

# University for the Creative Arts

## Mitigating Circumstances Regulations

### Contents

1. Purpose, Principles & Scope	1
2. Grounds	2
3. Evidence requirements	3
4. Submission and consideration of claims	3
5. Claims submitted before the given assessment deadline	4
6. Late Mitigating Circumstances Claims	4
7. Students with disabilities or specific learning differences	5
8. Other circumstances	6
9. Support to Study	6
10. Appeals	6

### 1. Purpose, Principles and Scope

- 1.1 The University aims to respond in an equitable and consistent way to requests from students for mitigating circumstances to be taken into consideration for matters relating to assessments. This will normally be in the form of extensions to assessment deadlines, but may in certain circumstances also include making adjustments to assessment tasks. As well as the needs of the student claiming mitigating circumstances, academic integrity and fairness to other students will also be considered.
- 1.2 The University defines mitigating circumstances as exceptional, short-term events which are outside the student's control and impact their ability to prepare for, submit or present themselves for an assessment by the given deadline.
- 1.3 All students wishing to submit mitigating circumstances are expected to do so in advance of the given assessment deadline. Late claims will only be considered in exceptional circumstances and where the person considering the claim is satisfied that the student was unable, or for justifiable reasons unwilling, to submit the claim before the required deadline.
- 1.4 The University considers that students who submit or present themselves for assessment are, in doing so, declaring themselves fit to be assessed. Therefore, when considering a claim for mitigating circumstances in relation to an assessment which the student has submitted, the person considering the claim must also be satisfied that due to the nature of

the mitigating circumstances the student was not fit to determine that they were unfit to be assessed at the time of submitting or presenting for assessment.

- 1.5 Where a pattern of continued claims for mitigating circumstances by any one student is identified, the Course Leader may, in consultation with the student and Library & Student Services, refer to the [Support to Study Procedure](#) (see section 9 below).
- 1.6 Under no circumstances may individual marks be adjusted, at either assessment component, unit, or award classification level, on the basis of mitigating circumstances.
- 1.7 Authority for consideration of mitigating circumstances claims rests with the relevant Board of Examiners, however as provided for by these regulations this authority may be delegated to Course Leaders or Heads of School. All decisions relating to claims for mitigating circumstances are taken under the delegated authority of the Board of Examiners.
- 1.8 Extensions to assessment deadlines should be given following consideration of the individual mitigating circumstances. The duration of the extension should therefore be proportionate to the number of study days lost due to the particular circumstances and take the student's on going welfare into account.
- 1.9 These regulations apply to all taught undergraduate and postgraduate students of the University.

## 2. Grounds

- 2.1 In order for a mitigating circumstances claim to be accepted, the student must demonstrate, to the satisfaction of the person considering the claim that the mitigating circumstances:
  - are outside the student's control;
  - were unforeseen and unforeseeable;
  - are acute;
  - are supported by appropriate evidence;
  - occurred immediately before or at the time of the assessment submission date;
  - will have an impact upon the student's ability to be present for the assessment deadline or otherwise will negatively affect the student's performance (such that, if it had not been for those circumstances, the student would perform significantly better); or
  - for claims submitted after the given submission deadline, the circumstances must also have prevented the student from submitting a claim before the deadline.
- 2.2 The following are the most common examples of mitigating circumstances for which a claim might be accepted (this list is not intended to be definitive):
  - Serious short-term illness (of a nature which in an employment context would lead to an absence on sick leave);
  - Bereavement;
  - Sudden deterioration of a long-term condition.
- 2.3 The following are examples of circumstances for which a claim will not normally be accepted (this list is not intended to be definitive):
  - Medical circumstances that occurred outside the relevant assessment period;
  - Medical circumstances without supporting documentation;

- Holiday/employment commitments;
- Financial difficulties;
- Personal computer/printer problems;
- Poor study practice;
- Ignorance of assessment deadlines/times;
- Poor time management;
- Late disclosure of circumstances on the basis that a student felt unable or uncomfortable confiding in a university staff member about their mitigating circumstances.

### 3. Evidence requirements

3.1 Evidence submitted in support of mitigating circumstances must demonstrate the impact the circumstances had on the student's ability to submit or present for an assessment by the given deadline. Examples of acceptable evidence may include:

- Evidence of a medical/health condition which occurred or impacted during the period immediately leading up to the assessment date and/or the actual assessment date. It is at the Course Leader's discretion whether or not to accept the evidence presented, however it should be noted that self-certification will not normally be accepted;
- In the case of bereavement, it is at the Course Leader's discretion whether or not to accept the evidence presented, however, if the death occurred outside the assessment period or period immediately leading up to the assessment deadline, then further evidence should be submitted to support the claim of the on-going impact this had/is having on the student's ability to meet the assessment deadline;
- Written confirmation from a Learning Support Manager/Dyslexia Adviser/Counsellor to evidence a disadvantage to student learning. Such evidence must include confirmation of an ongoing relationship between the student and the support service (i.e. that the student has previously and continues to receive such support).
- Where supporting evidence is not available at the time the student submits the Mitigating Circumstances Form, the student may, at the discretion of the Course Leader, be given a further deadline by which to submit this. Where this deadline is not met, the claim will be considered as originally submitted (i.e. in the absence of evidence).

3.2 If evidence is in a foreign language it is the student's responsibility to have it translated prior to submission.

### 4. Submission and consideration of claims

4.1 Students may wish to seek advice and guidance from the Campus Registry, Course Leader or Students' Union prior to submitting a claim.

4.2 Students wishing to submit a claim for mitigating circumstances must do so by completing and submitting the Mitigating Circumstances Form available to download from the UCA website (<http://www.uca.ac.uk/quality-assurance-enhancement/university-regulations-policies-and-procedures/>) or from Campus Registries.

- 4.3 The completed form must clearly outline the nature of the mitigating circumstances and how these affected/are affecting the student's ability to submit or present themselves for assessment by the given assessment deadline.
- 4.4 The completed form must be completed in full, include a comprehensive written statement and must be accompanied by all relevant documentary evidence.
- 4.5 Mitigating circumstances claims must be submitted to the Campus Registry and may be submitted by any of the following methods:
- by hand;
  - by email:
    - Canterbury Campus Registry email: [CampusRegistryCanterbury@uca.ac.uk](mailto:CampusRegistryCanterbury@uca.ac.uk)
    - Epsom Campus Registry email: [CampusRegistryEpsom@uca.ac.uk](mailto:CampusRegistryEpsom@uca.ac.uk)
    - Farnham Campus Registry email: [CampusRegistryFarnham@uca.ac.uk](mailto:CampusRegistryFarnham@uca.ac.uk)
    - Rochester Campus Registry email: [CampusRegistryRochester@uca.ac.uk](mailto:CampusRegistryRochester@uca.ac.uk)
  - by post

## 5. Claims submitted before the given assessment deadline

- 5.1 Claims for mitigating circumstances must be submitted no later than 5.00pm on the given assessment deadline, or, in the case of a presentation, performance, viva or examination, before the start of that assessment event.
- 5.2 The Mitigating Circumstances Form, once submitted to the Campus Registry, will be considered by the Course Leader on behalf of the Board of Examiners. It will be considered against the grounds and criteria stated in section 2 above.
- 5.3 Where the Mitigating Circumstances Form has been submitted 5 working days or more before the assessment due date, the Course Leader will normally notify the student and the Campus Registry of the decision before the assessment deadline. In all cases the Course Leader will normally notify the student and the Campus Registry of the decision no later than 5 working days after the assessment deadline.
- 5.4 Where the mitigating circumstances claim is accepted, the student will normally be granted an extension equivalent in length to the study days lost due to the mitigating circumstances, normally up to a maximum of three weeks, or, in the case of a presentation, performance, viva or examination, the student will be deferred and will be required to undertake that assessment at the next available opportunity. Any extension of more than three weeks may only be granted with the express permission of the Head of School.
- 5.5 Where the claim is not accepted, the given assessment deadline must be adhered to and failure to submit or present for assessment will be treated in the same way as any other non-submission or non-presentation of that assessment task.
- 5.6 There is no right of appeal against the Course Leader's or Head of School's decision (see section 10 below).
- 5.7 A student who submits a mitigating circumstances claim but subsequently submits or presents for that assessment will not have that claim considered. Where the claim has

already been considered and accepted, the decision to accept the claim will be set aside, and the student will not be permitted subsequently to submit another claim in relation to that assessment (see paragraph 1.4 above).

## 6. Late Mitigating Circumstances Claims (claims submitted after the given assessment deadline)

- 6.1 The University may consider claims for mitigating circumstances submitted after 5.00pm on the assessment due date, normally up to 10 working days after the original assessment deadline. 'Late' mitigating circumstances claims will only be accepted in exceptional circumstances where the mitigating circumstances form clearly states why the student was unable, or for justifiable reasons unwilling, to submit a claim before the given assessment deadline (see paragraph 1.3 above). In extreme circumstances which prevent earlier engagement with the process, applications may be considered beyond this date at the discretion of the Head of School.
- 6.2 Once submitted, the mitigating circumstances form will be forwarded to the relevant Head of School who will, in liaison with the Quality Manager, consider whether or not the claim should be accepted based on the individual circumstances described within the form and against the criteria stated in section 2 above. The Campus Registry will also inform the respective Course Leader when a late claim is submitted.
- 6.3 For claims relating to assessments that the student has already submitted or presented for, the form must also clearly explain why the nature of the circumstances meant that the student was not fit to determine that they were not fit to be assessed when deciding to submit or present for assessment (see paragraph 1.4 above).
- 6.4 Where a late mitigating circumstances claim is accepted, the student will normally be deferred and given a revised submission date, or, in the case of a presentation, performance, viva or examination, the student will be deferred and will be required to undertake that assessment at the next available opportunity. Where the student has already submitted/presented for the assessment, the assessment result will be set aside, and the student will normally be deferred and given a revised submission date, or, in the case of a presentation, performance, viva or examination, the student will be required to undertake the assessment at the next available opportunity.
- 6.5 Where a late claim is not accepted, the non-submission or non-presentation will be treated in the same way as any other non-submission or non-presentation of that assessment task. Where the student has already submitted/presented for the assessment, the work will be assessed on its own merits.

## 7. Students with disabilities or specific learning differences

- 7.1 Disability is defined under the Equality Act 2010 as a "physical or mental impairment which has a substantial or long term adverse effect on ability to carry out normal day to day activities".
- 7.2 For University purposes, students who have a disability (including specific learning difference) under the definition of the Act are directed to the Library and Student Services Disability & SpLD team for advice and where a Learning & Teaching Support Agreement articulating their learning profile and support and learning entitlements will be produced.

- 7.3 The purpose of learning support is to enable students to develop study strategies to be able to demonstrate learning outcomes through assessment tasks delivered to deadline. For this reason, the University does not offer automatic extensions to students with a disability or specific learning difference. All claims must follow the procedures as outlined above and meet the given criteria for mitigating circumstances.
- 7.4 A specific learning difference will not in itself be considered a justifiable reason for an extension to an assessment deadline, nor is it considered to be a mitigating circumstance EXCEPT where:
- It can be evidenced that the University failed to provide an individual claimant with support as articulated as an entitlement within their learning support agreement;
  - Where a student has recently been diagnosed and as yet has not received sufficient support to enable effective study strategies to be employed to meet a deadline
- 7.5 The University recognises that some students with disabilities and long term medical conditions may from time to time experience adverse impacts on their ability to study or meet deadlines due to a deterioration in health and wellbeing arising from that condition (for example a mental health condition with periods of illness, or a worsening of a long term physical health condition such as arthritis).
- 7.6 Such students are required to apply for mitigating circumstance in the usual way.
- 7.7 Where the Learning & Teaching Support Agreement indicates periodic requirements for extensions to deadlines, the Learning Support Manager or Dyslexia Adviser will provide validation for the student so that additional medical evidence is not required for each claim (see examples of evidence listed in section 3 above).

## 8. Other circumstances

- 8.1 The University recognises that students' assessments can sometimes be affected by circumstances other than those described in section 2 above. These may include participation in University sponsored events, such as Students' Union elections. Students whose assessments may be affected by these events are able to submit claims for mitigating circumstances, however the criteria and evidence requirements as detailed in sections 1, 2 and 3 must still be met and the acceptance of such claims is at the discretion of the Course Leader.

## 9. Support to Study

- 9.1 Where a student is experiencing long-term issues which are negatively affecting their wellbeing and ability to study and take part fully in University life, it may be more appropriate for the student to be supported via the University's [Support to Study Procedure](#). The Support to Study Procedure is designed to look at how to offer students help to remain on their course or placement and to achieve their best potential. Where a pattern of continued claims for mitigating circumstances by any one student is identified, the Course

Leader may, in consultation with the student and Library & Student Services, refer to the [Support to Study Procedure](#).

## 10. Appeals

- 10.1 As confirmed in section 5.6 above, there is no right of appeal against the Course Leader's or Head of School's decision in relation to a claim for mitigating circumstances. Students who wish to appeal the outcome of an assessment must do so under the University's [Academic Appeal Regulations](#).

*Approved by AQC, January 2019*