

**UNIVERSITY OF BIRMINGHAM**

**CODE OF PRACTICE ON EXTENUATING CIRCUMSTANCES AND FIT TO SIT  
PROCEDURE**

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**1. Introduction**

- 1.1 During a period of study, Registered Students may encounter significant personal difficulties that impact on their ability to study for or complete academic assessment(s) including examinations. The University refers to these personal difficulties as “Extenuating Circumstances”.
- 1.2 This Code of Practice applies to Registered Students undertaking Undergraduate and Postgraduate Taught programmes and taught modules on Doctoral Research programmes. This Code of Practice does not apply to Extenuating Circumstances affecting a postgraduate research viva which should be raised directly with the Registered Student’s supervisor in advance of the viva.
- 1.3 Extenuating Circumstances may occur at any point in the academic year and affect any form of assessment including coursework, continuous assessment, class tests and examinations and may also result in absence from academic teaching.
- 1.4 For the purpose of this Code, Registered Students on Joint Honours programmes, Major/ Minor programmes and modules outside of the main discipline (MOMDs) should follow the Extenuating Circumstances procedure of their Driver School (the leading School/ department for the programme). Where a decision on a case may affect another School, the Driver School must immediately communicate the decision to any other School that may be affected by the decision.
- 1.5 It is the responsibility of a Registered Student to report Extenuating Circumstances.
- 1.6 All Registered Students and students on Leave of Absence are deemed to have accepted the provisions of this Code of Practice.

**2. School Guidance on Extenuating Circumstances and Fit to Sit Procedure**

- 2.1. Each School will produce written guidance to supplement this Code of Practice. School guidance must include details of points of contact, deadlines applicable to the Extenuating Circumstances and Fit to Sit Procedure and information on how and where Extenuating Circumstances Forms (ECFs) can be obtained. Schools must ensure that School guidance on Extenuating Circumstances includes relevant information and contact details for both undergraduate and postgraduate Registered Students.
- 2.2 Each School will ensure that this Code of Practice and the School guidance on Extenuating Circumstances and Fit to Sit Procedure are widely publicised to Registered Students both orally and in writing and through such other media as is appropriate. As a minimum this Code of Practice and School guidance will be brought to the attention of

Registered Students at the start of each Registered Student's programme as part of the induction process and at least annually thereafter.

- 2.3 Each School will appoint a designated Extenuating Circumstances Officer (ECO) who may, but need not be, a member of academic staff. In addition, each School will have appointed at least one Welfare Tutor. The Welfare Tutor and ECO may, but need not be, the same member of staff. Schools must publicise widely the names and contact details of the ECO and Welfare Tutor.
- 2.4 The role of the ECO is to advise Registered Students on the Extenuating Circumstances and Fit to Sit Procedure, collate submissions for consideration of Extenuating Circumstances and provide relevant information to the Extenuating Circumstances Panel. The ECO will manage all information and documentation received in relation to the Extenuating Circumstances and Fit to Sit Procedure in accordance with the University's Data Protection Policy.
- 2.5 In cases where the ECO and the Welfare Tutor are the same person, the ECO should not under any circumstances be the Chair of the Extenuating Circumstances Panel. In such cases the Chair of the Extenuating Circumstances Panel should be the School Head of Education, or nominee.
- 2.6 The decision of the Extenuating Circumstances Panel should only be based on the evidence that has been presented to the Panel for consideration in the original submission.

### **3. Grounds for Extenuating Circumstances**

- 3.1 Extenuating Circumstances are circumstances that are exceptional or 'unforeseen' and are over and above the course of everyday experience. They may include
  - a) significant illness, accident or injury;
  - b) the death or serious illness of a close family member or dependent;
  - c) family crisis directly affecting the student;
  - d) absence caused by paternity leave and jury service (deferral of which has been denied by the Court);
  - e) exceptional and unforeseen financial hardship.
- 3.2 Circumstances that will not normally be considered as Extenuating Circumstances include
  - a) minor illnesses (such as coughs and colds);
  - b) minor computer problems or inadequate planning preventing completion or submission of coursework;
  - c) stress and panic attacks caused by examinations that are not diagnosed as an illness or documented in a Student Support Agreement;
  - d) assessments or examinations scheduled close together;

- e) personal or domestic events, such as moving house or attending a wedding;
- f) holidays or travel arrangements;
- g) consequences of paid employment;
- h) sports activities.

3.3 Prolonged, chronic or long-term conditions are not normally considered a basis for Extenuating Circumstances. Registered Students with a chronic illness or disability are encouraged to access the support services available which can put in place reasonable adjustments for specific learning requirements and examinations (see Code of Practice on Reasonable Adjustments).

#### **4. Evidence**

4.1 All submissions for consideration of Extenuating Circumstances must be accompanied by contemporaneous, independent third party evidence which must confirm the existence of the Extenuating Circumstances and state how the reported circumstances have affected the Registered Student concerned.

4.2 Examples of acceptable third party evidence include:

- a) Doctor/ Consultant or Hospital certificate or letter;
- b) Letter from a Solicitor or Counsellor or other authority;
- c) Death Certificate.

4.3 Evidence must be legible and in English. Evidence obtained overseas which is written in another language must be accompanied by a certified translation (with any costs incurred in obtaining evidence being borne by the student).

4.4 Schools will issue a receipt for submissions of evidence.

4.5 Schools (in relation to requests for extensions, and deferrals under the Fit to Sit Procedure) and Extenuating Circumstances Panels will use their discretion to decide whether the evidence submitted is acceptable. The Registered Student is responsible for providing acceptable and sufficient evidence. Schools will not make enquiries to obtain evidence on a Registered Student's behalf.

#### **5. Deadlines for notification of Extenuating Circumstances**

5.1 Deadlines relating to the Extenuating Circumstances and Fit to Sit Procedure must be clearly and widely publicised by Schools. The University will also publicise central deadlines by email to University email accounts and notices on the University Portal (my.bham). Deadlines set by individual Schools take precedence over the published central deadlines, and it is the responsibility of the Registered Student to comply with the deadlines relevant to their programme of study. In the absence of School-specific deadlines, the published central deadlines apply.

- 5.2 This Code of Practice does not specify deadlines for notification of Extenuating Circumstances in relation to coursework or in-year assessment or class tests and departmental examinations. School guidance on Extenuating Circumstances and Fit to Sit Procedures will specify any applicable deadlines.
- 5.3 In relation to centrally co-ordinated examinations on standard programmes Extenuating Circumstances must be notified to the School as soon as the Registered Student becomes aware of the existence of the Extenuating Circumstance(s) in accordance with this Code of Practice, but no later than 2 working days after the last day of the relevant examination period.
- 5.4 In relation to non-standard programmes, Schools will determine deadlines for notification of Extenuating Circumstances. These will be clearly set out in the School guidance on Extenuating Circumstances and Fit to Sit Procedure and will be clearly publicised to students.
- 5.5 In practice, Registered Students should report Extenuating Circumstances at the earliest possible opportunity. It is the responsibility of the Registered Student to ensure deadlines are adhered to.

## **6. Extenuating Circumstances - options**

- 6.1 Usually Extenuating Circumstances will give rise to one of the following, and Registered Students must consult their School's guidance on the procedure and deadlines applicable.

### **6.1.1 Option 1: Coursework or in-year assessment - Extensions**

Extenuating Circumstances impacting on coursework or in-year assessment will normally be dealt with by an extension being granted where appropriate to the date for submission or completion of the piece(s) of work affected.

### **6.1.2 Option 2: Coursework or in-year assessments – Other Action**

Where an extension to the submission of coursework or in-year assessments is not appropriate, a School may:

- (a) provide guidance to allow a small element of coursework or in-year assessments to be disregarded, with the final mark(s) being recalculated from the remaining elements of coursework or in-year assessment;
- or,
- (b) implement guidance to accommodate those situations where one component of the module is missing, to allow for the final mark(s) being recalculated from the remaining module component(s).
- or,

- (c) implement such other action which has been approved by the College Director of Education or nominee prior to the commencement of the academic session.

Any such guidance must:

- specify the maximum extent that can be disregarded; and
- have been approved by the College Director of Education or nominee prior to the commencement of the academic session; and
- have been widely publicised to Registered Students in accordance with paragraph 2.2 of this Code of Practice; and
- ensure the overall learning outcomes can be evidenced by way of past or future coursework or in-year assessments.

**6.1.3 Option 3: Deferral of Examinations - Fit to Sit Procedure**

Extenuating Circumstances impacting on preparation for, or ability to sit a centrally co-ordinated examination(s) will normally be dealt with using the Fit to Sit Procedure set out below.

**6.1.4 Option 4: Extenuating Circumstances Panel Consideration**

In circumstances falling outside coursework or in-year assessment extensions or deferral of an examination(s) under the Fit to Sit Procedure, the Registered Student should submit an Extenuating Circumstances Form (ECF) for consideration by the Extenuating Circumstances Panel. This should only be used for exceptional cases where there is a good reason why the granting of an extension or the Fit to Sit Procedure is not applicable. Schools will endeavour to resolve cases via options 1, 2 or 3 in the first instance.

- 6.2 Exceptionally a School may decide that the most appropriate course of action in respect of a Registered Student affected by Extenuating Circumstances is to recommend Leave of Absence. A Registered Student may also request Leave of Absence (<http://www.as.bham.ac.uk/faq/absence>). Such requests or recommendations should follow the University's Code of Practice for Leave of Absence Procedures. Leave of Absence can have significant implications under the Points-Based Immigration System for students requiring visas, and Registered Students in this category are required to seek advice from the International Student Advisory Service (ISAS) prior to an application for Leave of Absence being processed.
- 6.3 It is the sole responsibility of the Registered Student to disclose Extenuating Circumstances to their School and submit the necessary forms and evidence in a timely manner and without delay. Schools cannot make submissions on behalf of students.

- 6.4 Extenuating Circumstances may not be taken into account more than once for the same assessment or examination(s).

**7. Deferral of Examinations - Fit to Sit**

- 7.1 A Registered Student may request a deferral of one or more centrally co-ordinated examinations based on Extenuating Circumstances using the Fit to Sit Procedure set out below. If the request is granted by the School, the Registered Student's sitting of the examination(s) will be deferred to the next appropriate opportunity.
- 7.2 Schools may adopt this policy for class tests and departmental examinations if appropriate. If so this must be clearly set out in the School guidance on Extenuating Circumstances and Fit to Sit Procedure.
- 7.3 Registered Students must submit requests for deferral under the Fit to Sit Procedure before the examination takes place. Requests can be made to the Extenuating Circumstances Officer or a designated person appointed by the Head of School. Requests can be submitted up until the start of an examination. In cases when there is insufficient time for the Registered Student to submit the request to the Extenuating Circumstances Officer or designated person, or in the absence of the Extenuating Circumstances Officer or designated person (for example in relation to examinations held on Saturdays), Registered Students must notify requests for deferral of an examination by reason of Extenuating Circumstances to the Examinations Office. Before proceeding to record a student's request to be excluded from an examination, the member of staff in the Examinations Office will notify the Registered Student of the content of paragraph 7.8 below regarding the possible consequences of a deferral. Staff in the Examinations Office are only able to record receipt of the request, not approve it, and Registered Students must notify the School and present acceptable third party evidence (in accordance with section 4 above), to support the request at the earliest possible opportunity, normally the next working day. Failure to do so, and/or presentation of insufficient evidence will normally result in a zero being recorded for the missed examination(s).
- 7.4 A request for a deferral of an examination to the School should normally be accompanied by evidence (see section 4). If the Extenuating Circumstances Officer or Head of School's nominee agrees that it is impossible or impracticable for evidence to accompany the request, evidence may be presented up to 5 working days after the date of the examination; in such cases the School may provisionally grant a deferral subject to the production of appropriate evidence. Only in exceptional circumstances will the time limit of 5 working days be extended. If satisfactory evidence is not subsequently submitted in accordance with this paragraph, the School is entitled to withdraw the provisional deferral and the Registered Student will be deemed to have been missed the examination without an authorised absence.
- 7.5 Joint Honours and Major Minor students should make Fit to Sit requests to the Driver School. Where necessary the Driver School will



liaise with the module-owning department and will provide notification to the module-owning department when a deferral has been granted.

- 7.6 Each School will decide how the response to requests for deferral will be determined and will designate one or more members of staff to determine such requests. The School guidance on Extenuating Circumstances and Fit to Sit Procedure must specify how the School will determine the response to requests and set out the contact details of the designated person(s), and must be approved by the College Director of Education or nominee prior to the commencement of the academic session.
- 7.7 On receipt of a request for a deferral, the School will ensure that the Registered Student is advised of any consequences which will or are likely to arise from the deferral of the examination(s) in question before the request is considered. Having been so advised, a Registered Student proceeding with a request for a deferral is deemed to understand the consequences of deferring the examination(s), such as returning to take the examination at a later date and the risk of failing the examination and achieving insufficient credit to progress.
- 7.8 If a Registered Student seeks a deferral of a first attempt at an examination, the deferral will be classed as a 'first sit' and the mark will be uncapped. If a Registered Student defers a resit examination, the deferred examination will be classed as a 'resit' and a capped mark will be applied.
- 7.9 By being present at an examination, a Registered Student is deemed to declare him/herself 'Fit to Sit'. There will be an announcement made by the Senior Invigilator or nominee at the start of each examination that by remaining in the examination room after that announcement, a Registered Student is declaring him/herself 'Fit to Sit' and that the mark achieved in that examination will stand. Any subsequent request for deferral or other action by reason of Extenuating Circumstances will not normally be accepted.
- 7.10 Only in exceptional circumstances may a Registered Student submit an Extenuating Circumstances Form. Any request for a deferral or other action submitted after the examination in question has commenced must be made in writing on an ECF and will be referred to the Extenuating Circumstances Panel.

## **8 Submitting a request under the Fit to Sit Procedure**

- 8.1 Requests for a deferral of an examination(s) by reason of Extenuating Circumstances should be referred to the designated person at the earliest possible opportunity, but no later than the start of the examination.
- 8.2 The Registered Student will clearly present their case to the designated person in person or in writing. Cases should not be presented by another party, apart from in extreme circumstances.
- 8.3 The designated person will make a decision based on the details and evidence which has been provided or which the Registered Student

has stated will be provided and must be satisfied that the Registered Student is providing a genuine account of Extenuating Circumstances which prevent the Registered Student from being able to sit the examination(s).

8.4 Following consideration by designated person the Registered Student will be advised of one of the following 3 outcomes;

- a) The deferral has been granted.
- b) The deferral has been provisionally granted subject to the provision of evidence.
- c) The deferral has been refused.

8.5 When a deferral has been granted, the Registered Student will be advised of the provisional dates of the next appropriate sitting at which the Registered Student will be required to sit the examination(s). It is the responsibility of the Registered Student to ascertain the actual date(s) of re-scheduled examination(s) once timetables have been released.

8.6 If Extenuating Circumstances recur at the time of the re-scheduled examination(s), a new request for deferral must be submitted. Second and subsequent requests may be referred to the Extenuating Circumstances Panel.

8.7 When a deferral has been granted based on evidence provided by a Registered Student which was false, misleading or substantially inaccurate, the School may revoke its decision to grant the deferral at any time until the Board of Examiners has approved the mark for the examination(s) in question.

8.8 When a deferral has been refused, the Registered Student will be expected to attend the examination.

8.9 An examination(s) missed without an authorised absence will incur a fail.

8.10 Schools will maintain a record of examination deferrals and will make arrangement to ensure that deferred examinations are scheduled.

8.11 The ECO will present the record of examination deferrals, withdrawal of provisional deferrals and revocation of deferrals to the Extenuating Circumstances Panel for noting.

## **9. Submissions for Consideration by the Extenuating Circumstances Panel**

9.1 Only in exceptional circumstances should a Registered Student submit a case for consideration by the Extenuating Circumstances Panel (ECP). In such cases the Registered Student must provide reasoning for not applying for an extension (in relation to coursework or in-year assessment) or a deferral under the Fit to Sit Procedure at the appropriate time.

- 9.2 Submissions of Extenuating Circumstances for consideration by the ECP must be made on the University Extenuating Circumstances Form (ECF) and submitted to the designated person within the School (usually the Extenuating Circumstances Officer). The ECF must be accompanied by evidence confirming the existence of the Extenuating Circumstances and their effect on the Registered Student and should be completed clearly by the Registered Student with as much detail as necessary to explain the case being presented. A Registered Student who believes the submission contains sensitive personal information and/or evidence or highly confidential information and/or evidence may submit their ECF and accompanying evidence in a sealed envelope marked 'private and confidential' for the attention of the Chair of the Extenuating Circumstances Panel.
- 9.3 Schools will issue a receipt for submission of an ECF.
- 9.4 Submissions must be made in accordance with the deadlines and requirements set out in section 5 above.
- 9.5 Extenuating Circumstances not submitted by the relevant deadline cannot be considered by the School or the ECP under this Code of Practice and may only be considered by a Primary Appeals Committee as part of an academic appeal. A Primary Appeals Committees will not consider Extenuating Circumstances reported outside the deadlines set out in this Code of Practice unless there is an exceptional reason why the submission was not presented at the correct time.

## **10. Extenuating Circumstances Panels**

- 10.1 Normally there will be one ECP per School. If it is deemed more appropriate to have a College ECP, it should include a representative from each School. Schools may constitute separate Undergraduate and Postgraduate ECPs if appropriate. Colleges with large numbers of Joint Honours or Major/ Minor programmes may decide to constitute a separate ECP for these programmes.
- 10.2 Membership of the ECP will be decided by the Head of School and will not usually exceed 5 members. The ECP will not include the Welfare Tutor. There should be some continuity of membership of the ECP from year to year where possible. It is suggested that a minimum term of three years may be advisable to ensure consistency.
- 10.3 The ECP should be scheduled to convene after the deadline for submission of Extenuating Circumstances forms has passed, usually in the week following this deadline, but before the Board of Examiners and meetings will be organised to suit the requirements of a programme.
- 10.4 Schools must ensure that discussions on requests for consideration of Extenuating Circumstances take place at the ECP, and not at the Board of Examiners.
- 10.5 An agenda must be set and will contain the following items:

- a) Approval of terms of reference
  - b) Approval of membership
  - c) Recommendations for Board of Examiners
- 10.6 Cases will be discussed with the utmost sensitivity. An ECP may but need not assess cases anonymously; however privacy and confidentiality are paramount. Members of the ECP must not discuss cases outside the meeting.
- 10.7 The ECP may use grading criteria to classify cases and may use the University template for grading criteria if appropriate (appended to this Code).
- 10.8 An ECP should not raise marks under any circumstances. Options available to the ECP include;
- a) Granting a 'first sit' for an examination or module component at the next available sitting.
  - b) Recommend alternative degree classification notwithstanding regulations.
  - c) Recommending a Leave of Absence, (in accordance with section 6.2 above).
- 10.9 Decisions on cases concerning Joint Honours or Major/ Minor students should be made by the Driver School and should be communicated immediately to the module-owning department.
- 10.10 Minutes must be taken at the ECP. The minutes must not include detailed discussions of individual cases or student names. Registered Student ID's must be used throughout the minutes.
- 10.11 The ECP will report recommendations relating to progress decisions to the relevant Board of Examiners for approval. Further detailed discussion of cases should not take place at the Board.
- 10.12 Documentation from the ECP, together with recommendations, should be made available for scrutiny by one or more of the External Examiners.
- 10.13 A Registered Student is entitled to know the outcome of any submission made by that Registered Student; however, details on the discussions held at the ECP will not be disclosed.
- 10.14 Case information will not be discussed with or made available to any other party outside the ECP unless written consent to such disclosure has been received from the Registered Student. External Examiners may request and are entitled to know the outcomes from ECPs.

## Grading Criteria for Assessing Extenuating Circumstances

The following criteria may be used as a guide to help consistency in categorising extenuating circumstances and assessing the severity and impact.

Extenuating Circumstances Panels should also take into account whether a student was able to access an extension or follow the Fit to Sit procedure as outlined in the Code of Practice paragraph 3.5.3.

The following Categories should be used to classify cases submitted for consideration at an Extenuating Circumstances Panel:

- 1) **Minor illness** (lasting more than 7 days)
- 2) **Significant illness**
- 3) **Ongoing significant illness**
- 4) **Severe financial difficulties** (this must be long term and have caused significant stress)
- 5) **Death or illness of a close friend or relative**
- 6) **Minor adverse personal circumstances** (e.g. housing difficulties, end of a relationship)
- 7) **Significant adverse personal circumstances** (e.g. unwanted pregnancy, severe family problems)
- 8) **Illness, personal circumstances or other matters not sufficiently material to be classified**

Panels must assess the severity of the circumstances in these general categories:

- 1) **Strong** – Will have had a significant impact upon the performance of the student
- 2) **Medium** – Likely to have had an impact of some kind upon the performance of the student
- 3) **Minor** – Unlikely to have materially impacted upon the performance of the student
- 4) **No material case to take into account** – Irrelevant, and/or would not have materially impacted upon the performance of the student

Panels must assess the likely impact of the circumstances. An illness that is relatively minor could have a significant impact on a student's performance if it occurred during the examination period. The following categories should be used:

- 1) **Significant long term impact** – Likely to have significantly affected the student's performance throughout the year, in more than one module/ assessment
  - 2) **Significant short term impact** – Likely to have significantly affected the student's performance at a significant time of year, in more than one module/ assessment
- (Continued overleaf)*

- 3) **Minor long term impact** – Likely to have only slightly affected the student's performance throughout the year, in specific module/ assessments
- 4) **Minor short term impact** – Likely to have only slightly affected the student's performance at a significant time of year, in specific module/ assessments
- 5) **No material impact** – Irrelevant and/or would not have materially affected the student's performance.

Panels must make recommendations to the Examination Board on reasonable allowances for extenuating circumstances. Marks for individual modules cannot be adjusted. The following recommendations should be used:

- 1) **Allow further sit/ submit opportunity.** This would be as a first attempt so the marks will not be capped and there will be a further opportunity to retrieve failure. The Panel should specify whether this should be as an internal or external candidate. There are fee implications for internal candidates.
- 2) **Allow further re-sit/ re-submit opportunity.** This would be as a final attempt so the marks will be capped at the pass mark and there will be no further opportunity to retrieve failure. The Panel should specify whether this should be as an internal or external candidate. There are fee implications for internal candidates.
- 3) **Waive late penalties.** The penalties applied for late submission of work have been waived.
- 4) **Repeat the year in full.** This would be as a first attempt so the marks will not be capped and there will be a further opportunity to retrieve failure. The Panel should specify whether this should be as an internal or external candidate. There are fee implications for internal candidates.
- 5) **Re-sit the year in full.** This would be as a final attempt so the marks will be capped at the pass mark and there will be no further opportunity to retrieve failure. The Panel should specify whether this should be as an internal or external candidate. There are fee implications for internal candidates.
- 6) **Proceed with low credit.** This decision must be made within University and Programme regulations. Students are not permitted to proceed into the next year with less than 100 credits at the relevant level. Students must be notified of the implications this has on any future failure and the achievement of their degree.
- 7) **Mitigation carried forward.** No action was required in terms of progress decisions, but the circumstances will be considered when determining the degree classification at the relevant time.
- 8) **Award Notwithstanding Regulations.** Recommend to award a Degree (or other qualification), or award a higher class of degree than would be merited by the marks returned in light of extenuating circumstances.
- 9) **Action already taken.** The extenuating circumstances have been noted, but appropriate action has already been taken at the time (e.g. an extension to a deadline, Fit to Sit.)
- 10) **No action required.** The extenuating circumstances were not considered serious, and or had no material effect on the student's academic performance.