

Mitigating circumstances policy

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

- All students are treated equally and fairly in the consideration of their mitigating circumstances regardless of their programme of study;
- Outcomes on a claim should be reached in the best interests of the student;
- Students have a consistent experience of the mitigating circumstances process;
- The University fulfils its commitment to delivering a single seamless student service;
- 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;
- 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;

- University staff will have access to information students have willingly shared as part of the claim, as required to perform their duties and support students;
- Students are provided with accurate information to make informed decisions about their assessments;
- Students should be required to provide evidence where appropriate, although it is recognised that students will not be disadvantaged in cases where the provision of evidence is not feasible;
- 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 (in person or virtually), 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 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 an adequate explanation of the impairment and supporting evidence as per the requirements in appendix A. For example, evidence of a medical condition that prevented the student from making a balanced decision immediately before an assessment where reasonable adjustments were not already in place or were not adequate enough 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 as listed 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 might 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.

- **Assessment will be submitted late**, but falls within the late submission of coursework penalty scheme (normally 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.
- **Absence from a scheduled assessment** which is timebound, such as an examination, class test, lab work or presentation;
- **Taken ill during a scheduled assessment**, such as examination or presentation;
- **Non-submission of an assessment**, including submission after maximum period for late penalties;
- 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 published to students at the start of each semester.

The latest deadline for the submission of a mitigating circumstance claim will be 7 calendar days after the assessment due date. The submission of a claim after 7 calendar days will be considered in exceptional cases where there is a clear reason for the late submission.

Claims submitted after assessment results are known/released will not be permitted. Students may submit an academic appeal where they wish to raise new evidence of mitigating circumstances, but will be required through the appeal process to demonstrate why it was not possible to bring these circumstances to the attention of their school at the appropriate time in line with the requirements of Senate Regulations and this policy. An academic appeal may only be submitted after students have received the formal notification of their progression or award decision, following the meeting of the relevant Board of Examiners.

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

Students are responsible for obtaining any evidence or statements that may be required to support their mitigating circumstances claim. The University will not seek evidence on the student's behalf.

It is expected that students will provide the necessary supporting evidence at the point of submitting their claim or within 7 days of the submission (see appendix A for examples of evidence required). In exceptional cases, and where there are justifiable reasons for doing

so, a School can set a new deadline (greater than 7 days) for the receipt of additional evidence and the student will be notified of this date.

In some instances it may not be possible or appropriate to provide evidence in such circumstances students should acknowledge this in the student statement so a School can still consider the claim.

Where evidence is in paper format only, this should be submitted to the School Mitigating Circumstances Expert who will attach the evidence to the original claim.

Claims submitted without sufficient evidence, or a statement explaining the impact when evidence is not required, to meet the criteria laid out in Section 4 will not be considered.

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: It is expected that where reasonable adjustments are required due to a long-term health condition these are made in advance of any assessments. Having a long-term health condition in itself is not a mitigating circumstance. However, where there is an unexpected 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 the University made aware of the nature and details of the condition, it will not be necessary to provide additional supporting evidence for individual instances of flare ups or marked deteriorations. In all other cases evidence will be required, including where the condition has not previously been declared.

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 overall engagement and claims 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.

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 Mitigating Circumstances Panel, who have access to the same information. Staff will be trained to use the system, and will have detailed knowledge of the regulations, policy and process.

It is expected that Schools 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 comprise of both academic and professional services staff who have experience, knowledge and expertise in reviewing mitigating circumstance claims. The panel should consist of at least three people including the Mitigating Circumstances Expert and representation drawn from relevant academic Schools. Schools should ensure that they have nominated staff who can be called upon to sit on panels weekly.

Panels will be scheduled by the Mitigating Circumstances Expert over the course of the academic year to ensure sufficient availability of a pool of staff 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:

Criteria for claim	Regulatory Recommendation	Outcome/action
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 Provide a new date to attend/submit an alternative assessment	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).

Criteria for claim	Regulatory Recommendation	Outcome/action
	or Void assessment and rescale module mark across other assessment elements	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.
Taken ill during a scheduled assessment	Disregard attempt and provide a new date to submit the assessment or Disregard attempt and provide a new date to submit an alternative assessment or Void assessment and rescale module mark across other assessment elements	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). 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). 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.
Assessment attended or submitted but the student can provide evidence to support the notion that they were incapable of determining whether or not they were able to undertake an assessment at the time of doing so.	Disregard attempt and provide a new date to submit the assessment or Disregard attempt and provide a new date to submit an alternative assessment or Void assessment and rescale module mark across other assessment elements	Disregard the partial attempt (regardless of whether assessment is passed or 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). Disregard the partial attempt (marking not undertaken) and offer a sit or submit of an alternative assessment if the original

Criteria for claim	Regulatory Recommendation	Outcome/action
	<p>Or</p> <p>Note that the assessment was affected and carry the mitigation claim forward to the point of award, for the purpose of any borderline considerations</p>	<p>assessment is no longer available or suitable. (as noted on module specifications).</p> <p>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.</p> <p>Attempt should be marked but the student mark record marked to flag that it was affected within the student record system.</p>

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 should be shared with relevant module convenors, programme administrative staff and personal tutors as relevant.

Schools 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 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):

Mitigating Circumstance	Guidance notes	Examples of Evidence
a) Serious illness or accident resulting in hospitalisation or urgent medical attention/treatment relating to a student	Must be confirmed by a registered doctor and be specific about the nature of the illness or accident/incident. 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.	Medical certificate/hospital report/report from qualified medical practitioner. These should be produced whilst the symptoms were still apparent to the medical practitioner.
b) Death of a member of the student's immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian)	Claims should be considered without evidence as long as an explanation is provided as to the impact on assessment(s). Other relationships may be considered subject to there being sufficient evidence of the closeness and impact.	Evidence is not required for death.
c) Serious illness (as described above) of a member of the student's immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian)	Other relationships may be considered subject to their being sufficient evidence of the closeness and impact.	A medical report from a qualified medical practitioner, letter from medical professional.

Mitigating Circumstance	Guidance notes	Examples of Evidence
d) Serious infectious disease that could put others at risk	May not require hospital treatment but needs medical attention and would easily transmit to others.	Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner. *Covid-19 symptoms/positive test will not need evidence during the current pandemic phase (19/20 and 20/21)
e) Sudden deterioration in a chronic medical condition or disability	<p>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.</p> <p>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.</p> <p>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.</p>	<p>An individual flare up of a declared long-term condition does not need to be re-evidenced if previously disclosed and evidence provided at that point. Evidence of a long-term condition and possible flare ups only needs to be provided once to the University.</p> <p>New or undeclared conditions will require a medical report from an appropriate qualified medical practitioner.</p>

Mitigating Circumstance	Guidance notes	Examples of Evidence
f) Childbirth, or pregnancy complications	View the University's policy on Student Maternity, Paternity and Adoption	Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.
g) Diagnosed psychological illness	<p>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 to ensure that any assessments have taken into account the students circumstances</p> <p>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.</p> <p>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.</p>	Report from a psychiatrist, psychologist, medical practitioner or Student Support Services.
h) Legal proceedings requiring attendance at court as a witness or jury service	Called for jury service that cannot be postponed or required to provide witness testimony.	Documentary evidence from the court or a solicitor.

Mitigating Circumstance	Guidance notes	Examples of Evidence
i) Severe adverse personal/family difficulties	<p>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).</p> <p>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).</p>	Report from Student Support Services, other qualified professional.
j) Being the victim of a crime	<p>A crime that would typically warrant reporting to the police or other support agency (e.g. theft, mugging, serious car accident, sexual assault)</p> <p>We acknowledge that in some circumstances victims of crime will not contact the police. In these cases evidence from a counsellor, doctor, or disclosure from a third party agency can be accepted. Additionally for cases such as sexual assault there is no requirement to provide evidence.</p>	<p>Crime report and number, or evidence from alternative reporting routes as appropriate. Letter from medical professional/counsellor.</p> <p>In circumstances where no evidence is available, claims should still be submitted and considered without a request for evidence. For example, evidence is not required for sexual assault.</p>
k) 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.	Where possible evidence from employer detailing the change in working conditions and timescale of advance notice given to employee (student). Call up papers for military deployment.

Mitigating Circumstance	Guidance notes	Examples of Evidence
l) Harassment based on a student's disability, faith, gender identity, race, and/ or sexual orientation	It is acknowledged that students may be unable to complete assessments on time due to harassment and/or discrimination and should be able to submit mitigating circumstances. Evidence is not required but the student should explain the impact this has had on their assessments, keeping personal content to a minimum. Students will be offered signposting to support services as relevant.	Evidence is not required and claims will be assessed based on student statement of impact. Additional supporting statements could be provided by a personal tutor or student support services if the student deems it appropriate.
m) Unexpected disruption of access to technology required to complete/submit a time-bound assessment	Students are expected to ensure they have access to the relevant technology and internet access for all their assessments and allow sufficient time for the submission by the due date/time. Where a student is prevented from completing an assessment within the prescribed assessment window by a disruption to technology that could not have been foreseen or prevented a claim for mitigation can be made.	Evidence is not required in support of a claim of this sort.



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, headaches, 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 (these should be flagged to Schools in advance),
- Sporting fixtures,
- Financial issues,
- Foreseeable and/or preventable circumstances,
- A long-term condition where treatment or additional support/arrangements are already in place to mitigate the impact and there has been no additional unforeseen flare-up,
- Transport difficulties that could have been anticipated or lack of contingency planning into travel time,
- Being reluctant to disclose circumstances (even brief, non-detailed accounts) 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.

Timing of Student Mitigating Circumstance claim	Decision made and confirmed to student to accept claim before deadline?	Assessment attempted on time?	Outcome for Assessment
In advance of assessment deadline	Yes	No	MC request takes precedence; new attempt provided
	Yes	Yes	Assessment attempt takes precedence and MC request becomes invalid; assessment marked as normal
	No	Yes	MC request takes precedence; any attempt is void and new attempt provided
	No	No	MC request takes precedence; new attempt provided
After assessment deadline	n/a	Yes	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)
	n/a	No	MC request takes precedence; new attempt provided
After assessment deadline (but student request based on impaired judgement)	n/a	Yes	Assessment attempt can be accepted and flagged for the purpose of borderline consideration at the point of award; or the first attempt removed and another attempt provided subject to the nature of the condition and the student request. (Advice could be sought from Student Support Services).

Appendix D

This list, whilst not exhaustive, outlines the types of mitigating circumstance claims where a requirement to provide supporting evidence is not necessary. Students will still be expected to submit claims in the usual way and provide a short explanation of the circumstances and impact on assessment.

- Death of a member of the student's immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian)
- Flare up of a declared and previously evidenced long-term condition where any reasonable adjustments or learning support already in place are no longer sufficient to enable successful submission/completion of the assessment on time
- Sexual assault
- Harassment based on a student's disability, faith, gender identity, race, and/ or sexual orientation
- Covid-19 symptoms/positive test
- Unexpected disruption to technology for a time-bound assessment that could not be avoided through advance planning