

Academic Regulations Extenuating Circumstances and Mitigation

Section 8

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Extenuating Circumstances and Mitigation

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Section 8: Extenuating Circumstances and Mitigation

8.1 Purpose

This section of the Academic Regulations defines the regulations for the application of extenuating circumstances and mitigation.

Leeds Beckett University recognises that circumstances may arise in which students are unable to complete or submit assessment. These are known as extenuating circumstances. Students may submit details of their circumstances to request an extension or apply for mitigation to lessen the harmful effect of their extenuating circumstances on assessment outcomes.

8.2 General Principles of Student Progression and Award

8.2.1 Fit to sit/submit

The University operates a fit to sit/submit principle in relation to extenuating circumstances and mitigation. This principle is that by sitting or submitting an assessment the student has declared themselves fit to participate in the assessment. Therefore, claims of extenuating circumstances relating to that assessment will not, normally, be considered.

A declaration of fit-to-sit can be withdrawn in the following circumstances:

- a) where a student informs a member of the course team that they are not fit to sit or submit
- b) where a student becomes unwell during the assessment and requests to be excused
- c) where observed behaviour, empirical evidence and/or medical documentation determines a student was not fit to sit/submit the assessment
- d) where a student is affected in their ability to accurately assess their fitness to sit.

In these circumstances where a fit-to-sit/submit declaration has been withdrawn, the student may apply for mitigation or, for disabled students, refer to section 8.2.3.

Declarations of fitness to sit can only be registered prior to each assessment undertaken and consecutive assessments scheduled to be completed within the same working day will each register a declaration separately.

8.2.2 Due Consideration

In considering the assessment of students, the University will duly consider extenuating circumstances which might have affected a student's performance.

8.2.3 Students with a disability

Disabled students do not need to apply for mitigation for reasonable adjustments to be implemented.

In the following exceptional circumstances, disabled students will not normally be required to apply for mitigation:

1. their extenuating circumstances relate to a disability^[1] that has an adverse affect on their ability to undertake assessments; and
2. that disability has previously been disclosed to the University (or the University was aware of through other empirical evidence); and
3. reasonable adjustments were not implemented in time for the assessment.

Instead, the School will apply a form of mitigation appropriate in all the circumstances.

Provided that the agreed reasonable adjustment arrangements have been fully implemented, a student will not normally be permitted to request further extenuating circumstances to be taken into account where these relate to the disability for which the arrangements were made.

[1] a physical or mental impairment that has a substantial and long term (namely it has lasted or is likely to last at least 12 months)

8.2.4 Mitigation Panels

The University authorises the establishment of mitigation panels, in accordance with current University guidance, to:

- e) consider extenuating circumstances
- f) make appropriate recommendations to the relevant Progression and Award Board.

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

8.2.5 Responsibilities of Students

It is the responsibility of the student to bring extenuating circumstances to the University's attention in accordance with University Regulations and guidelines.

8.2.6 Non-submission

Where a student has not declared themselves fit to sit/submit and has not completed an extension request or an authorised absence request the respective assessment(s) will normally be recorded as non-submission(s). In this circumstance, the school will discuss this with the student to determine appropriate support and guidance.

8.3 Code of Practice on Extenuating Circumstances and Mitigation

8.3.1 Extenuating Circumstances

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

- a) inability to submit assessed coursework on the required date
- b) 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.

8.3.2 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:

- a) mitigation at the point of assessment in respect of coursework submissions will be considered and determined by a mitigation Co-ordinator, and a report of any mitigation granted will be made to the relevant mitigation panel
- b) other mitigation determined by a mitigation panel which must be submitted to the relevant mitigation panel and outcomes are forwarded to the appropriate Progression and Award Board. The details of the extenuating circumstances themselves are not disclosed to the Board.

Any request for an appeal hearing on the grounds of these extenuating circumstances will normally be rejected where a student without good reason, fails to seek consideration of extenuating circumstances in accordance with university regulations and guidance.

8.3.3 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 visa and immigration interviews, and court proceedings.

Students must request authorised absence from assessment from the designated member of academic staff for approval and the request must be supported by original documentary evidence. All requests for authorised absence will be presented to the mitigation panel for information and will be recorded in the University's student record system.

8.3.4 Responsibility of Students

It is the responsibility of students to:

- a) declare themselves fit to sit/submit by attending or submitting assessment.
- b) 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.
- c) Ensure the request is submitted electronically via the online system for mitigation requests and a receipt for this is obtained.
- d) Ensure the request is supported by original documentary evidence.
- e) Ensure that the evidence is submitted with the request and normally no later than 5 working days of the request for extenuating circumstances being received by the University.
- f) Ensure the request clearly states the module or modules affected and the specific assessment(s) affected.
- g) 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.

8.3.5 Responsibility of the University

a) Information

It is the responsibility of the Dean of School 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 of the online submission point for extenuating circumstances requests
- 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.

b) 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.

c) 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

8.3.6 Formal Notification

A student who has not undertaken 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 (for example, becoming ill during an examination), be permitted to submit extenuating circumstances within 5 working days of the date of assessment.

This time period may be extended for students who are unable to notify the university for a disability-related reason.

8.3.7 Requests for Extenuating Circumstances

All requests for the consideration of extenuating circumstances, including requests for extensions to submission deadlines for coursework, must adhere to the following:

- a) Be submitted electronically via the online system for mitigation requests in accordance with guidance issued by the University.
- b) Independent documentary or medical evidence will normally be required to be submitted in support of mitigation requests. This should be attached to the online submission.
- c) 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.

8.3.8 Mitigation at the point of Assessment: Coursework - 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.

Such requests must be submitted to the person designated to receive them, identify the circumstances and provide independent documentary evidence.

Such requests will be considered by a designated member of academic staff. 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 Progression and Award Board or Module Board (see Section 9 of the University Regulations).

8.3.9 Length of Extensions

The length of the extension given will normally be:

- For 5 working days only – “working days” includes weekdays and vacations.

Saturday, Sundays, Bank Holidays and other days when the University is closed are not classed as working days.

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 be exceptionally extended to 10 working days.

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

All extensions, where granted, must be reported to the School mitigation panel and recorded in the University's student record system.

An extension will not normally be given after the date on which the coursework should have been submitted. The member of staff considering such requests can exceptionally allow a student to submit a request for an extension up to one working day after the submission date.

8.3.10 Mitigation: Coursework, Examinations or Other Scheduled Assessments

a) Mitigation: Coursework

A student who is unable to meet a coursework deadline may submit their extenuating circumstances to the 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.

b) 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.

c) 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.

8.3.11 Extenuating Circumstances affecting a Cohort of Students

a) Presentation to Module Boards or Progression and Award Board

Extenuating circumstances which may have affected the performance of a cohort of students will be presented to the relevant Progression and Award Board or Module Board acting on behalf of a Progression and Award Board.

b) Notification

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

c) Consideration

Consideration of such circumstances will be conducted in accordance with Section 6 of the University Regulations: Progression and Award Boards and Module Boards. Where the circumstances are deemed to warrant this, the marks of the entire cohort may be adjusted upwards.

8.3.12 Mitigation Panels

Mitigation panels will be established in order to:

- a) consider extenuating circumstances
- b) make appropriate recommendations to the relevant Progression and Award Board.

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

Mitigation Panels will meet as often as the Dean of School considers necessary and always prior to the Progression and Award Board where the outcomes of the Panel will be considered.

8.3.13 Membership of Mitigation Panels

The minimum membership requirements for all mitigation panels is:

- a) Senior member of academic staff or senior professional support staff nominated by the Dean of School (Chair)
- b) At least two members of academic staff internal to the School
- c) A senior member of support staff (if not already allocated to the Chair role above)
- d) A secretary to the panel (in attendance)

The minimum composition of the panel would therefore be 2 members of academic staff, one member of professional support staff and secretary to the panel.

Mitigation Panels will be conducted, and their proceedings recorded in accordance with guidance issued by the University.

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

The Panel will consider the degree of seriousness of the extenuating circumstances accepted and the assessments which were evidenced by those relevant circumstances.

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

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

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

8.3.14 Report from the Mitigation Panel

The mitigation panel will make a report to the relevant Progression and Award Board in respect of each student:

- a) identifying the assessments which were affected by the extenuating circumstances and

- b) categorising the seriousness of the extenuating circumstances in respect of those assessments. The Progression and Award Board will consider the decisions advised by the Panel and discuss appropriate action in respect of the students.

The Panel will also present to the Progression and Award Board a report on 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 Panel may make no recommendations to the Progression and Award Board beyond those reports specified here. The Progression and Award Board may not amend the reports of the Mitigation Panel.

8.3.15 Progression and Award

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

Category A mitigation permits the Board to consider alternative forms of mitigation as follows:

- a) consider the student to have passed the assessment where the Board is satisfied as to the student's progress overall relating to the level and the student's overall achievement of the learning outcomes.
- b) Allocate a mark where the Board is satisfied that the student's achievement overall in the course of study is of high quality and the record of work relating to the level is good. The allocated mark may be the average of the student overall, the average for that cohort of students or another mark. The student will be given the choice between accepting the mark and being assessed again as if for the first time.
- c) Allow the student to be reassessed in a module where the student has passed but where the grade or mark attained is lower than might reasonably be expected from the student's overall performance. The Board may also, in these circumstances, raise the mark.
- d) Deem the student to have passed the assessment(s) in question and offer the relevant award where the Board is satisfied as to the student's progress overall in the work relating to the course of study and it is the final stage.
- e) An aegrotat award may be offered (see section 4 of the University Regulations).

8.3.16 Confidentiality and Retention of Information

Submissions giving details of extenuating circumstances and discussion of extenuating circumstances by Mitigation Panels or Exam Boards will be confidential to the members of

staff who are involved in the mitigation process (including the designated officer and the members of the Mitigation Panels), except where sharing of the information is necessary and has a lawful basis under UK data protection law. Examples of where information may need to be shared more widely than the mitigation panel include:

- a) Where the needs of a Professional, Statutory or Regulatory Body requires wider disclosure.
- b) Where the decision of a Progression and Award Board requires wider disclosure, for example to the External Examiner.
- c) Where a student subsequently requests and is granted, an Appeal Hearing.
- d) Where investigation of matters under the general student regulations requires wider disclosure.
- e) Where there is a potential threat to life.

Records of extenuating circumstances will be securely for the student's duration of study plus one year.

These provisions also apply to requests for mitigation at the point of assessment.

Such information will be retained for the purposes of an Appeal against a Decision of a Progression and Award Boards or Module Boards (if appropriate).

At the end of the period of retention, records of extenuating circumstances will be destroyed.