Policy on Mitigating Circumstances

1. Introduction and Scope

This policy sets out the University’s requirements for managing mitigating circumstances. The regulatory requirements are laid out in Senate Regulation 7: regulations governing the assessment of taught programmes. This policy specifically relates to regulations covered in sections 7.91-7.117.

It sets out the University’s policy and responsibilities in respect of:

- Defining a mitigating circumstance and the criteria for submission of a claim
- The criteria by which a student should judge themselves as being suitably able to submit or attend an assessment
- Maintaining a single solution for the submission, receipt, review and notification of a claim
- Having appropriately trained staff with access to all required information making decisions on claims
- Consistent application of recommendations and outcomes in line with senate regulations
- Application of the regulations consistently and fairly across all cohorts of students of the University at a Department and/or College level.

It applies to all students following taught programmes of study, or taught modules as part of research degrees, full-time or part-time, who wish to apply for mitigating circumstances in relation to an assessment or period of assessments.

The term assessment in this policy relates to any form of coursework, examinations, presentations, in-class tests, lab work, online activities, or other activity resulting in a mark and/or grade.

2. Principles

- That all students are treated equally and fairly in the consideration of their mitigating circumstances regardless of their programme of study;
- That students have a consistent experience of the mitigating circumstances process;
- That the University fulfils its commitment to delivering a single seamless student service;
- That any student who submits, or attends an assessment, on time is declaring themselves able to do so and normally no mitigating circumstance claim can be made for the assessment;
- That due recognition is given to the specific challenges facing students on distance learning and campus based programmes where distinctive modes of study can lead to a different set of circumstances that may result in a claim for mitigation;
- That University staff have easy access to information students have willingly shared as part of the claim, as relevant for their role in the process;
- That students are provided with accurate information to make informed decisions about their assessments;
- That responses to claims are made in a timely manner and not delayed due to internal structures.

3. Explanation of a Mitigating Circumstance

The University considers a mitigating circumstance to be a recognisably serious or significant event, affecting a student’s health or personal life which is beyond the student’s control. The events are
sufficiently serious enough in nature to result in the student being unable to attend, complete, or submit an assessment on time.

A student who submitted or attended an assessment on time cannot claim mitigating circumstances on the basis that their standard of performance in the assessment may have been affected unless they submit evidence that their judgement was affected in reaching the decision on whether to attend or submit.

Any student who does not present a mitigating circumstance claim within the given deadlines as outlined in section 6 below cannot subsequently submit mitigating circumstances after the assessment results are known.

A student who believes their judgement was impaired in making the decision to attend or submit an assessment may submit a claim retrospectively after attending or submitting the assessment. The claim must include adequate evidence to support impaired judgement at the time of the assessment or submission: for example, evidence of a medical condition that prevented the student from making a balanced decision immediately before an assessment where the student was not being supported through other services in advance of the assessment.

The University expects that most cases of mitigating circumstances would fall into one, or more, of the categories listed in appendix A. A student presenting a request under one of these headings might expect that the request would be accepted subject to appropriate supporting evidence and demonstrable impact on an assessment within the defined timeframe.

Examples that the University would typically not accept as reasonable grounds for mitigating circumstances can be found in appendix B. A student submitting a request based on one of these examples should normally expect that their request will be declined.

4. Criteria for submitting a claim

The following criteria should be applied to claims for mitigating circumstances, only assessments affected in one of the following ways will be considered. At the point of submitting a claim all students will need to declare which criterion is applicable for the affected assessments.

a. **Assessment will be submitted late**, but falls within the late submission of coursework penalty scheme (8 working days after published submission deadline for postgraduate modules and 10 working days for undergraduate modules), anything submitted after these dates is assumed to be a non-submission and will be considered under criterion d below.

b. **Absence from a scheduled assessment** such as an examination, class test, lab work or presentation;

c. **Taken ill during a scheduled assessment**, such as examination or presentation

d. **Non-submission of an assessment**

e. Assessment attended or submitted on time but the student can provide medical evidence to support that they were incapable of determining whether or not they were able to undertake the assessment at the time of doing so.

If one of the above criteria is relevant then the claim should demonstrate it meets the additional criteria:

- **Beyond the control of the student**: the student must demonstrate that they could not have done anything to prevent the circumstances arising, that they were unforeseen and unpreventable.
✓ **Impact on assessment:** the claim must demonstrate a significant negative impact on the student’s ability to submit/attend or complete an assessment by the deadline. It must make clear the duration of the circumstances and have the appropriate documentary evidence to support this claim.

✓ **Have timely relevance:** typically the circumstance must have occurred on the day the assessment was due to be submitted or attended or the week leading up to it. Where the serious or significant event falls before this time the student should be able to demonstrate that the impact (as above) it had can be linked to the assessment being claimed for. (e.g. event significantly impacted revision/preparation for assessment that could not be recovered at another time and therefore the assessment could not be attempted or submitted on time).

5. **Submission of a claim**

The submission of a mitigating circumstance claim indicates that the student believes they are not in a position to complete the assessment by the given deadline. Should the request be approved the student should no longer attempt the assessment, and instead an alternative deadline will normally be set.

- If the assessment is attempted or submitted after the mitigating circumstance request has been approved and the student informed, then the mitigating circumstance claim will no longer be valid and the assessment outcome will be final. No additional mitigating request can be submitted against the assessment.
- Where the assessment has been attempted on time before a decision has been communicated to the student then the mitigating circumstance request will take precedence and if accepted any attempt will be null and void and the student will be given a time in which to take the assessment again (see section 9).

All claims should be submitted online, by the student, using the online submission tool in MyStudentRecord.

All Departmental information on mitigating circumstances must refer to the regulations and policy and must signpost students to the online submission tool. Departments are not permitted to create their own mitigating circumstance submission process and must use the designated University tool supported by the Student Record System (SITS).

6. **Deadlines for Submissions**

All forms of assessment will have a final submission date, or date of completion, and where possible these dates will be held in the University Student Record System. It is expected that assessment due dates will be available to students at the start of each semester.

The latest deadline for the submission of a mitigating circumstance claim (with relevant supporting documentation) will be 7 calendar days after the assessment due date. The submission of a claim after 7 calendar days will only be considered in exceptional cases where there is clear evidence supporting the reason for late submission.

Claims submitted after results are known/released will not be permitted.

Departments must ensure that deadlines for the receipt of mitigating circumstance claims are clearly publicized in course handbooks and module materials and in keeping with the agreed deadlines above.

7. **Requirement for Supporting Evidence**

It is expected that students will provide the necessary supporting evidence at the point of submitting their claim online. Where evidence is in paper format only, this should be submitted to the Department Mitigating Circumstances Expert who will attach the evidence to the original claim. If a student is unable to
provide evidence during the claim period then the claim does not have to be considered. In exceptional
cases, and where there are justifiable reasons for doing so, a revised deadline for the receipt of supporting
evidence can be set by the Mitigating Circumstances Expert and the student will be notified of this date.

Claims submitted without sufficient evidence to meet the criteria laid out in Section 4 will not be
considered. The University will not seek evidence on the student’s behalf.

Only evidence written in English can be considered. It is a student’s responsibility to obtain and submit a
verified translation if the original evidence is in another language whilst still adhering to the deadlines laid
out above.

**Deterioration of a declared long term condition:** Where there is a marked deterioration in a pre-existing
condition which a student believes will have an impact on the completion of an assessment, the student
should submit a mitigating circumstances claim. In cases where the condition is declared and where
AccessAbility are aware of the nature and details of the deterioration, it will not be necessary to provide
additional supporting evidence. In all other cases evidence will be required.

**Short term minor illness:** for programmes that use multiple small scale assessments such as regular class
tests, laboratory work or attendance that provides a mark and grade, students may self-certify. These
would be cases where the claim is based on a very short term minor illness (less than five calendar days)
that would not normally require professional medical diagnosis. It will not be possible to repeatedly self-
certify and students will be monitored. Repeated cases of self-certification could result in a student being
asked to evidence the continued absence and no future self-certification would be permitted.

Examples of the types of evidence required for a mitigating circumstance request can be found in appendix
A.
8. Assessment of Claim

Claims will be considered by a Mitigating Circumstances Expert in the first instance to determine whether the claim meets the relevant conditions and can therefore be considered.

The expert will be trained and have access to all relevant information and systems to make an informed decision on whether to accept the circumstances in line with the criteria laid out in section four and on what outcome to recommend for the affected assessment(s). Where the claim is straightforward in nature and all the relevant information is available the expert will process the claim and confirm the outcome.

In complex cases, the Mitigating Circumstances Expert will present the case to a Panel of Experts, who have access to the same information.

Experts and Panels will be trained to use the system, will have detailed knowledge of the regulations, policy and process and will have access to a precedence database to support consistency of decision making.

It is expected that Departments make available all relevant information on assessment due dates, re-assessment options for all assessment types (for students with accepted mitigation), and any other unique requirements of specific assessments. Wherever possible these details will be included on module specifications and held in the Student Record System (SITS).

Panels will be chaired by Senior Tutors and will comprise of both academic and professional services staff who have experience, knowledge and expertise in reviewing mitigating circumstance claims. This could include academic assessment experts, AccessAbility experts, and subject matter experts as appropriate. The panel should consist of at least three people including the Chair and Mitigating Circumstances Expert and representation drawn from relevant academic Departments/Schools. Departments/Schools should ensure that they have nominated staff who can be called upon to sit on panels weekly. Should a decision require a vote, the chair will have the casting vote over any tied outcome.

Panels will be scheduled by the Mitigating Circumstances Expert over the course of the academic year to ensure sufficient availability of a pool of experts on a weekly basis and to enable students to receive prompt responses to claim submissions.
## 9. Recommendations and Outcomes

The Mitigating Circumstances Expert or Panel can apply one of the recommendations as stipulated in Senate Regulation 7.111. These are:

<table>
<thead>
<tr>
<th>Criteria for claim</th>
<th>Regulatory Recommendation</th>
<th>Outcome/action</th>
</tr>
</thead>
</table>
| Assessment will be submitted late | Removal of lateness penalties | Depending on whether the marking process has been completed: 
Either: Do not assign any lateness penalties to the assessment mark for the relevant number of days after the due date based on the time period for which the mitigating circumstances claim relates. 
Or remove any applied lateness penalties for the relevant number of days. |
| Non-submission of an assessment | Provide a new date to attend/submit the assessment 
or 
Provide a new date to attend/submit an alternative assessment 
or 
Void assessment and rescale module mark across other assessment elements | Offer a sit or submit of the affected assessment with a revised deadline for submission or estimated timeframe (e.g. next available exam period or submission date). 
An alternative assessment can be offered if the original assessment is no longer available or suitable (as noted on module specifications). 
Typically, where the module is made up of small pieces of continuous assessment it may be possible to waive the requirement for the missed assessment to be reattempted. These decisions should normally be assessed by the module convenor and/or panel of examiners to assess whether the learning outcomes for the module has been met. |
| Absence from a scheduled assessment such as an examination, class test, lab work or presentation; | Provide a new date to attend/submit the assessment 
or | Offer a sit or submit of the affected assessment with a revised deadline for submission or estimated timeframe (e.g. next available exam period or submission date). |
<table>
<thead>
<tr>
<th>Scenario</th>
<th>Action 1</th>
<th>Action 2</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a new date to attend/submit an alternative assessment or</td>
<td>An alternative assessment can be offered if the original assessment is no</td>
<td>Selected actions must be assessed by the module convenor and/or panel of examiners to assess whether the learning outcomes for the module have been met.</td>
<td></td>
</tr>
<tr>
<td>Void assessment and rescale module mark across other assessment elements</td>
<td>longer available or suitable (as noted on module specifications).</td>
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<td></td>
</tr>
<tr>
<td>Taken ill during a scheduled assessment</td>
<td>Disregard first attempt and provide a new date to submit the assessment</td>
<td>Disregard the partial attempt (marking not undertaken) and offer a sit or submit of the affected assessment with a revised deadline for submission or estimated timeframe (e.g. next available exam period or submission date).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>or Disregard first attempt and provide a new date to submit an alternative</td>
<td>Disregard the partial attempt (marking not undertaken) and offer a sit or submit of an alternative assessment if the original assessment is no longer available or suitable. (as noted on module specifications).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>assessment</td>
<td>Typical, where the module is made up of small pieces of continuous assessment it may be possible to waive the requirement for the missed assessment to be reattempted. These decisions should normally be assessed by the module convenor and/or panel of examiners to assess whether the learning outcomes for the module have been met.</td>
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<tr>
<td>Assessment attended or submitted but the student can provide evidence</td>
<td>Disregard first attempt and provide a new date to submit the assessment</td>
<td>Disregard the partial attempt (marking not undertaken) and offer a sit or submit of the affected assessment with a revised deadline for submission or estimated timeframe (e.g. next available exam period or submission date).</td>
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<tr>
<td>to support the notion that they were incapable of determining whether or</td>
<td>or Disregard first attempt and provide a new date to submit an alternative</td>
<td>Disregard the partial attempt (marking not undertaken) and offer a sit or submit of an alternative assessment if the original assessment is no longer available or suitable. (as noted on module specifications).</td>
<td></td>
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<tr>
<td>not they were able to undertake an assessment at the time of doing so.</td>
<td>assessment</td>
<td>Typical, where the module is made up of small pieces of continuous assessment it may be possible to waive the requirement for the missed assessment to be reattempted. These decisions should normally be assessed by the module convenor and/or panel of examiners to assess whether the learning outcomes for the module have been met.</td>
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</table>
Students will receive notification that the outcome is now published and advised to access their student record for details. This will include guidance on what they need to do next based on the recommendation. Outcomes will also be shared with relevant module convenors, programme administrative staff and personal tutors as relevant.

Departments will be responsible for ensuring that personal tutor details are kept up to date in the Student Record System (SITS).

The Mitigating Circumstances Expert will provide reports only containing recommendations that are still pending an outcome decision, it is not expected that Panels of Examiners will receive a full list of mitigating circumstance claims that have been processed and the outcome has already been applied to the student mark and grade. For example, the waiving of late penalties often occurs at the point of application and not after a Panel of Examiners, whereas the exclusion of a piece of assessment on the basis that the learning outcomes have been met elsewhere may require consideration of a Panel of Examiners.
10. Data Protection

All student records in relation to mitigating circumstances claims will be held in SITS and will be subject to the University’s Data Protection code of practice and data retention schedule.

11. Related Regulations and Policies

Students are reminded that in accepting the University of Leicester’s terms and conditions at registration, they are agreeing to abide by the Senate Regulations and associated policies. The following regulations are referenced in this Policy on Mitigating Circumstances:

- Senate Regulation 5: Regulations governing undergraduate programmes of study
- Senate Regulation 6: Regulations governing taught postgraduate programmes of study
- Senate Regulation 7: Regulations governing the assessment of taught programmes
- Senate Regulation 10: Regulations governing academic appeals
Appendix A

Examples that would typically be accepted (although not exhaustive and other examples will be considered on a case by case basis):

<table>
<thead>
<tr>
<th>Mitigating</th>
<th>Guidance notes</th>
<th>Examples of Evidence</th>
</tr>
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<tbody>
<tr>
<td>a) Serious illness or accident resulting in hospitalisation or medical emergency relating to yourself</td>
<td>Must be a confirmed diagnosis by a registered doctor and be specific about the nature of the illness. Letters stating that the student informed them that they were unwell will not be accepted. Minor illnesses such as colds, sore throats, headaches, digestive problems etc. would not normally be acceptable grounds.</td>
<td>Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.</td>
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<tr>
<td>b) Serious illness (as described above) or death of a member of the student’s immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian)</td>
<td>Whilst a death certificate is a sensitive and often difficult document to obtain it is required to prevent fraudulent claims. Other relationships may be considered subject to their being sufficient evidence of the closeness and impact.</td>
<td>A medical report from a qualified medical practitioner or a copy of a death certificate, coroner’s report, letter from medical professional. Accompanied if necessary by formal documentation confirming relationship with deceased.</td>
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<tr>
<td>c) Serious infectious disease that could put others at risk</td>
<td>May not require hospital treatment but needs medical attention and would easily transmit to others.</td>
<td>Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.</td>
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<tr>
<td>d) Sudden deterioration in a chronic medical condition or disability</td>
<td>Diagnosed condition that is normally supported through reasonable adjustment or learning support that flares up unexpectedly close to the assessment, and the reasonable adjustments are not sufficient to make it possible to attempt the assessment. Or a previously undiagnosed/recent diagnosed condition that adjustments have not yet been put in place to make it possible to undertake the assessment. This will normally only be permitted for the first assessment period after the diagnosis as it is expected that support would be sought for future assessment periods. Alternatively the condition may result in impairing the student’s ability to determine whether to attend or submit an assessment and</td>
<td>A medical report from an appropriate qualified medical practitioner or notification from AccessAbility.</td>
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<tr>
<td><strong>e) Childbirth, or pregnancy complications that result in hospitalisation</strong></td>
<td>University has a policy on student pregnancy: <a href="http://www2.le.ac.uk/offices/sas2/quality/policy-on-student-pregnancy-maternity-paternity-and-adoption">http://www2.le.ac.uk/offices/sas2/quality/policy-on-student-pregnancy-maternity-paternity-and-adoption</a></td>
<td>Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.</td>
</tr>
<tr>
<td><strong>f) Diagnosed psychological illness</strong></td>
<td>Undergoing treatment from a counsellor or medical professional for a diagnosed mental health condition. It is expected that students should seek support and reasonable adjustments in advance of assessments for known about conditions. Only late diagnosis can be claimed as a mitigating circumstance or a flare up that was unexpected and out of the student’s control to anticipate. This will normally only be permitted for the first assessment period after the diagnosis as it is expected that support would be sought for future assessment periods. Alternatively the condition may result in impairing the student’s ability to determine whether to attend or submit an assessment and as a consequence might result in a claim being made shortly after the assessment instead of beforehand.</td>
<td>Report from a psychiatrist, psychologist, medical practitioner or Student Counselling Service</td>
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<tr>
<td><strong>g) Legal proceedings requiring attendance at court as a witness or jury service</strong></td>
<td>Called for jury service that cannot be postponed or required to provide witness testimony.</td>
<td>Documentary evidence from the court or a solicitor.</td>
</tr>
<tr>
<td><strong>h) Severe adverse personal/family difficulties</strong></td>
<td>This can include a whole range of issues, such as separation from spouse/partner, conflict with others, caring duties that couldn’t be done by anyone else, etc. The statement must verify how you have been affected and the impact on your assessment(s). Examination stress is a common experience and not normally considered a personal mitigating circumstance as some level of sleep disturbance or feeling nauseous can be usual (unless in a serious form which can be documented either by a counsellor or doctor).</td>
<td>Report from Student Counselling Service, Student Welfare Service or another qualified professional.</td>
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<tr>
<td><strong>i) Being the victim of a serious crime</strong></td>
<td>A crime that would typically warrant reporting to the police or other support agency (e.g. theft, mugging, serious car accident)</td>
<td>Crime report and number, or evidence from alternative reporting routes as appropriate. Letter from medical professional/counsellor.</td>
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</tbody>
</table>
We acknowledge that in certain circumstances victims of crime will not have contacted the Police, in such circumstances evidence from a counsellor or doctor will be accepted or disclosure from a third party reporting agency may be accepted.

| j) Significant and immediate change in working conditions (distance learning and part-time students only) | Immediate deployment of staff working in the military with little or no warning or unexpected increase in workload or expectation to work through a previously agreed study period. | Evidence from employer detailing the change in working conditions and timescale of advance notice given to employee (student). Call up papers for military deployment. |
Appendix B

Examples that **will not** normally be accepted (this is not an exhaustive list):

- Medical circumstances that:
  i. do not relate directly to the assessment period in question and/or cannot be attributed as having an impact on the assessment
  ii. relate to minor illnesses that would not lead to equivalent absence from a work environment and can normally be treated with over the counter remedies (e.g. colds, sore throat, day to day ailments)
  iii. are unsubstantiated or include retrospective evidence (e.g. doctors note after the illness has disappeared)
- Holidays/family events,
- Religious festivals and regular observance,
- Sporting fixtures,
- Financial issues,
- Foreseeable and/or preventable circumstances,
- A long-term condition where treatment or additional support/arrangements are in place to mitigate,
- Transport difficulties that could have been anticipated or lack of contingency planning into travel time,
- Being reluctant to disclose circumstances at the time,
- Poor time management or personal organisation,
- Criminal conviction,
- Missing exams or assessment deadlines due to misreading of timetables or oversleeping,
- Loss of computer data/printer problems,
- Submitting the wrong work for assessment or draft version of the work.
Appendix C

Reference table for determining whether student assessment attempt is valid when mitigating circumstances has been presented.

<table>
<thead>
<tr>
<th>Timing of Student Mitigating Circumstance claim</th>
<th>Decision made and confirmed to student to accept claim before deadline?</th>
<th>Assessment attempted on time?</th>
<th>Outcome for Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In advance of assessment deadline</td>
<td>Yes</td>
<td>No</td>
<td>MC request takes precedence; new attempt provided</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Assessment attempt takes precedence and MC request becomes invalid; assessment marked as normal</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Yes</td>
<td>MC request takes precedence; any attempt is void and new attempt provided</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td>MC request takes precedence; new attempt provided</td>
</tr>
<tr>
<td>After assessment deadline</td>
<td>n/a</td>
<td>Yes</td>
<td>Assessment attempt takes precedence and MC request becomes invalid; assessment marked as normal with the exception of where a student was taken ill during the scheduled assessment (This is not the case for claim on the basis of impaired judgement – see below)</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>No</td>
<td>MC request takes precedence; new attempt provided</td>
</tr>
<tr>
<td>After assessment deadline (but student request based on impaired judgement)</td>
<td>n/a</td>
<td>Yes</td>
<td>Assessment attempt can be accepted and flagged for the purpose of borderline consideration at the point of award; or another attempt provided subject to the nature of the condition. (Advice could be sought from AccessAbility).</td>
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</tbody>
</table>