

Academic Principles and Regulations

Section C15: Extenuating Circumstances and Mitigation

August 2015

Approved June 2002;
Amended June 2003, July 2004, July 2005, May 2006, July 2007, May 2008, July 2009 and July 2013



Contents

SECTION C15: EXTENUATING CIRCUMSTANCES AND MITIGATION	1
C15.1 General Provisions	1
C15.1.1 Definitions	1
C15.1.2 Fit to Sit/Submit Principle	1
C15.1.3 Non-submission	1
C15.1.4 Extenuating Circumstances	1
C15.1.5 Mitigation	1
C15.1.6 Mitigation at the Point of Assessment	1
C15.1.7 Other Mitigation	1
C15.1.8 Consequences of Failure to Notify: Appeal	1
C15.1.9 Mitigation Panels	1
C15.1.10 Authorised Absence from Assessment	2
C15.2 Responsibility of Students	2
C15.2.1 Student Responsibility	2
C15.2.2 Formal Notification	2
C15.2.3 Timing	2
C15.2.4 Evidence	2
C15.3 Information to Students	2
C15.3.1 Information	2
C15.3.2 Discussion with University Staff	3
C15.3.3 Statements from University Staff	3
C15.4 Confidentiality	3
C15.4.1 Details of Extenuating Circumstances	3
C15.4.2 Discussion of Extenuating Circumstances	3
C15.4.3 Exceptions to Confidentiality	3
C15.5 Retention of Information	3
C15.5.1 Retention of Information	3
C15.5.2 Reasons for Retention of Information	4
C15.5.3 Destruction of Records	4
C15.6 Submission of Extenuating Circumstances	4
C15.6.1 Written requests	4
C15.6.2 Third Party Submission of Extenuating Circumstances	4
C15.7 Mitigation at the point of Assessment: Coursework	4
C15.7.1 Inability to meet coursework submission date	4
C15.7.2 Requests for Coursework Extensions	4
C15.7.3 Consideration	4
C15.7.4 Outcome of Consideration	4
C15.7.5 Length of Extensions	4
C15.7.6 Sole Form of Mitigation	4

C15.7.7	Reporting of Extensions	5
C15.7.8	Extensions Requested after the Submission Date	5
C15.8	Mitigation: Coursework, Examinations or Other Scheduled Assessments	5
C15.8.1	Mitigation: Coursework	5
C15.8.2	Absence from Examinations or Other Scheduled Assessments.....	5
C15.8.3	Mitigation: Examinations	5
C15.9	Extenuating Circumstances affecting a Cohort of Students	5
C15.9.1	Presentation to Examination Committees or Board of Examiners	5
C15.9.2	Notification.....	5
C15.9.3	Consideration	5
C15.10	Mitigation Panels	5
C15.10.1	Establishment	5
C15.10.2	Scope and Extent	6
C15.10.3	Minimum Membership Requirement.....	6
C15.10.4	Agenda and Recording.....	6
C15.10.5	Receipt of Authorised Absence	6
C15.10.6	Consideration of Extenuating Circumstances	6
C15.10.7	Categorisation of Seriousness	6
C15.10.8	Report to the Board of Examiners	6
C15.10.9	Disclosure: Nature of the Extenuating Circumstances	6
C15.10.10	Notification of Outcomes to Students.....	7
C15.11	Consideration of Extenuating Circumstances by Boards of Examiners	7
C15.11.1	Report from the Mitigation Panel	7
C15.11.2	Mitigation: Deferral of Assessment.....	7
C15.11.3	Category A.....	7
C15.11.4	Deem the student to have passed the assessment	7
C15.11.5	Award a mark.....	7
C15.11.6	Re-assessment or raised mark	7
C15.11.7	Offer the relevant award.....	7

SECTION C15: EXTENUATING CIRCUMSTANCES AND MITIGATION

REGULATIONS

C15.1 General Provisions

C15.1.1 Definitions

Extenuating Circumstances are those which:

- affect a student's ability to attend or submit assessment(s)
- are outside a student's control
- can normally be corroborated with original documentary evidence
- occurred during or shortly before scheduled assessment

Mitigation is awarded to lessen the harmful effect of extenuating circumstances on student's assessment outcomes.

C15.1.2 Fit to Sit/Submit Principle

The University Extenuating Circumstances and Mitigation regulations are based on the principle of fit to sit/submit. The principle asserts that students who undertake an assessment declare themselves fit to take that assessment; any claim for extenuating circumstances in relation to that assessment will not, normally, be considered.

C15.1.3 Non-submission

Where a student has not declared themselves fit to sit/submit and has not completed a request for mitigation the respective assessment(s) will normally be recorded as non-submission(s).

C15.1.4 Extenuating Circumstances

Students may submit requests for consideration of extenuating circumstances in respect of:

- inability to submit assessed coursework on the required date
- inability to sit an examination or other scheduled assessment on the required date
- . The same extenuating circumstances may not be claimed more than once for the same assessment.

C15.1.5 Mitigation

If the submitted extenuating circumstances are found to be valid, mitigation in respect of these will be considered in accordance with the University Regulations. There are two types of mitigation:

- Mitigation at the point of assessment
- Other Mitigation determined by a Mitigation Panel

C15.1.6 Mitigation at the Point of Assessment

Mitigation at the point of assessment in respect of coursework submissions will be considered and determined within the Faculty, and a report of any mitigation granted will be made to the relevant Mitigation Panel [See Section C15.7 below].

C15.1.7 Other Mitigation.

All other requests for consideration of extenuating circumstances must be submitted to the relevant Mitigation Panel and outcomes are forwarded to the appropriate Board of Examiners. The Board determines what action (if any) should be taken. The nature of the extenuating circumstances themselves is not disclosed to the Board.

C15.1.8 Consequences of Failure to Notify: Appeal

If, without good cause, a student fails to seek consideration of extenuating circumstances in accordance with University Regulations and guidance, normally, any Request for an Appeal Hearing on the grounds of these extenuating circumstances will be rejected.

C15.1.9 Mitigation Panels

The University authorises the establishment of Mitigation Panels at Faculty level to:

- consider extenuating circumstances
- make appropriate recommendations to the relevant Boards of Examiners.

For collaborative partners panels will be established at an appropriate level as determined by the University.

C15.1.10 Authorised Absence from Assessment

Students are permitted to seek permission for an authorised absence from assessment in relation to circumstances which are outside the fit to sit/submit principle. Such circumstances may include, but are not limited to, Jury Service, UK Border Agency interviews, and court proceedings.

A request for authorised absence from assessment must be directed to the designated member of Academic Staff for approval.

Authorised absence from assessment must be supported by original documentary evidence.

All requests for Authorised absence from assessment will be presented to the Mitigation Panel for information.

Authorised absence from assessment will be recorded in the University's student record system.

C15.2 Responsibility of Students

C15.2.1 Student Responsibility

It is the responsibility of the student to do the following:

- Declare themselves fit to sit/submit by attending or submitting assessment.
- Inform the University of any extenuating circumstances which they wish to be taken into consideration in respect of inability to submit assessed coursework and/or sit examinations or other scheduled assessment. Ensure the request is received in writing, in the appropriate manner and is received by the designated member of staff
- Ensure the request is supported by original documentary evidence
- Ensure the request clearly states the module or modules affected and the specific assessment(s) affected
- Ensure the request clearly states the date(s) for or between which the submitted extenuating circumstances are being claimed. Failure to do so may result in the mitigation panel being unable to recommend any mitigation.

C15.2.2 Formal Notification

Extenuating circumstances will normally only be taken into account if the formal provisions for notification [Section C15.6 below] are followed.

C15.2.3 Timing

A student who has not taken assessment because they consider themselves to be unfit must make a request for consideration of their extenuating circumstances at the earliest possible time and normally no later than 5 working days from the date of assessment.

Where a student has declared themselves fit to sit/submit but later deems their declaration to have been incorrect they will, in exceptional circumstances, be permitted to submit extenuating circumstances within 5 working days of the date of assessment. For example, becoming ill during an examination.

C15.2.4 Evidence

All requests for consideration of extenuating circumstances must be substantiated by original, documentary evidence.

Evidence should be submitted with the request and normally no later than 5 working days of the request for extenuating circumstances being received by the University.

C15.3 Information to Students

C15.3.1 Information

It is the responsibility of the Dean of Faculty to ensure that students have access to the following information:

- the current University Regulations and associated guidance
- the name of the person(s) designated to receive requests for consideration of extenuating circumstances
- the location to which Extenuating Circumstances should be directed, including electronic submission
- sufficient advance notice of the dates by which such submissions must be submitted to enable them to be presented
- appropriate sources of advice and guidance.

C15.3.2 Discussion with University Staff

Discussion of problems or difficulties with a member or members of University staff does not in itself constitute a submission of extenuating circumstances.

C15.3.3 Statements from University Staff

Any relevant statement to be presented to a Mitigation Panel as original documentary evidence arising from previous discussion with or disclosure to a member of University staff

- Needs to be requested from that member of staff by the student
- Be in writing
- Be submitted by the student

C15.4 Confidentiality

C15.4.1 Details of Extenuating Circumstances

All submissions giving details of extenuating circumstances will be confidential to the University staff authorised to receive and consider them, except for the provisions of C15.4.3 to C15.4.5 below.

C15.4.2 Discussion of Extenuating Circumstances

Discussion of extenuating circumstances by Mitigation Panels or Boards of Examiners will be confidential to those members of staff, except for the provisions of C15.4.3 to C15.4.5 below.

C15.4.3 Exceptions to Confidentiality

Submission of Extenuating Circumstances will not normally be disclosed outside the Mitigation Panel other than in the following circumstances:

- Where the needs of a Professional, Statutory or Regulatory Body requires wider disclosure.
- Where the decision of a Board of Examiners requires wider disclosure
- Where a student subsequently requests and is granted, an Appeal Hearing.
- Where investigation of matters under the general student regulations requires wider disclosure.
- Where there is a potential threat to life.

Wider disclosure will be limited to the External Examiner, Chair or Investigating Officer as appropriate to each circumstance. Where disclosure is deemed to be necessary beyond these person(s) the student(s) will be informed in advance of disclosure.

C15.5 Retention of Information

C15.5.1 Retention of Information

Records of extenuating circumstances will be securely retained as follows:

(A) Mitigation Granted

Where the outcome of consideration was that a form of mitigation was granted to the student, records relating to this will be retained for the student's duration of study plus one year.

(B) Mitigation not Granted

Where the outcome of consideration was that mitigation was not granted to the student (including on account of late submission of the request), records relating to this will be retained for the student's duration of study plus one year.

These provisions also apply to requests for mitigation at the point of assessment (Sections C15.6 and C15.7).

C15.5.2 Reasons for Retention of Information

Such information will be retained for the purposes of an Appeal against a decision of a Board of Examiners or Examination Committee (if appropriate).

C15.5.3 Destruction of Records

At the end of the period of retention, records of extenuating circumstances will be destroyed in a manner which ensures that confidentiality of the information is not breached.

C15.6 Submission of Extenuating Circumstances

C15.6.1 Written requests

All requests for the consideration of extenuating circumstances must be in writing in accordance with guidance issued by the University.

Electronic submissions are acceptable, provided that they are accompanied by verification of the student's identity via University systems (e.g. Student ID number).

Electronic submission must be followed by submission of original documentary evidence.

This includes requests for extensions to submission deadlines for coursework.

C15.6.2 Third Party Submission of Extenuating Circumstances

In exceptional circumstances, third party submission of extenuating circumstances will be accepted, provided they are accompanied by confirmation of the student's inability to submit themselves.

C15.7 Mitigation at the point of Assessment: Coursework

C15.7.1 Inability to meet coursework submission date

Students may seek an extension to a coursework submission date, where they have valid extenuating circumstances in respect of being unable to meet the relevant submission deadline.

C15.7.2 Requests for Coursework Extensions

Such requests must:

- be submitted to the person designated to receive them
- identify the circumstances

provide independent documentary evidence

C15.7.3 Consideration

Consideration of such requests will be made by a designated member of academic staff, appointed by the Faculty for this purpose.

C15.7.4 Outcome of Consideration

The outcome of the consideration will be that the extension will be permitted or not permitted. There is no appeal against the outcome of this consideration through the regulations for an Appeal against a Decision of a Board of Examiners or Examination Committee (see University Regulations Section C16).

C15.7.5 Length of Extensions

The length of the extension given will normally be:

- for five working days only - "Working Days" includes weekdays and vacations
- Saturdays, Sundays, Bank Holidays, Customary Days, and other days when the University is closed are not working days for the purposes of these regulations.

If the student requests a longer period of time and the member of staff considering the request finds this to be justified, the length of the extension given may normally be given to a maximum of 10 working days.

C15.7.6 Sole Form of Mitigation

Such an extension will normally be the sole form of mitigation allowed in respect of these extenuating circumstances.

C15.7.7 Reporting of Extensions

All extensions, where granted, must be reported to the Faculty Mitigation Panel and recorded in the University's student record system.

C15.7.8 Extensions Requested after the Submission Date

An extension will not normally be given after the date on which the coursework should have been submitted.

C15.8 Mitigation: Coursework, Examinations or Other Scheduled Assessments

C15.8.1 Mitigation: Coursework

A student who is unable to meet a coursework deadline may submit their extenuating circumstances to the Faculty Mitigation Panel where:

- their circumstances are valid and
- an extension to their course work deadline is not a suitable remedy or has already been exhausted

In cases where an extension has already been granted the student would need to demonstrate that their circumstances had changed in some way and how this had impacted upon their ability to submit assessment.

C15.8.2 Absence from Examinations or Other Scheduled Assessments

A student who was absent from an examination or other scheduled assessment and considers that they have valid extenuating circumstances in respect of this, must request consideration of those circumstances in accordance with University Regulations.

If the circumstances are found to be valid, the mitigation panel will permit the student to take the assessment as if at the first attempt (deferral) at the next available opportunity.

No special examination or other scheduled assessment will, normally, be provided for such students.

C15.8.3 Mitigation: Examinations

If the circumstances are found to be valid, the mitigation panel will permit the student to take the examination as if at the first attempt (deferral) at the next available opportunity.

No special examination will be provided for such students.

C15.9 Extenuating Circumstances affecting a Cohort of Students

C15.9.1 Presentation to Examination Committees or Board of Examiners

Extenuating circumstances which may have affected the performance of a cohort of students will be presented to the relevant Board of Examiners or Examination Committee acting on behalf of a Board of Examiners.

C15.9.2 Notification

The Scheme/Course Leader (or equivalent) (or nominee) is responsible for informing the Committee or Board of such circumstances.

C15.9.3 Consideration

Consideration of such circumstances will be conducted in accordance with Section C12 of the University Regulations: Boards of Examiners and Examination Committees. Where the circumstances are deemed to warrant this, the marks of the entire cohort may be adjusted upwards.

C15.10 Mitigation Panels

C15.10.1 Establishment

Mitigation Panels will be established for the consideration of extenuating circumstances presented to Boards of Examiners.

C15.10.2 Scope and Extent

Mitigation Panels may be established at Faculty level in accordance with current University Regulations.

For collaborative partners panels will be established at an appropriate level as determined by the University.

C15.10.3 Minimum Membership Requirement

The following members are required for all Mitigation Panels:

- Senior member of academic staff nominated by the Dean(Chair)
- At least two members of academic staff internal to the Faculty, nominated by the Dean
- A senior member of Support Staff nominated by the Dean
- One experienced member of academic or senior support staff external to the faculty in which the students are located
- a Secretary to the Panel (in attendance).

C15.10.4 Agenda and Recording

Mitigation Panels will be conducted, and their proceedings recorded in accordance with guidance issued by the University. Provision for letter(s) of advice to students with repeated requests for mitigation is included in the guidance.

C15.10.5 Receipt of Authorised Absence

The Mitigation Panel will receive a report of authorised absences granted by the designated officer, for information.

C15.10.6 Consideration of Extenuating Circumstances

The Mitigation Panel will consider the extenuating circumstances presented and will determine as follows:

- The degree of seriousness of the extenuating circumstances accepted
- The assessments which were evidenced by the relevant extenuating circumstances.

C15.10.7 Categorisation of Seriousness

The Mitigation Panel will categorise the seriousness of extenuating circumstances as follows:

- Category A – Very Serious
- Category B – Sufficiently Serious to defer assessment
- Rejected – the panel will reject claims which are late, not substantiated by original documentary evidence or are not deemed sufficiently serious to warrant deferral.

C15.10.8 Report to the Board of Examiners

The Mitigation Panel will make a report to the relevant Board of Examiners in respect of each student:

- Identifying the assessments which were affected by the extenuating circumstances
- and
- Categorising the seriousness of the relevant extenuating circumstances in respect of those assessments.

The Mitigation Panel will also present a report of all extensions to coursework assessment deadlines granted at the point of assessment and all outcomes of requests for authorised absence granted by the designated officer.

The Mitigation Panel may make no recommendations to the Board of Examiners beyond those specified here.

C15.10.9 Disclosure: Nature of the Extenuating Circumstances

The precise nature of the extenuating circumstances will not be disclosed to the Board of Examiners. Exceptions to confidentiality are detailed in regulation C15.4.3

C15.10.10 Notification of Outcomes to Students

All outcomes of the Mitigation Panel will be notified to students in writing in accordance with University guidance.

C15.11 Consideration of Extenuating Circumstances by Boards of Examiners

C15.11.1 Report from the Mitigation Panel

Boards of Examiners will receive a report from a Mitigation Panel in respect of submitted extenuating circumstances setting out its decisions as provided for under Section C15.10.7 above. The report may not be amended by a Board of Examiners. The Board of Examiners will consider the decisions advised by the Mitigation Panel and discuss appropriate action in respect of the students.

C15.11.2 Mitigation: Deferral of Assessment

The mitigation permitted by the Board of Examiners will normally be deferral of assessment to permit the student to be assessed as if for the first time.

C15.11.3 Category A

Category A mitigation permits the Board of Examiners to consider alternative forms of mitigation, detailed below (C15.11.4 – C15.11.7)

C15.11.4 Deem the student to have passed the assessment

Where the Board is satisfied as to the student's progress overall the work relating to the level and the overall achievement of the learning outcomes it may deem the student to have passed the assessment(s) in question.

C15.11.5 Award a mark

(A) Decision to allocate a mark

The Board may allocate a mark, where it is satisfied that:

- the student's achievement overall in the programme of study is of high quality;
- and
- the record of work relating to the level is good.

(B) Determination of the allocated mark

Such an allocated mark may be:

- the average of the student overall
- the average for that cohort
- another mark.

(C) Student Option

The student will be given the choice between:

- accepting the mark
- being assessed as for the first time.

C15.11.6 Re-assessment or raised mark

Where the student has passed the module(s) but where the grade or mark attained is lower than might reasonably be expected from the student's overall performance, the Board may permit the student either:

- to be re-assessed in that module permitting the mark to be raised
- award a higher mark.

C15.11.7 Offer the relevant award

Where the Board is satisfied as to the student's progress overall in the work relating to the programme of study, it may:

- deem the student to have passed the assessment(s) in question
- offer the relevant award if it is the final stage
- Offer an aegrotat award.