

Last updated: July 2016

## MITIGATING CIRCUMSTANCES POLICY

This policy applies to students studying on a taught programme (undergraduate or masters or taught stage of a professional doctorate).

### Definitions

1. Mitigating circumstances are factors which have a detrimental effect on a student's academic work. A student may ask for mitigating circumstances to be taken into account in order:
  - to explain absence from an examination;
  - to explain failure to submit work, or to submit work on time;
  - to support a request for an extension to a submission deadline, or to defer assessment;
  - to explain cases where the student's academic performance falls below expectations.
2. Mitigating circumstances must be:
  - *significant*, meaning that they should have a clearly detrimental effect on the student's academic work; and
  - *relevant*, meaning that they must relate directly to the timing of the class, assessment or deadline in question; and
  - *outside the student's control*, meaning that the effect could not be avoided, counteracted or reduced by the student taking reasonable steps in preparation or in response.

### Submission of requests

3. All requests for mitigating circumstances to be taken into account must be submitted to the Department Office on a Mitigating Circumstances Form by the student concerned. Requests from third parties may not normally be considered. A discussion between a student and a member of staff does not constitute a request for mitigating circumstances later to be taken into account.
4. In submitting a request, the student should set out all the relevant factors via a Mitigating Circumstances Form, including details of the class, assessment or deadline in question, the nature of the circumstances and their effect on the student's work. Only that information which is included in the student's written submission may be considered.
5. Requests should be submitted at the earliest opportunity and within published assessment deadlines. Extensions to submission deadlines should be requested at least 2 working days before the day of the deadline in question; requests to defer should be submitted before the date and time of the assessment in question and must be prior to the result of the assessment being known.
6. Requests will not normally be considered retrospectively unless it is clearly communicated that the delay could not have been avoided or reduced due to the circumstances. Each case will be reviewed on an individual basis taking into account all factors leading up to the request. The private or confidential nature of the circumstances may restrict the documentary evidence submitted. In these cases confidential confirmation from support services eg. Student Welfare Officer will be taken into account.

7. The University reserves the right to check the authenticity of all documentation submitted as part of a request for mitigating circumstances to be taken into account. Any student who submits inauthentic documentation, or who misrepresents material facts in the request, may be subject to proceedings under the Disciplinary Regulations.
8. All requests and evidence will be retained by the University in accordance with the Records Retention Policy. Documentation will not be returned to students unless it is specifically requested (a copy will be taken for our records).

### **Documentary evidence**

9. Where possible, students should provide the original documentary evidence to corroborate their mitigating circumstances claims. All evidence must be submitted along with the printed copy of the mitigating circumstances form. The University may exceptionally decide to accept documentary evidence which is presented at a later date if it is clear that the delay could not have been avoided or reduced by the student taking reasonable steps to obtain and provide evidence at the appropriate time. In such cases, however, the delay may limit the action which is available to the University in response to the student's circumstances.
10. The nature of the evidence will necessarily depend on the nature of the circumstances in question. As far as possible the evidence should come from a relevant official body. For medical conditions, this should be a note from a suitably qualified medical practitioner who has seen the student during the period of the condition and is not a close friend or relative (evidence relating to alternative methods of treatment may be accepted only in combination with a written diagnosis of the condition by a practitioner in conventional medicine).
11. Documentary evidence must normally be presented in English, or in the original language with a certified translation into English.

### **Consideration of mitigating circumstances**

12. Requests may be rejected without further consideration:
  - if the circumstances described therein are not significant, not relevant and not outside the student's control; or
  - if the request was submitted late without acceptable cause, or was submitted without adequate supporting evidence.
13. The procedures for considering requests must promote consistency and confidentiality. To this end, all requests from within a single academic unit should be considered by one individual, or in the case of more significant assessment decisions, by a small group. Records should be kept of decisions taken for future reference and so that similar allowances can be applied to similar circumstances in future.
14. Academic judgments can only be based upon academic evidence in the form of student work. Whilst evidence of mitigating circumstances might suggest that a student may not have had a fair and uncompromised opportunity to demonstrate his/her academic achievement, it cannot indicate what the academic outcome should be. Therefore the preferable response is to provide the student with a further attempt at the assessment without penalty at the next available opportunity. In all circumstances, the academic outcome must reflect a valid and justifiable assessment of work submitted by the student.
15. Those who are involved in considering requests should be aware of their duties under the Disabilities Discrimination Act. For students who have registered with Disability Services at the start of their studies and have been given reasonable adjustments during the year and at the point of assessment. No further action need be taken in these cases, provided that the adjustments were implemented and the student has not raised material concerns.

However, it can happen that a student's disability is diagnosed part-way through the programme, or that a student does not report a long-term illness or condition until the very end of his/her studies. Whilst it is not the expectation in such cases that the examiners remark the student's work from previous years, the examiners do have a duty to consider in retrospect: (a) whether the student has been substantially disadvantaged compared to students without the same disability; (b) whether the substantial disadvantage was caused by University provision (e.g. teaching and assessment methods; arrangements for attendance and submission of work); (c) what steps could be taken at this stage to counteract any disadvantage; (d) whether it would be reasonable to take those steps. Under the terms of the Disability Equality Duty (2006), we are required to take steps to take account of students' disabilities, even where that involves treating disabled students more favourably than other students.

16. If a student has formally reported mitigating circumstances earlier in the year, or in a previous year, the evidence should be carried forward for consideration for as long as it remains relevant. However, requests should still be submitted at the appropriate time to identify which assessments have been affected.

### **Extensions to assessment deadlines**

(1) A student may apply on grounds of mitigating circumstances for an extension to the deadline for assessment in one or more components of a particular module. The maximum extension which is normally granted is 8 weeks.

(2) The extension shall only be granted where—

- (a) the mitigating circumstances and supporting evidence are judged to be sufficient; and
- (b) the assessment process, including consideration of recommendations by the relevant University Board, can be completed within three months of the normal end date of the student's programme.

(3) The application for an extension should be submitted at least 2 working days in advance so that the student would still have the opportunity to undertake the assessment at the normal time if the application were to be refused. In all cases the application must be submitted before the date and time of the assessment in question. For an examination or test, this means the published start time; for other types of assessment, this means the published submission deadline.

(4) Circumstances may prevent a student requesting an extension to a deadline or their request may not have been submitted sufficiently in advance of the deadline to know the outcome. Where this is the case, the assessment in question should be submitted at the earliest opportunity after the deadline along with mitigating circumstances "Late Submission Form". These will be reviewed to ascertain whether a Late Work Penalty should be applied (see Regulations no. 14).

(5) Under normal circumstances, all applications and supporting evidence must be submitted to the Department Office which is responsible for the module in question, using the appropriate proforma and in accordance with the University Policy on Mitigating Circumstances.

### **Deferral of assessment**

(1) A student may apply on grounds of mitigating circumstances for permission to defer assessment in one or more components of a particular module to the next available assessment opportunity. There is no provision to defer assessment beyond the end of the academic year.

(2) The deferral shall only be granted where—

- (a) the mitigating circumstances and supporting evidence are judged to be sufficient; and
- (b) an extension to the assessment deadline would not be appropriate; and
- (c) provision is normally made for a subsequent assessment opportunity in that module before the end of the academic year.

(3) The application to defer should be submitted sufficiently in advance so that the student would still have the opportunity to undertake the assessment at the normal time if the application were to be refused. In all cases the application must be submitted before the date and time of the assessment in question. For an examination or test, this means the published start time; for other types of assessment, this means the published submission deadline.

(4) Other than in exceptional circumstances, all applications and supporting evidence must be submitted to the Department Office which is responsible for the module in question, using the appropriate proforma and in accordance with the University Policy on Mitigating Circumstances.

(5) A student who has been granted a deferral may nonetheless decide to undertake the assessment at the normal time, in which case the deferral automatically shall be cancelled. Otherwise the decision to defer the assessment shall be recorded and shall appear on the student's transcript.