2.14 Mitigating circumstances

2.14.1 Mitigating circumstances are circumstances that are outside a student’s control which may have an adverse impact on a student’s ability to undertake or complete any assessment so as to cast doubt on the validity of the assessment as a measure of the student’s achievement.

2.14.2 Students shall be responsible for submitting assessments on time, presenting themselves for assessment and examinations at the appropriate times and venues, and submitting relevant information on mitigating circumstances. Events relating to human error, such as misreading timetables, forgetting to set alarm clocks, computer failure or misjudging the time needed to revise shall not be considered mitigating circumstances.

2.14.3 The occurrence of multiple examinations in close succession shall not be considered mitigating circumstance.

2.14.4 Students must present mitigating circumstances requests - in writing, using the University pro forma as soon as possible after the assessment (if not known in advance), and in any case, no more than ten working days after the incident. Submissions by staff or other students cannot be accepted on behalf of a student. All applications, including supporting evidence, are regarded as highly confidential.

2.14.5 Late submissions shall not be considered unless there are genuine grounds for lateness. Students must explain in their application the reasons for late submission. Late submissions on the grounds that the student was unwilling to disclose the information at an earlier date shall not be accepted.

2.14.6 Submissions must be supported by supporting evidence; where evidence is awaited, a Mitigation panel may defer decisions, and authorise their Chairs to act on their behalf without calling a further panel.

2.14.7 Where a student is presenting medical evidence in support of their application, they must present certification by a registered medical practitioner. Such evidence must be directly relevant to the circumstances and the timing of assessments as appropriate even if concerning a long term medical condition.

2.14.8 Evidence of personal problems must also be documented, and supported by appropriate independent professional statements. Any costs incurred in supplying evidence are the responsibility of the student.

2.14.9 The University reserves the right to contact any person named in an application for mitigation to seek clarification or further information including checking the authenticity of the evidence submitted. This is not done to remedy omissions in the
completion of the documentation by the student, or to seek supporting evidence when not supplied.

2.14.10 Where a student is taken ill during a timetabled assessment such as an examination or in-class test, the Chief invigilator shall record this in their report. In such cases, the student must submit a mitigating circumstances request with supporting documentary evidence in the normal manner if they wish the circumstances to be considered. Such claims shall only be accepted if the student was fit to sit on entering the examination venue, but – for unforeseen reasons - became ill during the examination.

2.14.11 The University does not normally consider as mitigating circumstances permanent or long standing disabilities, i.e. those that have lasted or are likely to last for a period of more than 12 months. This is because such students would normally have registered with and been assessed by the Wellbeing Team and, where appropriate, will have an Individual Support Plan (ISP) to support their studies. Failure to disclose a disability and seek the support of the Wellbeing Team will not be accepted as reason for not pursuing this support.

2.14.12 Where an investigation has been undertaken and it has been recognised that the student’s performance will be affected over more than one assessment period, an application for an ISP can be considered. This also applies where a student is unexpectedly placed in a situation whereby they are the sole carer for a disabled dependent. ISPs are only effective once they are agreed by the student, signed off by the Wellbeing Team and notified to the relevant HoS/DoC. Reasonable adjustments outlined in an ISP cannot be applied retrospectively.

2.14.13 Circumstances which could lead to a successful mitigation request may include the following:

i) physical or mental ill-health;
ii) severe financial hardship, i.e. over and above that experienced by all students;
iii) emotional/personal difficulties – e.g. bereavement;
iv) disability i.e. where the student’s disability comes to light for the first time at assessment;
v) unavoidable absence from the University – e.g. unforeseen requirements of employer;
vi) unavoidable absence from domicile – e.g. eviction;
vii) loss of immigration status;
viii) other serious circumstances which could not be foreseen by the student.

Note: The above examples are for illustration only and not intended to be definitive or exhaustive.

2.14.14 Claims shall not normally be considered or upheld where:

i) the pro-forma has not been appropriately completed or evidence is missing, or evidence is either illegible or not written in English;
ii) there is a mismatch between the timing of the claimed circumstances and the period of assessment;
iii) computer or technical failure in completing the assignment;
iv) multiple assessment deadlines;
v) other commitments outside of study, such as employment.

2.15 Mitigation Panel

2.15.1 Claims for mitigation will be considered by a Mitigation panel. The membership shall include:

i) a chair, who should be a senior academic normally from a different School to that of the student being considered;

ii) a minimum of two staff on the panel, either two academic staff or one academic and one senior member of Academic Registry.

2.15.2 A Course/Module Leader or Personal Tutor for the student shall not be a member of the Mitigation panel.

2.16 Outcome

2.16.1 The Mitigation panel has authority to make a recommendation to the relevant Assessment Board. The Mitigation panel should come to a decision on whether the student’s mitigation request is to be accepted or rejected. If accepted, the panel shall make a recommendation, in writing, to the Assessment Board.

2.17.2 Where a student cannot meet their progression requirements due to non-completion of assessment and there are valid, accepted mitigating circumstances, Assessment Boards may award uncapped first sits in the affected modules, which shall be taken at the next available opportunity or earlier at the discretion of the HoS/DoC.

2.17.3 Non-completion of assessment refers both to absence from invigilated examinations, practical assessments, coursework assessments and assessments of professional capabilities, and to non-submission of coursework assessments, professional capability assessments, and dissertations and projects.

2.17.4 Where a student cannot meet their award requirements due to non-completion of assessment and there are valid, accepted mitigating circumstances, a Mitigation panel may recommend to the Assessment Board to award uncapped resit of the assessment or retake in the affected modules to be taken during the following academic year. The resit shall be taken at the next available opportunity or earlier at the discretion of the HoS/DoC. The retake shall not incur any additional costs to the student.

2.17.5 On review of a Mitigation Panel recommendation, an Assessment Boards may award uncapped resit or retake in the affected modules to be taken during the following academic year. Where this is the case, the student’s original mark for an assessment will no longer stand and the mark received post-mitigation will be recorded as their first attempt.

2.17.6 Where a student meets the requirements for award but, due to valid, accepted mitigating circumstances, was unable to sit or submit some or all of the final year assessments, the Mitigation panel may recommend to the Assessment Board (MAB or Award Board) that:

i) the award shall be postponed, and uncapped first sit or retake is permitted at the next available opportunity or earlier at the discretion of the HoS/DoC. Where this
is the case, the student’s original mark for an assessment will no longer stand and the mark received post-mitigation will be recorded as their first attempt.

ii) Where permitted by the award regulations, the award shall be agreed but the module marks from the affected modules shall be discounted from the calculation of the final mark. The value of the discounted modules must not exceed 20 credits. The PSRB regulations may differ and will take precedence.

2.17.7 A student shall receive, in writing (via email to their student University account), the recommendation of the Mitigation panel to the Assessment Board within 10 working days of the Mitigation panel meeting.

2.18 Appeal

2.18.1 The student may appeal against the recommendation of the Mitigation panel using the Appeals Regulations, in Section 2.23.