



**UNIVERSITY
ACADEMY 92**
MANCHESTER

EXCEPTIONAL MITIGATING CIRCUMSTANCES PROCEDURE

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Exceptional Mitigating Circumstances Procedure
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1.1	29 th July 2021	Updating of areas of business, job titles, addition of 'apprentices' to policy body.	Student Administration Assistant

1 Purpose

- 1.1 This procedure set out how Exceptional Mitigating Circumstances (EMC) will be considered and the responsibilities of all parties. The procedure links to the requirements outlined in appendix 5 of the Lancaster University/UA92 Manual of Academic Regulations and Procedures (MARP)
<https://ua92.ac.uk/storage/app/media/MARP-UA92-Academic-Regs-2021.pdf>
- 1.2 If a student or apprentice's performance in, or completion of, an assessment has been seriously impaired by medical or other unforeseen exceptional adverse circumstances, then this may be considered under this procedure.
- 1.3 For more long-standing conditions and circumstances, the student or apprentice will be expected to have made full use of the appropriate support services provided by the UA92 in order to have relevant adjustments made, and/or to develop coping strategies which will support them in their study. Where necessary, student or apprentice with conditions or circumstances which cannot be resolved or accommodated within their programme of study may need to consider temporary leave of absence from the programme of study in order to allow them to re-engage when they are better able to benefit from the programme.
- 1.4 Circumstances accepted under this policy must be exceptional (i.e. serious and unusual) relative to the normal daily challenges that academic study presents, and unpredictable in that the student or apprentice could not reasonably have been expected either to avoid them, or to allow for them in planning and undertaking their assessment work. It is recognised that the assessment process itself can cause student or apprentice to be more anxious or stressed than at other times of the academic year, and this should be considered as one of the normal challenges that academic study presents. Except in a very small number of cases, where the impact is serious and incapacitating, this would not be considered as a valid exceptional mitigating circumstance.
- 1.5 The aim of the exceptional mitigating circumstances process is to ensure that fairness and academic standards are maintained for all our student or apprentice who endeavour to manage the challenges inherent in academic study.

Support for Students and Apprentices

- 1.6 UA92 offers a range of student support services and opportunities to enable the student or apprentice to manage the challenges and demands of academic study and encourages its students or apprentices to access them.
- 1.7 Students or apprentices with physical or mental impairments that have a substantial and long-term negative impact on their ability to study should seek support and reasonable adjustments to assessment through Student Well-Being. Support and reasonable adjustments should be approved as part of a Learning Support Plan (LSP) and would not be accommodated using the EMC procedure.
- 1.8 Students or apprentices with disabilities can claim EMCs where adjustments have not been made in time for an assessment, so long as the delay in the implementation of the adjustments was not caused by the student or apprentice. Consideration of disability as an exceptional circumstance may also be appropriate where evidence is provided that an abnormal or unforeseeable temporary change or increase in severity of the disability has occurred.

2 Scope

2.1 What qualifies as exceptional circumstances?

Circumstances	Notes (examples)
Exceptional Medical Circumstances	E.g. hospitalisation, or incapacitation through injury, illness, or mental health crisis.
Close bereavement	The following relatives are accepted as 'close': partner, child, parent, sibling, grandparent, and grandchild. Housemates or very close friends may also be considered as 'close', though evidence of the relationship may be required.
Victim of a serious crime	
Exceptional and unforeseeable transport difficulties	E.g. major transport incidents, cancelled flights. This does not include every-day issues e.g. traffic congestion, missed buses or trains.
Legal proceedings requiring attendance	
Exceptional Personal Circumstances	E.g. events that result in a serious impact on a student or apprentice's ability to engage with academic work during the assessment period in question.

2.2 What does not qualify as an exceptional mitigating circumstance?

- i. Loss of work not backed up, computer or printing problems
- ii. Accidental submission of an incorrect document e.g. an assignment from another module or an incomplete earlier draft of the assignment
- iii. In the event of electronic submission, the following will not be accepted as exceptional circumstances:
 - a) the student or apprentice submits the wrong file type or a corrupted file.
 - b) the student or apprentice begins their upload after the deadline has passed.
 - c) a claim of technical issues with no proof of an error message/system failure on the VLE.
- iv. Misreading of the examination timetable or instructions on assessment deadlines

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- v. English not being a first language
- vi. Deadlines for work or exams being set close together
- vii. Weddings
- viii. Constraints arising from paid employment
- ix. Holidays
- x. Relationship breakdown
- xi. Moving to a new house
- xii. Disabilities for which reasonable adjustments have been made
- xiii. Financial difficulties
- xiv. Planned health appointments

2.3 Who can use the EMC Policy and Procedure?

This Policy and Procedure applies to all current students or apprentices registered on a UA92 programme.

2.4 In this Policy and Procedure, any reference to named members of UA92 staff also includes reference to their nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the student or apprentice.

2.5 Advice on how to use this procedure is available from the UA92 Registry via registry@ua92.ac.uk. The UA92 Registry will oversee this Policy and Procedure and provide advice to all parties on the procedure.

2.6 **Record keeping:** UA92 will keep a record of EMC submissions made and evidence collated as part of EMC procedures. Students or apprentices are advised to also keep their own records. Records will be retained in line with the UA92 retention policy.

2.7 What are the relevant Time Limits?

- i. **Time limits for submitting an EMC claim:** All EMC submissions must be within seven days of the relevant assessment deadline.
- ii. **Extending time limits:** UA92 will not routinely extend time limits for submitting EMC claims. Where a student or apprentice has exceptional reasons for a late submission, at its discretion, UA92 may extend a time limit for submission. Any request must be supported by evidence to support the reasons for making a late academic appeal.
- iii. **Decision:** Consideration of EMCs must always take place in advance of consideration of the assessment result by the Module Board.
- iv. **Notification to student or apprentice:** Students or apprentices will normally be informed in writing (by email) of the decision within five working days of a decision being made. This will include reference to their right to appeal if they are dissatisfied with the decision. Where a claim is rejected or partially rejected,

reasons will be given for the decision, in sufficient detail for student or apprentice to make an informed academic appeal if they wish.

- v. MS Teams should be updated with all decisions as soon as possible and, in any case, within a week of each formal meeting.
- vi. **Delays in consideration:** UA92 wants to resolve EMC submissions quickly but recognises that this is not always possible and sometimes we may be unable to make a decision in line with the indicative timeframes. Where there is a delay, we will write to student or apprentices with an explanation and inform them of the timeframe in which the procedure will be completed. UA92 will provide progress updates to student or apprentices as appropriate.

3 EMC procedure

3.1 A student or apprentice who wishes exceptional circumstances to be considered must apply by submitting a completed EMC form (available on MS Teams) and by providing the required evidence. Claims must be received no later than one calendar week after the deadline for the assessment or date of the examination.

3.2 Claims can be submitted via MS Teams to members of the Registry department or via e-mail to registry@ua92.ac.uk

3.3 Claims can be submitted in advance of evidence becoming available; if a student or apprentice is unable to provide evidence within seven days of the assessment deadline, they should submit the claim and confirm the expected date that evidence can be provided. Evidence must be submitted as soon as possible and, in any event, no later than either:

- i. Three weeks after the assessment deadline or;
- ii. The date of the Module Board meeting at which marks for the assessment will be ratified (whichever is earlier).

3.4 Evidence requirements

- i. Each application must be accompanied by satisfactory supporting evidence, normally from an independent and relevantly qualified third-party professional. The evidence must give direct confirmation of the circumstances, from which it is possible to infer their effect on the student or apprentice's ability to engage with work in general, or assessment tasks in particular, made at the time of those circumstances or as soon as possible thereafter.
- ii. Evidence must be provided in English or, where the original evidence is in a different language, with a translation by an independent professional third party into English. Translations by student or apprentice will not be accepted.
- iii. The evidence needs to indicate the period of disruption, including the duration of the impact. A doctor, for example, may be willing to report a retrospective account given to them by the student or apprentice after the event, but in itself this does not carry

weight as evidence if the doctor simply notes that a student or apprentice reports the impact.

- iv. In the event that the professional concerned did not see the student or apprentice at the time of the assessment, but believes that their condition would have prevented them from engaging not only with assessment, but also with professional support services, a claim can still be considered. The professional's evidence in such a case would need to explain the extent to which the circumstances would have prevented engagement with professional services.
- v. Students or apprentices who are too ill, or suspect themselves to be too contagious, to attend a doctor's surgery or other support service at the time of their assessments should engage with telephone or online services.

Circumstance	Examples of evidence that would support a claim
Exceptional Medical Circumstances	A letter from a doctor, nurse or other health professional confirming the exceptional and unforeseen nature of the exceptional circumstance and the impact on the student or apprentice. Health professionals must be registered with an appropriate accrediting body. Any submission that notes only that "the student or apprentice reports that..." is not acceptable, as it is not independent third-party evidence of either the circumstances or the impact on the student or apprentice.
Close bereavement	A death certificate, an obituary or confirmation from an independent relevant professional e.g. a solicitor or an undertaker or an order of service from the funeral ceremony. Where not a relative, the EMC panel should see evidence of closeness of the relationship in the form of a statement from a third party or a tenancy agreement (in the case of a housemate).
Victim of a serious crime	Documentation from the police indicating that the student or apprentice has reported a crime and the nature of the crime, an insurance claim, or medical report. A letter from a relevantly qualified professional outlining the circumstances and the impact on the student or apprentice.
Exceptional and unforeseeable transport difficulties	Evidence of a major transportation incident, or a letter from the relevant transport company confirming the nature of the delay. Evidence will also be required that the circumstances described affected the student or apprentice in question.
Legal proceedings requiring attendance	A letter from a solicitor or a court.
Exceptional Personal Circumstances that impact on the student or apprentice's ability to engage in assessment activities.	A letter from a support practitioner, counsellor, religious leader, member of UA92 staff or other professional third party directly confirming that, in their professional opinion, the circumstances have had a serious impact on the student or apprentice's ability to engage in assessment activities.

3.5 Decisions available to the EMC panel

- Accept the EMCs (see potential outcomes below in section 4.1)

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- Not accept the EMCs (see reasons below in 3.6)

3.6 Reasons for non-acceptance of exceptional circumstances. The following examples are indicative but not exhaustive:

- i. The student or apprentice has not submitted the claim within seven days of the assessment and has not provided or evidenced good reason for failing to do so.
- ii. The full information required by the EMC form is incomplete. If claims are incomplete, UA92 staff will normally prompt the student or apprentice for the necessary documents before any decision to reject the claim is made.
- iii. No independent documentary evidence has been supplied to support the request (letters from family, fellow student or apprentice or coaches are not normally sufficient on their own but may be submitted in addition to independent third-party evidence).
- iv. The timing of the circumstances cited would not have adversely affected the assessment(s).
- v. The nature of the circumstances cited is not over and above the normal difficulties experienced in life.
- vi. Sufficient adjustment has already been made for the same circumstances; the evidence has already been used to support adjustment for the same assessment and no new evidence has been provided.
- vii. The circumstances in question relate to a disability for which reasonable adjustments have been made but which the student or apprentice has not engaged with to a reasonable extent. For example, where mentoring or specialist tuition is provided and agreed but the student or apprentice decides not to attend.
- viii. The claim is submitted after the assessment marks have been ratified by the Module Board. Claims submitted after ratification cannot be considered by an EMC Panel. Such claims must be considered as formal Academic Appeals under the Academic Appeals Policy and Procedure.

4 Outcomes

The following outcomes are available in response to an accepted EMC claim, including but not limited to:

- i. The opportunity to take a further examination or submit new coursework as a first sitting (for which therefore there will be no fee, the marks will not be capped and there will be a subsequent resit opportunity if required); The opportunity to take 'as if for the first time' a different form of assessment than the original assessment.
- ii. The opportunity to retake modules with attendance (either capped or uncapped depending on individual circumstances) after all other reassessment opportunities have been exhausted, or;
- iii. (For a graduating student or apprentice) recommending a class of award higher than that obtained by applying the rules in the normal way.

5 Exceptional Mitigating Circumstances (EMC) Panel

5.1 Membership of EMC Panel

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- i. An EMC Panel must consist of the Chair of the panel (a member of Registry staff) and one member of academic staff independent of the subject area. Quorum for meetings of the EMC Panel is two, and an EMC Panel meeting must not take place unless it is quorate. External Examiners are also entitled to attend.
- ii. Students or apprentices are not permitted to attend the EMC Panel meetings.

5.2 Conflict of interest

In cases where a formal complaint has been lodged against a member of the EMC Panel by a student or apprentice making a claim of EMC, or there is an evidenced conflict of interests for a member of the EMC Panel, that member should exclude themselves from consideration of the relevant case(s). If, as a result of such exclusions, the EMC Panel has insufficient members to conduct its business, then the Chair of the EMC Panel will appoint a different member of academic staff. Where the conflict of interest exists with the Chair of the panel, the Registrar would appoint a different Chair.

5.3 EMC panel decisions

- i. Decisions may be made either at a face-to-face meeting, or virtually (via MS Teams), but in either case, at least two members of the Panel must be involved in any decision and adequate records kept of the decisions.
- ii. In the event that an EMC Panel cannot come to an agreement about whether or not to grant an EMC claim, the benefit of the doubt will be given to the student or apprentice and the claim should be accepted.
- iii. Decisions will be reported to the Board of Examiners.

5.4 Guidance for EMC Panels

5.4.1 EMC Panels will be guided in their decisions by the principles outlined in sections 2 to 4 above. If EMC's are identified, one of the outcomes in section 4 will normally be applied.

5.4.2 The following will apply in relation to EMC claims:

- i. Where assessments are affected by exceptional mitigating circumstances, the normal timescale for completion of the programme should be adhered to as far as possible.
- ii. EMC claims submitted against open assessments at least 72 hours prior to the original deadline must be considered in time for the student or apprentice to make the original deadline in the event that their claim is denied.
- iii. Consideration of exceptional circumstances must always take place in advance of consideration of the assessment result by the Module Board.
- iv. If the EMC Panel has been notified of exceptional mitigating circumstances at the appropriate time but the evidence has not been supplied, it may make a provisional decision if the following conditions are met:
 - a) The student or apprentice has stated the nature of the evidence.
 - b) The student or apprentice has stated why it is not currently available and the EMC Panel accepts the reason(s).
 - c) The student or apprentice has stated when the evidence will be available.
 - d) The student or apprentice is informed that if the evidence submitted does not meet the required standard, the provisional decision will be rescinded.

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- e) The student or apprentice is advised that they may complete the assessment at the standard time in order to ensure that they are not unduly penalised in the event that their claim is not ultimately upheld.

Example: A student or apprentice has an accident close to the time of assessment and medical evidence has been requested but not supplied by the doctor in time for EMC Panel consideration. A deadline for appropriate evidence in such cases should be set at no more than three weeks after the submission of the original claim. In the event that the evidence is not provided by this date, the provisional acceptance must be rescinded.

- v. When an EMC claim is submitted after the ratification of the assessment marks in question, and when the conditions relating to evidence are not met, or if the claim has been submitted beyond the seven day deadline for submission of a claim and the EMC Panel does not consider that there is good reason for this, the EMC claim cannot be accepted and the student or apprentice must follow the procedure for Academic Appeals if they wish to have their circumstances considered. In such cases, the EMC Panel should notify the student or apprentice that their claim has not been upheld, the reason for this, and that the student or apprentice has the right to appeal.
- vi. All appeals must be made in line with the Academic Appeals policy and procedure <https://ua92.ac.uk/storage/app/media/Academic%20Appeals.pdf>.

6 Related documentation

- vii. UA92 Academic Appeals Policy and Procedure
<https://ua92.ac.uk/storage/app/media/Academic%20Appeals.pdf>
- viii. Lancaster University/UA92 Manual of Academic Regulations and Procedures (MARP)
<https://ua92.ac.uk/storage/app/media/MARP-UA92-Academic-Regs-2021.pdf>