

Mitigating Circumstances Regulations 2016/17

1. Purpose, Principles and Scope

- 1.1 The purpose of these regulations is to provide a framework within which a student may submit a claim for mitigating circumstances in respect of an assessment where a student is prevented from submitting or presenting for an assessment by the published date, or, exceptionally (see paragraph 1.4 below), in respect of an assessment submitted or presented by the student which was adversely affected by those circumstances.
- 1.2 The University defines mitigating circumstances as circumstances that are acute, severe, unforeseen and outside a student's control and which prevent the student from submitting or presenting themselves for an assessment task by the published assessment date.
- 1.3 All students wishing to submit mitigating circumstances are expected to do so in advance of the assessment date, and by a deadline as stipulated in these regulations. Where a student fails to submit or present for assessment but subsequently submits mitigating circumstances, the body considering the claim must be satisfied that the student was unable, or for valid reasons unwilling, to submit the mitigating circumstances before the required deadline.
- 1.4 All 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 or presented, the body considering the claim must also be satisfied that due to the nature of the mitigating circumstances the student was not fit to determine that he/she was not fit to be assessed when deciding to submit or present for assessment. This is known as the 'fit to sit' policy.
- 1.5 Mitigating circumstances claims must relate to one or more identified assessment tasks.
- 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 or Mitigating Circumstances Panel, however as provided for by these regulations this authority may be delegated to Course Leaders. When considering mitigating circumstances claims, Course Leaders are doing so under the delegated authority of the Board of Examiners.
- 1.8 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 body considering the claim that the mitigating circumstances:
 - 2.1.1 were outside the student's control; and
 - 2.1.2 were unforeseen and unforeseeable; and
 - 2.1.3 were acute; and
 - 2.1.4 were evidenced to be true; and
 - 2.1.5 were contemporaneous with the assessment task(s) for which the claim is submitted (i.e. that they occurred at the same time as the assessment date, or during the preparation period immediately prior to the assessment date); and
 - 2.1.6 either prevented the student from submitting or presenting for the assessment by the due date, or where a student has undertaken the assessment, adversely impacted on

the student's performance such that if it had not been for those circumstances the student would have performed significantly better.

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):

- 2.2.1 Serious short-term illness (of a nature which in an employment context would lead to an absence on sick leave);
- 2.2.2 Death of a close relative, friend or partner;
- 2.2.3 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):

- 2.3.1 Medical circumstances that occurred outside the relevant assessment period;
- 2.3.2 Holiday/employment commitments;
- 2.3.3 Financial difficulties;
- 2.3.4 Personal computer/printer problems;
- 2.3.5 Poor study practice;
- 2.3.6 Ignorance of due dates / times;
- 2.3.7 Poor time management;
- 2.3.8 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

3.1 Evidence submitted in support of mitigating circumstances claims must be independent, third party evidence and include dates relevant to the assessment date in question. Evidence may include:

- 3.1.1 Medical / health certificate dated during the period immediately leading up to the assessment date and/or the actual assessment date. Retrospective medical evidence (i.e. that which is not contemporaneous with the illness, such as a doctor's note which states that the student was seen after the illness and had declared that s/he been ill previously) will not normally be accepted. Self-certification will not be accepted;
- 3.1.2 Death certificate / interim death certificate or other evidence (e.g. order of service);
- 3.1.3 Letter from an independent third party medical, legal or other professional;
- 3.1.4 Letter from Learning Support Manager to evidence a disadvantage to student learning as detailed in paragraph 6.6.1 below.

3.2 If evidence is in a foreign language it is the student's responsibility to have it independently translated by an accredited translator, prior to submission.

4. Submission and Consideration of Claims

4.1 Students should seek advice and guidance from the Campus Registry and/or their Unit Tutor or Course Leader prior to submitting a claim.

4.2 Mitigating Circumstances claims must be submitted by completing the Mitigating Circumstances Form (MCF1) available to download from the UCA website

(<http://www.uca.ac.uk/quality-assurance-enhancement/regulations-and-policies/>) or from Campus Registries.

- 4.3 The completed form must stipulate clearly and unambiguously the nature of the mitigating circumstances and detail in full all matters affecting the student's ability to submit or present themselves for assessment by the published assessment date.
- 4.4 The completed form must include a comprehensive written statement and must be accompanied by all relevant written documentary evidence.
- 4.5 The completed form must state which assessment task(s) the mitigating circumstances claim relates to. Where the mitigating circumstances claim relates to assessment tasks across two or more units, a separate form must be submitted in respect of each unit.
- 4.6 Mitigating Circumstances claims must be submitted to the student's Campus Registry, and may be submitted by any of the following methods:
 - 4.6.1 by hand;
 - 4.6.2 by email:
Canterbury Campus Registry email: CampusRegistryCanterbury@uca.ac.uk
Epsom Campus Registry email: CampusRegistryEpsom@uca.ac.uk
Farnham Campus Registry email: CampusRegistryFarnham@uca.ac.uk
Rochester Campus Registry email: CampusRegistryRochester@uca.ac.uk
 - 4.6.3 by post
- 4.7 In accordance with the principles outlined in paragraph 1 above there are three scenarios governing the submission and consideration of mitigating circumstances claims, and the process for each differs accordingly:
- 4.8 Prospective Claims
 - 4.8.1 A prospective mitigating circumstances claim is where the claim is submitted by the due date of the assessment task which is the subject of the claim. Such a claim constitutes a request for an extension or a deferral.
 - 4.8.2 To be considered as a prospective mitigating circumstances claim, it must be submitted no later than 5.00pm on the assessment due date, or, in the case of an examination or similar classroom test, before the start of that examination or test.
 - 4.8.3 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 at paragraph 2 above.
 - 4.8.4 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 due date. 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 due date.
 - 4.8.5 Where the mitigating circumstances claim is accepted by the Course Leader, the student will be granted an extension, normally equivalent in length to the study days lost due to the mitigating circumstances, up to a maximum of three weeks, or, in the case of an examination or similar classroom test, the student will be deferred and will

be required to sit the examination at the next available opportunity. Any extension of more than three weeks may only be granted by the express permission of the Head of School.

- 4.8.6 Where the claim is not accepted, the assessment due date 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.
- 4.8.7 There is no right of appeal against the Course Leader's decision.
- 4.8.8 A student who submits a prospective claim in respect of an assessment task but also 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 an 'unfit to sit' claim (see paragraph 4.10 below).
- 4.8.9 All mitigating circumstances claims considered by the Course Leader, and the decisions taken by the Course Leader, will be reported to the next meeting of the Board of Examiners.

4.9 Retrospective Claims

- 4.9.1 A retrospective mitigating circumstances claim is where the student does not submit or present for the assessment, and submits a claim only after the assessment due date.
- 4.9.2 To be considered as a retrospective mitigating circumstances claim, it must be submitted after 5.00pm on the assessment due date, or, in the case of an examination or similar classroom test, after the start of that examination or test. In all cases it must be submitted no later than 5 working days prior to the next meeting of the Mitigating Circumstances Panel subsequent to the assessment due date. Any claim submitted after this time will be regarded as being out of time and will not be considered.
- 4.9.3 In accordance with paragraph 1.3 above, the claim form must also state why the student was unable, or for valid reasons unwilling, to submit the claim by the deadline for prospective claims.
- 4.9.4 The Mitigating Circumstances Form, once submitted to the Campus Registry, will be considered by the next meeting of the Mitigating Circumstances Panel.
- 4.9.5 The Campus Registry will inform the respective Course Leader when a retrospective claim is submitted.
- 4.9.6 The claim will be considered against the grounds and criteria stated at paragraph 2 above. Additionally, in accordance with the requirements of paragraph 1.3 above, the Mitigating Circumstances Panel must be satisfied that the student was unable, or for valid reasons unwilling, to submit a prospective claim.
- 4.9.7 The student will normally be notified of the decision of the Mitigating Circumstances Panel within 10 working days of the decision of the Panel.
- 4.9.8 Where the mitigating circumstances claim is accepted by the Mitigating Circumstances Panel, the student will normally be deferred and given a revised submission date, or, in the case of a written examination, the student will be deferred and will be required to sit the examination at the next available opportunity.

4.9.9 Where the 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.

4.10 'Unfit to Sit' Claims

4.10.1 An 'unfit to sit' mitigating circumstances claim is where the student submits or presents for the assessment, and only after the event submits a mitigating circumstances claim.

4.10.2 To be considered as an 'unfit to sit' mitigating circumstances claim, it must be submitted after the due date of the assessment in question, but no later than 5 working days prior to the next meeting of the Mitigating Circumstances Panel subsequent to the assessment due date.

4.10.3 In accordance with paragraph 1.4 above the form must also clearly state why the student did not present this prior to the assessment date, and must explain why the nature of the circumstances meant that the he/she was not fit to determine that he/she was not fit to be assessed when deciding to submit or present for assessment.

4.10.4 Pending consideration of the claim by the Mitigating Circumstances Panel, the assessment will be assessed in the normal way, with no account taken of the mitigating circumstances claim.

4.10.5 The Form, once submitted to the Campus Registry, will be considered by the next meeting of the Mitigating Circumstances Panel.

4.10.6 The Campus Registry will inform the respective Course Leader when an 'unfit to sit' claim is submitted.

4.10.7 It will be considered against the grounds and criteria stated at paragraph 2 above. Additionally, in accordance with the requirements of the 'fit to sit' policy at paragraph 1.4 above, the Mitigating Circumstances Panel must be satisfied that due to the nature of the mitigating circumstances the student was not fit to determine that s/he was not fit to be assessed when deciding to submit or present for assessment (i.e. the student must demonstrate not only that s/he was unfit to undertake the assessment, but also that s/he was unfit to appreciate that fact at the time).

4.10.8 Where the mitigating circumstances claim is accepted by the Mitigating Circumstances Panel, the assessment result will be set aside, and normally the student will be deferred and given a revised submission date, or, in the case of a written examination, the student will be deferred and will be required to sit the examination at the next available opportunity. Under no circumstances may assessment marks be changed as a result of a successful mitigating circumstances claim.

4.10.9 A claim may be accepted even where the assessment task has been passed by the student.

4.10.10 Where the claim is not accepted, the outcome of the assessment will stand.

5. The Mitigating Circumstances Panel

5.1 There will be a Mitigating Circumstances Panel which is responsible for considering all retrospective and 'unfit to sit' mitigating circumstances claims.

5.2 The Mitigating Circumstances Panel is a sub-committee of Academic Board.

5.3 The membership of the Mitigating Circumstances Panel shall be as follows:

Chair (a Head of School, nominated annually by Academic Board)
Two members of the academic teaching staff of the University (one nominated by each Executive Dean)
Director of Library & Student Services or nominee
Head of Quality Assurance and Enhancement or nominee

It shall be clerked by the Quality Manager.

The quorum for the Panel shall be two, including the Chair and the Head of Quality Assurance and Enhancement or nominee.

5.4 The Mitigating Circumstances Panel shall meet normally in February and again immediately prior to each Board of Examiners Period. The dates of Panel meetings shall be confirmed and notified to students during the first term of the academic year.

5.5 Decisions of the Mitigating Circumstances Panel are final and may not be appealed.

6. Students with disabilities or specific learning differences

6.1 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”.

6.2 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 Learning Enhancement and Support team and such students will have a Learning Support Agreement that articulates support and learning entitlements.

6.3 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 procedure and meet the criteria for prospective or retrospective mitigating circumstances.

6.4 Specific learning difference will not in itself be considered justifiable reason for extensions, nor is it considered to be a mitigating circumstance EXCEPT where –

- It can be evidenced that the University has 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

6.5 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 periodic or long term worsening of a physical disability such as arthritis).

6.6 Such students are still required to apply for mitigating circumstance in the usual way.

- 6.6.1 Where the Learning Support Agreement indicates **periodic requirements** for extensions to deadlines, the Learning Support Manager will provide validation for the student so that additional medical evidence is not a requirement for each claim (see also paragraph 3.1.4 above).