevant Vice-Chancellor's nominee (Chair of the Review Panel). However, before doing so, the OSCAR will circulate the Review to the Chair of the PRAB (or nominee), for consideration unless the application falls within paragraphs 19.1.2 or 19.1.3.
- 19.2.3 If the Chair of the PRAB (or nominee) believes that there appears to be a case for the decision of the PRAB to be reviewed, he/she may, in consultation with the Chair of the Review Panel, will take Chair's Action. In this event, the decision must be formally recorded for ratification at the next PRAB.
- 19.2.4 The Chair of the PRAB (or nominee) must inform the student, in writing, explaining that Chair's Action has been taken and the decision of the PRAB has been revised. A copy of the decision must be sent to the OSCAR. The Chair must advise the student of his/her right to continue to pursue the case through formal Review process, and to contact the OSCAR within **5 days** if they remain dissatisfied with the decision.
- 19.2.5 Where it appears to the Chair of the PRAB (or nominee) that there is no reason for the decision of the PRAB to be reviewed, the Chair must provide a written report (the "Chair's Report") to the OSCAR within **12 days** of receipt of the Review.
- 19.2.6 The Chair's Report must normally contain:
- Date of the PRAB;

- A copy of all documentation considered by the PRAB;
- The letter/email to the student informing them of the decision of the PRAB;
- The relevant extract of the minutes of the PRAB;
- Any other information/statement which may assist the Chair (or nominee) of the Review Panel to reach a decision.

19.2.7 The OSCAR will forward the case to the Chair of the Review Panel who will determine whether:

- i) The Review is incomplete, misconceived or out of time, and should be dismissed, in which event the student will be issued with a 'Letter of Completion'.
- ii) There is sufficient evidence to request the PRAB be reconvened to consider the case based on the evidence presented;
- iii) To request a Review Panel be convened to consider the case.

19.2.8 The decision as to whether or not to convene a Review Panel is not subject to further consideration and concludes these Regulations within the University.

19.3 Review Panel

19.3.1 The Review Panel shall consist of three members who have had no prior involvement with the student, or previously participated in the case under consideration. The Panel will have the following membership:

- A Chair, who will be a Vice-Chancellor's nominee;
- One elected officer from the Students' Union;
- One senior representative of a University academic staff.

19.3.2 The Panel will have a Clerk, who will attend in an advisory capacity, and a Secretary.

19.3.3 Meetings of the Panel will normally be held within **20 days** of a request for a Panel to be convened. The student and the PRAB representative will be advised of the date and time of the meeting.

19.3.4 The Panel will normally be held at the Teesside University (Middlesbrough or Darlington Campus). Students and staff based in

other locations may either attend the relevant Teesside Campus or participate in the Hearing via electronic communication, for example Skype. Students and staff who wish to use electronic communication to attend the Panel must inform the OSCAR prior to the Hearing of their communication details.

- 19.3.5 It will not normally be possible for the date of the Hearing to be changed. This will only be done in exceptional circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a Hearing must be submitted in writing to the OSCAR, and the decision to change any previously agreed arrangements will be taken by the Chair. Where a decision to re-arrange a Hearing has been refused, the student will be informed, in writing, of the refusal and the case will be considered in the absence of the student.
- 19.3.6 The student or the PRAB representative is required to attend a Hearing and do not do so without providing a good reason for their non-attendance in advance, the Hearing may proceed in their absence. If this happens, the case will be considered on the evidence available at the time of the Hearing.
- 19.3.7 If, for good reason, a student or PRAB representative is unable to attend the Hearing, then they may request that the Hearing be postponed until a later date, or request that a third party attend the Hearing on their behalf. The decision on whether the Hearing will be deferred will be made by the Chair of the Review Panel.
- 19.3.8 A student or the PRAB representative also has the right to be accompanied to the Hearing by a friend. A 'friend', for the purpose of this Hearing, is defined as a person who, at the request of the student or member of staff, may accompany the student or member of staff to the Hearing, and is entitled to speak or act on the student's/member of staff's behalf.
- 19.3.9 If a student, or the PRAB representative is accompanied at the Hearing by a friend, it is their responsibility to provide all relevant notices, communications, and documents to their friend.
- 19.3.10 No person has the right to be present except the student concerned, who may be accompanied by his/her friend, and the PRAB representative accompanied by, where appropriate, their friend. The PRAB representative may request additional members of staff to attend the Hearing, but this is at the sole discretion of the Chair of the Review Panel.
- 19.3.11 At least **5 days** before the Hearing, the student and the Chair of the PRAB should confirm to the OSCAR who will be attending.
- 19.3.12 In considering the Review, the Panel may call any appropriate

persons to give evidence. **5 days'** notice of the Hearing should normally be given if it is expected that attendance of a member of staff may be required by the Panel. The member of staff may be accompanied to the meeting by a 'friend'. The Chair will provide the member of staff with the appropriate documentation. If it appears to the Chair that the Review, or associated documentation, or oral evidence, raises allegations of misconduct this may lead to action under the University's Staff Disciplinary Procedures.

- 19.3.13 The papers to be considered by the Panel will be circulated to all parties prior to the Hearing. The presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.
- 19.3.14 The student and his/her friend and the PRAB representative will normally be allowed to be present throughout the whole of the Hearing except when the decision is being debated. If the Panel, in its absolute discretion, decides that the presence of anyone is not appropriate throughout the whole meeting or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present his/her case.
- 19.3.15 The audio recording of the Hearing is prohibited subject to such reasonable adjustments as may be agreed by the University where required under the Equality Act 2010.
- 19.3.16 All participants are expected to behave in an orderly and non-confrontational manner during the Hearing. The Chair may adjourn proceedings if, in their opinion, progress of the Hearing is being hampered.
- 19.3.17 During the Hearing:
- The Chair will outline the procedure of the meeting to all parties;
 - The Chair will ask the student and/or friend to present their case;
 - Members of the Panel may ask questions of the student and/or friend;
 - The PRAB representative may ask for clarification on any representations made by the student by addressing questions via the Chair;
 - The Chair will ask the PRAB representative to present their case;
 - Members of the Panel may ask questions of the PRAB representative;
 - The student may ask for clarification on any representations made by the PRAB addressing questions via the Chair;
 - The Chair will ask the student and/or friend and the PRAB

- representative to leave the meeting;
- The PRAB representative will sum up their case;
- The student and/or friend will sum up their case;
- The Panel will consider the evidence in private and reach a decision in accordance with paragraph 19.4.

19.3.18 The Panel has the authority to adjourn the Hearing if it requires further information or evidence as is considered appropriate to assist in making its decision.

19.3.19 In the event that a student is required to attend a Hearing to discuss their case, the University will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where the University is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to the OSCAR, and any monies will not be paid until completion of these Regulations. Students are required to submit claims, in writing, to the OSCAR. Students who are in doubt should check in advance with the OSCAR, as to the acceptability of any expenses. The decision on whether to meet incidental expenses will be made by the Chair and this decision will be final.

19.3.20 The student or member of staff will be responsible for paying the costs for his/her friend's attendance at the Hearing, and third party costs will only be reimbursed subject to approval by the Chair.

19.4 Decision of the Review Panel

19.4.1 The decision of the Panel will be by majority decision.

19.4.2 After consideration of the available evidence relating to the case, the Panel may reach any of the following decisions:

i) The case is rejected;

or

ii) The case is upheld and the PRAB will be asked to reconvene to reconsider its decision along with any additional recommendation(s) made by the Panel.

19.5 Procedure following decision of Review Panel

19.5.1 Within **5 days**, the student and the PRAB representative who attended the Panel shall be informed, in writing, of the decisions of the Panel. When appropriate, the decision may be circulated to any Academic Board Standing Committee with overall responsibility for

assessment matters, so that any issues of principle or general interest may be identified and acted upon. The record shall also be available to the Academic Board in extenuating circumstances.

- 19.5.2 When it is decided that the case is rejected, the decision of the Panel is effective immediately, and the student will be issued with a 'Letter of Completion'.
- 19.5.3 When it is decided that the case shall be referred back to the PRAB, the PRAB will be convened at the earliest opportunity. In cases where there may be a delay in convening the PRAB, it may be necessary for Chair's Action to be taken. In this event, the decision must be formally recorded for ratification at the next PRAB.
- 19.5.4 No member of staff directly involved in the PRAB's representative submission to the Panel shall act as Chair, or as a panel member, for the reconvened PRAB.
- 19.5.5 The OSCAR will advise the student that some delay is inevitable before a final decision is reached.
- 19.5.6 The OSCAR will also advise the student that they are not allowed to attend the reconvened PRAB.
- 19.5.7 The PRAB representative who attended the Panel will forward the documentation considered by the Panel to the Chair of the reconvened PRAB (together with the reasoned decision of the Panel) unless, in exceptional circumstances, the Chair of the Panel directs that it would be appropriate to withhold some of the documentation or agrees with a request by the student to withhold sensitive personal information.
- 19.5.8 The reconvened PRAB shall meet as promptly as possible (normally within **15 days** of the meeting of the Review Panel) to consider a referral back and make a decision.
- 19.5.9 The Chair of the Review Panel may nominate an Observer to attend the reconvened PRAB. The name of the Observer will be communicated to the Secretary of the reconvened PRAB by the OSCAR. The Observer shall, if requested, provide clarification to the PRAB on the recommendation of the Panel.
- 19.5.10 The Chair of the reconvened PRAB is responsible for communicating the outcome to the student and to the OSCAR in writing, within **5 days**. The reconvened PRAB must provide a reason for its decision to the student. If the reconvened PRAB amended its previous decision then the communication should explain the decision and when the remedy will be implemented. The reconvened PRAB will also present its revised decision to the PRAB. The student will be informed of the outcome following the decision of the PRAB.

19.5.11 The decision as to whether or not to reconvene the PRABis not subject to further consideration and concludes these Regulations within Teesside University.

20. THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION

At the conclusion of the University's internal processes connected with this process, the student shall be issued with a 'Letter of Completion' of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is of the opinion that his/her case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within 12 months of the issue of the 'Letter of Completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

Appendix 1 – Acceptable and Not Acceptable Extenuating Circumstances: List of Examples (this list is not exhaustive)

Acceptable (Examples):

- Serious ill health (which may include an acute episode, a disability or a chronic condition which is not covered by agreed support already in place).
- Significant personal accident or injury.
- Acute personal or emotional trauma (which may include acute anxiety or depression, family breakdown, breakdown of close personal relationship, death or serious illness of family member, significant other, or close friend).
- Victim of crime.
- Additional impact of a disability.
- Complications in a pregnancy.
- Jury Service.
- Serious transport difficulties which could not have been avoided.
- Other significant/exceptional factors for which there is evidence of an impact on performance and/or attendance in a summative assessment and could not have been remedied in the time available. This could include religious/cultural issues and their impact on the individual.

Not Acceptable (Examples):

- Study related circumstances (personal equipment failure, printer problems, failure to take back-up copy of work, misreading the assessment timetable, oversleeping).
- Normal assessment stress or anxiety experienced during revision or during the assessment period.
- Personal disruptions within the student's control (moving house, change of job, normal job pressure, holidays, weddings, failed travel arrangements, financial issues, poor time-management, routine medical appointments, disruption to routine caring responsibilities).
- Grounds of religion, unless notification was given at the start of the academic year.
- Foreseeable and preventable circumstances.
- Statement of a medical condition without reasonable evidence (medical or otherwise) to support the case.
- Complaints against staff or in relation to delivery of the module/programme. (These are managed through the University's Student Complaints Policy and Procedure).
- Medical circumstances outside the relevant assessment or learning period for which appropriate adjustments for extenuating circumstances have already been made.
- Long term health condition, for which the student is already receiving reasonable and appropriate adjustments.
- Medical condition supported only by retrospective evidence (such as a doctor's note stating that the student was seen after the illness, and that the student declared they had been ill previously).
- Late disclosure of circumstances, where the student could reasonably be expected to have contacted a member of staff about the problem, but did not do so.

Appendix 2 - Guidance on Extenuating Circumstances and Disability

1. Definition of Disability under Equality Act

A person has a disability if:

- (a) they have a physical or mental impairment and*
- (b) the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.*

The definition of 'long-term' is one which has lasted at least 12 months or where the period is likely to be at least 12 months from onset.

2. The Legal Duty

The University must ensure that it does not treat a person ***less favourably*** as a result of their disability. **The University has a duty to make *reasonable adjustments* when it is known that someone has a disability.**

Definitions:

Less favourable treatment:

- a disabled person is treated less favourably than someone else, who has **similar circumstances and abilities**.
- the treatment is for a reason relating to the person's disability.

Reasonable adjustment:

- A reasonable adjustment might be a variation in normal practice, or the provision of additional resources or support.
- The adjustment addresses a particular issue that the disabled person faces.
- Any adjustment should not convey advantage and should maintain the rigour of the University's academic standards.
- The University process for determining reasonable adjustment is centred on the Student Support Plan/Needs. An **assessment** process is undertaken by Disability Services and is underpinned by consideration of Competence Standards.
- **Competence Standards are determined by the School and define the essential skills that a student on a programme must be able to demonstrate.**

'Deemed to know':

- 'Deemed to know' is defined as 'know' or 'ought to have known' **and refers to the** 'constructive knowledge' of anyone in the University.
- This is straightforward in cases where students disclose a disability.
- It is, however, more complicated than simply asking 'are you disabled?' A clear pattern of repeatedly expressing a set of needs under particular circumstances may be regarded as sufficient for the University to be 'deemed to know'.
- The University's exposure to the consequences of being legally 'deemed to know' is minimised if it can be demonstrated that the University gave appropriate advice about accessing support.

3. The Process

1. Students are encouraged to disclose a disability.
2. Students who declare a disability must be referred to Disability Services.
3. Students will need to provide information and evidence about their disability.
4. Staff in Disability Services will identify appropriate support and reasonable adjustments through the process of Needs Assessment/Student Support Plan. This will include:
 - assistive technology strategies,
 - non-medical helper strategies (for example note taking, study skills tuition and mentoring), and
 - guidance to schools to assist staff to implement appropriate support.
5. These will be communicated to Schools through the Disability Co-ordinator.

4. Who can use the Extenuating Circumstances Process:

Q1. *Can a disabled student apply for Extenuating circumstances?*

A1. Yes

Details:

Disabled students who have had a Student Support Plan/Needs Assessment and have support in place are not usually expected to request Extenuating Circumstances for disability-related reasons. This is because the support is designed to ensure that reasonable adjustments are made, and that the student can engage with their studies and with summative assessments within the usual time frame.

There are clearly some circumstances in which disabled students can apply for Extenuating Circumstances. These include:

- Where a student's disability is by nature sporadic and unpredictable (for example, chronic conditions that can flare up, or periods of fluctuation in mood and energy). There will be occasions where support cannot prevent impact on performance, and the impact is outside the student's control. It is usual to indicate this in a Student Support Plan/Needs Assessment report, wherever it is known about.
- A disabled student can request Extenuating Circumstances if they feel that:
 - their support has not been implemented
 - implementation has been delayed
 - their condition has worsened and they require a review
 - the challenges they face are greater than predicted, or they are taking some time to benefit from **support (for example, assessment arrangements are not in place, there is late awareness of available support, or time management and organisation techniques are taking time to develop)**
- Disabled students are just as likely as any other students to encounter circumstances beyond their control, which may affect their studying.

Q2. *Can a student repeatedly request Extenuating Circumstances for the same circumstances?*

A2. Yes

Details:

- A student may have a condition that does not meet the definition of disability and would not require a Student Support Plan/Needs Assessment. This could apply in the case of physical and/or mental ill-health (for example, **following a traumatic incident**).
- A student may have a condition that meets the definition of disability, but they do not define themselves as such and would not wish to do so. This is their right.
- A student may have a condition that meets the definition of disability, but the student may not realise this. The working definition for higher education institution is that 'normal day to day activities' include study-related activities.

It is entirely possible that a student would not consider themselves disabled if issues have not emerged in day-to-day activities outside of studying. This might be the case for a student with a Specific Learning Difficulty, for example.

In the case of the last two examples, a student can be encouraged to contact Disability Services. There may be significant advantages to them should they do so, in terms of support and reasonable adjustments that might be put in place. **But, they cannot and must not be forced to do this.**