

# REGULATIONS

## A3.5 Exceptional Circumstances

### 1. Purpose

- 1.1 The University recognises that, on occasions, our students can be affected by serious personal difficulties which can affect their ability to study or undertake assessment. The Exceptional Circumstances Policy is designed to ensure that students are not unfairly disadvantaged in these circumstances. The aim in considering exceptional circumstances is to enable every student to be assessed on equal terms.

### 2. Scope

- 2.1 The Exceptional Circumstances Policy applies to all students studying on taught programmes that lead to an Oxford Brookes award at both undergraduate and postgraduate level. Students studying at a partner institution for a Brookes' award, or an award validated by Brookes, should follow the spirit of these regulations but it is recognised that the process will be managed locally within the partner institution using an agreed process. Further information is available in the guidance for students and staff available online.

### 3. Definitions

- 3.1 The University considers an exceptional circumstance:
- 3.1.1 to be personal circumstances that are out of the control of the student and that the student could not reasonably have prevented or accommodated
  - 3.1.2 to have had a significant and demonstratively negative effect on the student's ability to study or undertake an assessment.
  - 3.1.3 Additionally, the timing of the circumstances must be relevant to the claimed impact.
- 3.2 All elements of the definition must be met in order to substantiate a claim for exceptional circumstances.
- 3.3 **Please note:** On-going conditions and other disabilities that affect students do not meet this definition of exceptional circumstances. Students experiencing ongoing conditions or disabilities should register with Wellbeing in order that their needs can be assessed and, where appropriate, an Inclusive Support Plan (ISP) can be put in place.

3.4 Assessment takes many forms but when considering exceptional circumstances, it is helpful to place them into two broad categories: event assessments and deadline assessments. Each is defined below:

3.4.1 **Event assessment** – assessments taken under controlled and timed conditions such as exams, tests and presentations

3.4.2 **Deadline assessments** – assessments not taken under controlled and timed conditions such as essays, assignments and placements.

#### **4. Circumstances which are likely to be considered exceptional**

4.1. Given the nature of exceptional circumstances, it is impossible to give definitive lists of the types of submissions that will be accepted or those which will not. However, the list below is intended to give an indication of the types of situations that the University would be likely to accept as exceptional circumstances if they occurred at a time which impacted on study or assessment and they were supported by appropriate evidence:

4.1.1 A serious short-term illness or accident which, in an employment context, would have led to a period of sick leave

4.1.2 The death of a close relative, partner or a close friend which, in an employment context, would have led to a period of compassionate leave

4.1.3 A sudden and unexpected flare up of a long term health condition of which the student has previously notified the University

4.1.4 A serious unexpected disruption of personal or family life

4.1.5 Other significant exceptional factors for which there is evidence of the detrimental effect on the student, for example being a victim of crime

4.1.6 Jury Service (where a request for a deferral has been declined or where jury service has previously been deferred).

#### **5. Circumstances which are unlikely to be considered exceptional**

5.1 The list below is intended to give an indication of the types of situations that the University is unlikely to consider exceptional:

5.1.1 Minor illness or ailments, which in a work situation would be unlikely to lead to absence from work and the student could reasonably be expected to accommodate such as coughs and colds

5.1.2 Lifestyle choices such as holidays, attending weddings, attending sporting fixtures (unless the student is representing their country of origin or the University in which case please see details of the process to apply to [Change of Exam Date](#))

5.1.3 Exam stress (except where a medical diagnosis of illness has been made)

5.1.4 Transport issues

5.1.5 Misreading the examination timetable

5.1.6 Poor time management/scheduling of assessments/deadlines

- 5.1.7 Paid employment or voluntary work (except where a student is studying part time whilst employed on full-time basis, where unexpected additional work demands are made and can be evidenced by their employer)
- 5.1.8 Accommodation disturbances
- 5.1.9 Computer/printing/back-up issues
- 5.1.10 Finance issues.

## **6. Situations in which a submission is unlikely to be accepted**

- 6.1 The list below is intended to indicate the types of situations where a student, who may feel that they have experienced exceptional circumstances, is unlikely to have their submission accepted:
  - 6.1.1 Any claim which is not supported by appropriate, independent evidence
  - 6.1.2 A long-term health condition for which reasonable adjustments have already been put in place unless the student suffers a sudden and unexpected flare up of their symptoms
  - 6.1.3 A statement of a medical condition without reasonable evidence to support it (except where a student is self-certifying on the day of an event assessment)
  - 6.1.4 Medical circumstances which occurred outside the relevant period
  - 6.1.5 A medical condition supported by retrospective medical evidence – a doctor's note which states that the student was seen after the illness occurred and reported that they had been ill
  - 6.1.6 Notwithstanding the principles outlined in the Equality, Diversity and Inclusion Policy, late disclosure of circumstances on the basis that students felt unable/uncomfortable in reporting their exceptional circumstances.
- 6.2 Where a submission for consideration of exceptional circumstances is not accepted, this does not necessarily imply that the student was not affected by the situation; simply that the situation described does not satisfy the University's definition of exceptional circumstances or the evidence provided is not adequate.

## **7. Evidence**

- 7.1 All submissions (other than in instances where the student is self-certifying on the day of an event assessment) are required to be supported by appropriate evidence. The nature of evidence will vary depending on the circumstances but it must:
  - 7.1.1 confirm the existence of the exceptional circumstances and the relevant timeframe
  - 7.1.2 confirm the impact of the exceptional circumstances on the student concerned
  - 7.1.3 have been written at the time that the circumstances occurred (not retrospectively)
  - 7.1.4 be legible and in English
  - 7.1.5 be original evidence that, if not in English, must be accompanied by a certified translation (the student is responsible for meeting the costs of any translation).

- 7.2 A non-exhaustive list of examples which are commonly accepted as evidence would be:
- 7.2.1 death certificate
  - 7.2.2 medical certificate covering the relevant dates and stating the impact of the illness on the student
  - 7.2.3 letter of support/explanation from a support service in the University such as Wellbeing, or from a relevant third party.
- 7.3 The overriding principle is that the evidence should indicate:
- 7.3.1 the nature of the circumstances
  - 7.3.2 the timing of the circumstances
  - 7.3.3 and the impact of those circumstances on the student's ability to study and/or complete assessment.
- 7.4 More detailed examples of the kinds of evidence that are required to support submissions are available in the guidance for students and staff notes available online.

## **8. Principles**

- 8.1 The Exceptional Circumstances Policy encompasses the principles of the Brookes' Equality, Diversity and Inclusion Policy.
- 8.2 A student should not be put in a position of unfair advantage over other candidates; the aim in considering exceptional circumstances is to enable every student to be assessed on equal terms.
- 8.3 The University will assume that a student is fit and well enough to take or submit an assessment unless they inform us otherwise, by submitting a claim for exceptional circumstances within the timeframes outlined below.
- 8.4 When an application for exceptional circumstances is accepted, the University will assume that the student is affected for the period of time covered by the claim and therefore will not assess any work undertaken during that period of time.
- 8.5 If a student submits an application for consideration of exceptional circumstances after they have sat an event assessment, the work will not receive credit, so the student will need to complete the assessment again.
- 8.6 Students are responsible for telling the University, via the exceptional circumstances process, about any exceptional circumstances that they are experiencing that they want the University to consider and for providing evidence to substantiate the claim.
- 8.7 Students and staff are expected to observe the timeframes for the submission of claims and the processing of claims as outlined in this policy.

- 8.8 When considering a submission the panel may view it in the context of the student's previous applications for exceptional circumstances.
- 8.9 Personal information submitted by students as part of a claim will only be seen by staff who are directly involved in processing and making decisions on submissions.
- 8.10 Staff involved in processing applications for exceptional circumstances will do so in a fair, reasonable and timely manner.

Requests for consideration of Exceptional Circumstances will initially be considered by an Exceptional Circumstances Panel. If the Panel accepts that the student has been affected by Exceptional Circumstances and the appropriate allowance is for the student to submit work during the resit period, a change to placement arrangements or to disregard one or more modules, then the panel will pass their recommendation to the Examination Committee. The Examination Committee will accept the Panel's decision that the student was affected by Exceptional Circumstances, but may recommend a different allowance.

- 8.11 The examination committee will not change or estimate marks.
- 8.12 All submissions will be logged and outcomes recorded.

## **9. What can be claimed/possible outcomes**

- 9.1 Extra time to prepare for a deadline assessment - the amount of extra time will normally be determined by the amount of time a student has been affected by the exceptional circumstances.
- 9.2 Deferral of an event assessment – the student will take the assessment later, normally in the resit period, as if it were their first attempt at the assessment.
- 9.3 Disregard of a marked attempt - this will normally only be granted in situations where it becomes apparent that a student was not fit to sit the original assessment but, following a medical assessment, it is reasonable to assume that the nature of their illness affected their judgement regarding their fitness to sit.

## **10. Self-certification**

- 10.1 Students who are unexpectedly ill on the day of an event assessment are permitted to self-certify using the online portal. This option is to be used in episodes of illness where a student is too ill to sit an event assessment, but would not normally need to seek medical assistance from a GP as the condition is self-limiting, for example vomiting and diarrhoea or migraine. In such cases, students would not be required to provide the University with medical evidence.
- 10.2 It is expected that most students will never need to self-certify as the chances of being affected by a self-limiting illness on the day of an assessment are low. Where students do need to self-certify, it is expected that it will be a one off situation and the

usage will be recorded. Students must register that they are self-certifying using the online portal, but are not required to provide any supporting evidence.

- 10.3 The student will normally take the assessment during the resit period but will have access to the full range of marks. This means that their mark will not be capped at the pass mark. A student's first use of self-certification will be automatically granted but any subsequent attempts to self-certify may lead to a meeting to identify any underlying issues. Repeated use may lead the University to question the student's fitness to study.

## **11. Grace period**

- 11.1 Students are responsible for submitting all work for deadline assessments by the specified deadline. However, the University acknowledges that **very** occasionally things can go wrong at the last moment. On this basis, a student who misses the deadline is permitted to use a 24 hour grace period to upload their work after the deadline, and still have access to the full range of marks. This means that work will not be capped at the pass mark. Students must register that they are using the grace period using the online portal, but are not required to provide any supporting evidence.
- 11.2 It is expected that most students will never need to use the grace period as working to deadlines is a skill that most students will have developed in their previous studies. Where students do need to use the grace period, it is expected that it will be a one off situation and the usage will be recorded. A student's first use of self-certification will be automatically granted but any subsequent attempts to use the grace period may lead to a meeting to identify any underlying issues. Repeated use of the grace period by an individual student may result in the University withdrawing that student's access to use the grace period in future assessments.

## **12. Repeated use of the Exceptional Circumstances Policy**

- 12.1 Students are not expected to need to use the Exceptional Circumstances Policy repeatedly during their studies. The University has a responsibility to monitor the progress of students throughout their studies and intervene where progress is not being made at the expected rate.
- 12.2 Where a student is not moving through the levels of their studies at the expected rate because their circumstances are causing them to make multiple applications for consideration of exceptional circumstances, the University will initiate a conversation with the student to identify any underlying issues or additional support needs.
- 12.3 Where additional support needs are identified, the University will put reasonable adjustments in place. In other circumstances, it may be in the student's best interests to take a period of approved temporary withdrawal in order to recover before returning when the student is in a position to fully engage with their studies. In certain circumstances, it may be appropriate for the University to commence the Fitness to Study procedure.

### **13. Outline of the process**

- 13.1 All claims for consideration of exceptional circumstances are required to be submitted using the online portal on the student record system as soon as the circumstances become apparent and preferably ahead of the assessment deadline or the start of the assessment event.
- 13.2 The deadline for submitting a claim is 48 hours after the start of the event assessment or 48 hours after the deadline for a work to be submitted for a deadline assessment.
- 13.3 Students who become ill during an event assessment are required to notify the invigilator immediately and submit a claim within 48 hours of the examination. In such circumstances, any work undertaken prior to leaving the examination will not be marked as the student will be assumed to be declaring them self as not fit to sit the assessment.
- 13.4 Any claim made more than 48 hours after the deadline or event assessment will be considered to be late.
- 13.5 Any supporting evidence must be supplied within ten working days of the initial application.
- 13.6 Applications will initially be filtered by members of the Student Investigation and Resolution Team (SIRT) to ensure that they meet the administrative requirements of the policy.
- 13.7 Applications which meet the administrative requirements of the policy will be put forward to an exceptional circumstances panel.
- 13.8 A panel will be made up of a Chair and one other member. Where the panel decision is unable to reach a consensus the view of a third member of the team will be sought. All staff involved with the process will be appropriately trained.
- 13.9 When considering applications from students studying on non-standard programmes, the panel may liaise with programme teams in Faculties regarding appropriate deadlines and appropriate outcomes.
- 13.10 Students will be notified of the outcome of their application as soon as possible but normally within five working days of the completed submission.
- 13.11 Students are expected to supply full information in their initial claim and follow up with supporting evidence within ten working days. All claims that meet the administrative requirements of the process will be considered in full and therefore subsequent claims for the same period are unlikely to be considered.

- 13.12 Any late claim must contain a valid reason why it could not be submitted within the 48 hour deadline.
- 13.13 The deadline for submitting a late claim for exceptional circumstances is the Monday of the week which immediately precedes the week in which the University holds its subject examination committees. The deadline for late applications will be published on Student Information or available from the programme team. No late claims can be submitted after this deadline.
- 13.14 Any student wishing to raise any exceptional circumstance that the University was not made aware of within the timeframe outlined in this policy must do so using the academic appeal process.
- 13.15 Any academic appeal raised on the basis of exceptional circumstances must contain a valid reason to explain why it could not have been submitted within the normal timeframe.

#### **14. Late applications**

- 14.1 Applications submitted beyond 48 hours after the event or deadline will be considered to be late.
- 14.2 Late applications will not be considered unless there is a clear and substantial reason why the application could not have been made on time which can be evidenced.

#### **15. Review**

- 15.1 A review will only be considered if one or more of the following grounds are met:
  - 15.1.1 There is evidence to suggest that the request was not considered in accordance with these regulations
  - 15.1.2 There is evidence to suggest that there was an administrative error or some other irregularity in the consideration of the request.
- 15.2 All requests for a review must be submitted within ten working days of the issue of the original decision. Requests for a review submitted more than ten working days after the original decision was issued are unlikely to be considered.
- 15.3 The review will be undertaken by a member of the Student Investigation and Resolution Team who was not a part of the panel that considered the original claim.
- 15.4 If a review upholds the original decision in relation to a claim the reviewer will issue a "Completion of Procedures" letter.

#### **16. Further review**



- 16.1 If the student has completed the University's internal procedure for consideration of exceptional circumstances and they are still dissatisfied with the outcome, they may be able to refer their case to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA's Rules.
- 16.2 A letter stating that case has completed the University's internal complaint procedure shall include information on the OIA and comply with the OIA's guidance for a "Completion of Procedures" letter.

**17. Advice and guidance**

- 17.1 More information is available in the [Exceptional Circumstances pages](#) of the Brookes website. Students can also seek advice and guidance from their Student Support Co-ordinator, Academic Adviser or from the Students' Union Advice Service.

## 18. Timeframes

<b>University stage of process</b>	<b>Timescale*</b>	<b>Responsibility</b>
Submission of request for consideration of exceptional circumstances via on line portal	As early as possible but within 48 hours of the circumstances	Student
Automated acknowledgement of submission including requirement for evidence	Immediate	Automated from system
Automated email to module leader to inform them that the student has submitted a request (no details of submission)	Immediate	Automated from system
Submission of appropriate supporting evidence	Within 10 working days	Student
Checked to ensure the submission meets the administrative requirements of the process Email confirming complete submission/requesting further evidence	Within 2 working days of complete submission with accompanying evidence	Member of SIRT Team
Consideration of submission by panel	Within 5 working days of submission with evidence	EC panel
Email to student and other interested parties to confirm panel's decision and recommendation for allowance	Within 5 working days of submission with evidence	Member of the SIRT Team
Student has opportunity to request a review of the decision	Within 10 working days of notification of outcome	Student
Review of the decision where appropriate	Within 10 working days of decision	Member of the SIRT Team not part of the panel
List of approved ECs and recommendations to Chair of Examination Committee	1 day prior to the Examination Committee	Member of SIRT Team
Examination Committee to confirm allowances made in respect of exceptional circumstances	Within 2 working days of Examination Committee	Secretary to Examination Committee
Any changes to the recommended allowance reported to student and other interested parties	Within 5 working days of notification from Secretary to Examination Committee	Member of SIRT Team
Student has opportunity to request a review of the decision	Within 10 working days of notification of outcome	Student
Review of the decision	Within 10 working days of decision	Member of the SIRT Team not part of the panel

\*The University defines a 'working day' as Monday-Friday excluding bank holidays and other periods the University is closed.

For further information about these regulations, please contact the Deputy Director of Academic & Student Administration (Academic Policy & Regulations).

Approved: Academic Board, 10 April 2019 (for implementation on 1 September 2019)

Next reviewed: July 2020

