

## Part 3: Assessment regulations for taught courses

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### Section 11: Mitigating circumstances (MCs)

#### Purpose

11.1. The University recognises that, at times, our students may face challenges entirely outside their control which impair their ability to achieve to their maximum potential. The purpose of these regulations is to provide a framework to enable all students to be assessed on equal terms, by allowing students facing such challenges to delay taking an assessment until a time when they are no longer impaired. These regulations therefore allow a student to apply for an extension or a deferral:

- a) in an assessment where the student is prevented, due to circumstances beyond their control, from taking that assessment by or on the published date; or, exceptionally
- b) in an assessment taken by the student which was adversely affected by those circumstances.

These regulations also seek to balance this objective with the need to ensure that no student can abuse the mitigating circumstances process in order to gain an unfair advantage over other students, by using the process inappropriately or excessively.

#### Scope

- 11.2. These regulations are applicable to all students on taught courses leading to an undergraduate or postgraduate award of the University at level 3, 4, 5, 6 or 7.
- 11.3. This includes all students on taught courses leading to an undergraduate or postgraduate award validated by the University but delivered under a collaborative arrangement with a partner institution, unless otherwise agreed at the point of validation or in accordance with normal procedures for making any change.

#### Definitions

- 11.4. **Mitigating circumstances:** circumstances which are acute, serious, unforeseen and unpreventable that significantly impair a student's ability to take an assessment by or on the published due date.
- 11.5. **Self-certification:** a mechanism by which a student is able to submit a mitigating circumstance claim without providing independent supporting evidence.
- 11.6. **Extension:** applying only to coursework, the granting of an extension allows a student an additional five working days<sup>1</sup> beyond the published due date to submit the assessment component without penalty. This deadline extension provides for the assessment to be marked in good time for the mark to be considered by the scheduled Progression and Award Board.
- 11.7. **Deferral of an Assessment Component:** applying to coursework, scheduled assessments, or exams, the granting of a deferral of an assessment component allows a student to delay taking the assessment until the next occasion that that assessment is due or scheduled (see paragraph 11.57 below) without penalty and without further attendance. Exceptionally, a deferral may be granted in respect of an assessment component that a student has taken (see paragraph 11.72 below).

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<sup>1</sup> A working day is a day, other than a Saturday, Sunday or bank holiday, when the University is open.

- 11.8. **Deferral of a Module:** applying to a whole module, the granting of a deferral of a module allows a student to delay taking the module, and all summative assessment components associated with that module, until the next occasion that that module is delivered, without penalty. The student will be required to attend all timetabled teaching and learning events associated with that next delivery of the module. Exceptionally, a deferral may be granted in respect of a module where a student has taken one or more assessment components (see paragraph 11.72 below).
- 11.9. **Assessment component:** a discrete assessment activity within a module, identified as a distinct assessment component on the module pro forma.
- 11.10. **Coursework:** a summative assessment component taken by way of submission of work on or before a published due date.
- 11.11. **Scheduled assessment:** a summative assessment component usually taken outside the formal examination period, but which is required to be taken at a specified time (e.g. in-class tests, lab tests, presentations, practicals, vivas, performances etc.).
- 11.12. **Exam:** a summative assessment component taken by way of an examination (which could be either physical or on-line) at a specified time during the formal examination period.
- 11.13. **Due date:** in relation to coursework, this is the deadline for the submission of the assessment component. In relation to a scheduled assessment or exam, this is the date on which that assessment or exam is scheduled to be held.

## **Principles**

- 11.14. In accordance with [Part 5 of the Academic Regulations](#), all students who take an assessment are, in doing so, declaring themselves fit to be assessed. This is known as the 'Fit to Sit' policy. It is the responsibility of the student to determine if they are fit to take an assessment. Where a student takes an assessment and also submits a mitigating circumstance claim in respect of that assessment, the claim will be rejected and the mark achieved in that assessment will stand.

Exceptionally (see paragraphs 11.71 to 11.79 below), a mitigating circumstances claim may be accepted, and a student may be granted a deferral in respect of an assessment component or module that they have taken, but only where the student can demonstrate, to the satisfaction of the University, that due to the nature of the mitigating circumstances the student was not aware that they were not fit to be assessed when deciding to take that assessment.

- 11.15. Assessment marks and award classifications cannot be changed as a result of mitigating circumstances. The only exceptions to this are:
- a) where a claim is accepted in respect of an assessment that has already been awarded a mark of 0 (zero) due to non-submission or non-attendance; or, exceptionally,
  - b) where the result of an assessment is set aside (see paragraph 11.77 below)
- 11.16. Responsibility for consideration of mitigating circumstances claims rests with the Mitigating Circumstances Boards, which are acting under the delegated authority of the relevant Progression and Award Board. Operationally, this responsibility is delegated to appropriate members of University staff (see paragraph 11.41 below).
- 11.17. The confidential nature of information provided by students in support of an application for mitigating circumstances will be respected by the University in compliance with relevant data protection legislation. Confidential information will be shared with University colleagues involved in considering the claim. The University may also share a student's details with relevant University support services (e.g. Counselling or Disability Support services) where, due to the nature of the claim or the number of claims submitted, such support may be

beneficial to the student's wellbeing. All University colleagues are required to keep applications securely to avoid unauthorised access or other breaches of information security.

- 11.18. All claims and evidence will be kept by the University for the duration of time as stated in the University's Records Retention Policy, after which the evidence shall be destroyed.
- 11.19. Students with a disability for whom agreed Reasonable Adjustments are in place, and which include an extension to coursework submission deadlines, are not required to submit a mitigating circumstance claim in respect of such extensions.
- 11.20. Students with a disability for whom agreed Reasonable Adjustments are in place may apply for an additional extension or a deferral via the Mitigating Circumstances process where:
- a) the University has been unable to provide all the support detailed in the Learning Support Entitlements, or
  - b) the Reasonable Adjustment Form states it can be used as evidence for a mitigating circumstance claims, or
  - c) the student otherwise demonstrates that the claim complies with these regulations.

## **Outcomes**

- 11.21. There are three possible outcomes to a successful mitigating circumstances claim:
- a) Extension, or
  - b) Deferral of an assessment component, or
  - c) Deferral of a module
- 11.22. The student must specify which outcome they are seeking at the time of submitting their mitigating circumstances claim.
- 11.23. As stated at paragraphs 11.6 above, an extension can be granted in respect of coursework only. A deferral can be granted in respect of coursework, scheduled assessments, examinations, and whole modules.

## **Grounds**

- 11.24. In order for a mitigating circumstances claim to be accepted, the student must demonstrate, to the satisfaction of the University, that the mitigating circumstances:
- a) were outside the student's control; and
  - b) were unforeseen and unforeseeable; and
  - c) were true; and
  - d) were related directly to the timing of the assessment component(s) for which the claim is submitted (i.e. that they occurred at the same time as the due date, or during the preparation period immediately prior to the due date); and
  - e) either:
    - i. prevented the student from taking the assessment on or by the due date; or
    - ii. would have materially impaired the student's ability to perform to their potential.
- 11.25. The following are common examples of mitigating circumstances for which a claim might be accepted (this list is not exhaustive):
- a) Serious short-term illness (of a nature which in an employment context would lead to an absence on sick leave);
  - b) Death of a close relative (spouse, parent, child) or partner (of a nature which in an employment context would lead to an absence on compassionate leave);
  - c) Sudden and unexpected deterioration of a long-term condition (it is expected that students who have on-going / long-term medical conditions which cannot be effectively managed, and which are adversely impacting their ability to study, will either apply to the Disability

Learning Support service for ongoing Reasonable Adjustments or, where that is not appropriate, seek to interrupt their studies until they are fit to return);

- d) Where a scheduled assessment or exam is held on a religious observance date (subject to the University's Faith and Spirituality team being able to confirm that the assessment coincides with a day of religious observance)<sup>2</sup>

11.26. The following are examples of circumstances for which a claim will not normally be accepted (this list is not exhaustive):

- a) Medical circumstances that occurred outside the relevant assessment period;
- b) Holiday/employment commitments;
- c) Financial difficulties (other than where these were sudden and unexpected);
- d) Poor study practice;
- e) Ignorance of assessment due dates / times;
- f) Poor time management.

## **Evidence**

11.27. Claims that are not eligible for self-certification (see paragraph 11.62 below) must be supported by original independent documentary evidence. This must be an official document, for example a signed letter on official headed paper, and must include the dates during which the circumstances applied. The evidence must demonstrate the effect the circumstances had on the student's ability to take the assessment.

11.28. Medical evidence must be obtained from the person, practice or institution that diagnosed or assessed the illness/injury at the time it occurred. Evidence that a student reported that they were ill, or which does not include a clear diagnosis, will not be accepted.

11.29. Written evidence from Complementary Therapists will only be considered where the University is satisfied that the therapist is a member of a recognised and reputable professional body.

11.30. The University's Counselling Service will only provide statements for mitigating circumstances claims where a student has received support over a period relevant to the claim in question. Letters will not be provided at the first meeting with a Counsellor or Advisor.

11.31. Reasonable Adjustment forms can be used as evidence for Mitigating Circumstances only where this is detailed on the form.

11.32. Where evidence is not presented in English, it is the student's responsibility to have it independently translated by an accredited translator, prior to submission.

11.33. The University reserves the right to check the authenticity of all documentation submitted as part of a mitigating circumstances claim. Where it is suspected that a student has submitted evidence that is not genuine, they may be referred for consideration in accordance with the University's [Academic Misconduct Regulations](#).

## **Submission of Claims**

11.34. All mitigating circumstances claims must be submitted by completing the relevant form available online via e:Vision, via the [Student Hub](#).

11.35. A mitigating circumstances claim must relate to one or more identified assessment components, or to a whole module (where the claim relates to all assessment components within that module).

11.36. The University expects students to declare any mitigating circumstances as soon as they become aware of them. To ensure that Progression and Award Boards are able to make

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<sup>2</sup> Refer to Religion, Belief and Study: Code of Practice to Support Students for further information.

decisions at the appropriate time, all mitigating circumstances claims must be submitted by the relevant deadline as determined annually by the Office of the Academic Registrar and published on the [Student Hub](#). Additional regulations relating to deadlines apply to students self-certifying their mitigating circumstances (see paragraph 11.68 below).

11.37. Exceptionally, mitigating circumstances submitted after this deadline may be considered where one of the following grounds, in addition to the grounds stated at paragraph 11.24 above, is met:

- a) the mitigating circumstances were unknown to, or unrecognised by, the student until after the relevant published deadline for the submission of mitigating circumstances; or
- b) where the mitigating circumstances were known to the student prior to the relevant deadline, the student had a valid reason for not disclosing them at that time. Choosing not to declare mitigating circumstances due to their personal nature will not normally be accepted as a valid reason for not disclosing those circumstances at the appropriate time.

Where a student submits a mitigating circumstances claim after this deadline, they must submit evidence to demonstrate, to the satisfaction of the University, that one of these grounds has been met. As evidence is required, students may not self-certify, and must also submit evidence in accordance with paragraphs 11.27 to 11.33 above.

11.38. Under no circumstances will mitigating circumstances be considered or accepted where they are submitted more than one calendar year after the relevant published deadline.

11.39. Students may not submit duplicate or multiple claims in respect of the same assessment component. Where a student attempts to submit such a duplicate claim, only the first claim submitted will be considered and all subsequent claims will be rejected.

11.40. While all mitigating circumstances claims will be considered, and the outcome communicated to the student, as soon as is practicable, where the claim is submitted close to, or after, the assessment due date it is likely (or certain, where the claim is submitted after the due date) that the outcome will not be notified prior to that due date. It is the responsibility of the student to determine if they are fit to take an assessment, and thus to make a judgement as to whether to submit the coursework assessment by the due date or to attend the scheduled assessment or exam. If the claim is submitted in accordance with these regulations and all relevant grounds and criteria have been met, then the student can be confident that the claim will be accepted. Where a student chooses to submit the coursework assessment by the deadline or take the scheduled assessment or exam, the provisions of paragraph 11.14 above will apply, and the mitigating circumstances claim will be rejected.

## **Consideration of Claims**

11.41. All mitigating circumstances claims will be considered individually by appropriately trained members of University staff acting under delegated authority of the Mitigating Circumstances Board.

11.42. Self-certified claims will normally be considered by one member of staff. Claims submitted with accompanying evidence will normally be considered by at least two members of staff.

11.43. Mitigating Circumstances Boards will, at least twice in each academic year, audit a sample of mitigating circumstances claims and the decisions made, to ensure that claims are being considered consistently and appropriately.

11.44. All claims will be considered against the requirements of these regulations only.

11.45. Where the student is known to a member of staff, other than in their professional capacity, that member of staff must declare an interest and may not participate in the consideration of that student's claim.

- 11.46. Mitigating circumstances claims will be rejected where they do not meet the requirements as stated in these regulations.
- 11.47. Where a claim is rejected, details of why a claim was unsuccessful will be made available to the student, normally via e: Vision and email.
- 11.48. A student will have one further, final opportunity to re-submit a claim in respect of an assessment component for which a claim has previously been rejected. This must be based on new or additional evidence, which must be submitted with the claim. The submission of such a second claim must be made within 30 calendar days of notification of the outcome of the initial claim. Exceptionally, the second claim may be considered if submitted after this deadline, but only where the student can demonstrate, to the satisfaction of the University, that the new or additional evidence was not available or otherwise could not have been submitted prior to this deadline. Students are not permitted to re-submit a mitigating circumstance claim by self-certification. Such a second claim will not be regarded as a duplicate claim for the purposes of paragraph 11.39 above).
- 11.49. Where a student is dissatisfied with the outcome of a mitigating circumstances claim, they have a right to submit an academic appeal. The only ground upon which such an appeal can be made is that there has been a material irregularity in the conduct of the mitigating circumstances process (refer to the University's [Academic Appeal Regulations](#) for further information).

### **Claims in Respect of Extensions**

- 11.50. Where a mitigating circumstance claim in respect of an extension to a coursework assessment is accepted, the student must submit the coursework assessment no later than five working days after the original due date.
- 11.51. Where a student has not received the outcome of their claim for an extension by the due date, but the student wishes to proceed on the assumption that the claim will be accepted (see paragraph 11.40 above), the student must submit the coursework assessment no later than five working days after the original due date.
- 11.52. Where a claim for an extension is accepted, and the assessment is submitted no later than five working days after the original due date, the work will be marked without penalty.
- 11.53. Where a claim for an extension is accepted, and the assessment is submitted late but within 24 hours of the extended deadline, in accordance with the [Coursework Assessment Regulations](#) the assessment will be marked, and ten marks will be deducted from the original mark to the pass mark (40% at undergraduate level, 50% at postgraduate level).
- 11.54. Where a claim for an extension is accepted, but the assessment is submitted more than 24 hours after the extended deadline, a mark of 0 (zero) will be awarded for the assessment in question.
- 11.55. Where a claim for an extension is rejected, but the assessment is submitted no later than 24 hours after the original due date, in accordance with the [Coursework Assessment Regulations](#) the work will be marked, and 10 marks will be deducted from the original mark, to a minimum of the pass mark (40 at undergraduate level, 50 at postgraduate level).
- 11.56. Where a claim for an extension is rejected, and the student fails to submit the assessment within 24 hours of the original due date, a mark of 0 (zero) will be awarded.
- 11.57. Where a claim for an extension is submitted, but the student also submits the assessment by the original due date, the provisions of paragraph 11.13 above will apply, and the mitigating circumstances claim will be rejected.

### Claims in Respect of Deferrals<sup>3</sup>

- 11.58. Where a mitigating circumstance claim in respect of a deferral of one or more identified assessment components is accepted, the student will be deferred in those assessment components. When deferred at Assessment Period 2 the student will normally be required to take the assessment(s), without attendance, during Assessment Period 3 the Referral/Deferral period. When deferred at the Assessment Period 3 the student will normally be required to take the assessment(s) for that module without attendance, during the following academic year.
- 11.59. Where a mitigating circumstance claim in respect of a deferral of a whole module is accepted, the student will be deferred in the module and will be given an opportunity to re-attend and re-attempt all assessment components associated with that module on the next occasion that that module is delivered, normally during the following academic year. The student will be required to attend all timetabled teaching and learning events associated with that next delivery of the module. Re-attendance in these circumstances shall not count as a further attempt at the module for the purposes of calculating the maximum permitted number of attempts.
- 11.60. Where a claim for a deferral is rejected, and the student has either not submitted the coursework assessment or not attended the scheduled assessment or exam, a mark of 0 (zero) will be awarded for the assessments in question in accordance with the standard protocols for non-submission and non-attendance.
- 11.61. Where a claim for a deferral is submitted, but the student either submits the coursework assessment by the original due date or attends the scheduled assessment or exam (except for where the student is taken ill during a scheduled assessment or exam - see paragraphs 11.69 and 11.75 below or where the claim is submitted and accepted as an exception to the Fit To Sit Policy – see paragraphs 11.71 to 11.79 below), the provisions of paragraph 11.14 above will apply, and the mitigating circumstances claim will be rejected.

### Self-Certification

- 11.62. Self-certification is intended for use in relation to short-term issues which impact on a student's ability to take an assessment over a single period not exceeding five working days.

Examples of mitigating circumstances for which self-certification is intended include short-term illnesses for which the student is unable, or for which it is not appropriate, to obtain contemporaneous medical advice or evidence, such as:

- Migraine
- Norovirus
- Gastroenteritis
- Period pain
- Flu
- Food poisoning
- Diarrhoea
- (This list is not exhaustive).

Other examples include a sudden bereavement in the student's close family, a short-term mental health issue, IT failure, or unforeseen carer responsibilities on the due date.

Minor ailments, such as coughs and colds, are not regarded as sufficiently serious to significantly impair a student's ability to take an assessment, and thus do not meet the definition of mitigating circumstances.

<sup>3</sup> Students should be aware that where a claim for deferral is accepted at the Referral/Deferral assessment period, a continuing student will not be able to progress to the next year of study if the progression requirements have not been met (refer to Part 5 of the Academic Regulations for further information), and a final year student will have a delay to their completion date and may have their attendance at a graduation ceremony delayed.

- 11.63. Students choosing to self-certify are expected not to abuse this process, and to only self-certify where their circumstances are genuine and meet these requirements. Any student who is believed to be abusing the self-certification process in order to gain an unfair advantage may be referred for consideration in accordance with the University's [Academic Misconduct Regulations](#).
- 11.64. Students may not use the self-certification process for mitigating circumstances which impact them for more than five working days. Nor may students use the self-certification process to request a deferral in a whole module. In such circumstances, appropriate evidence must be obtained and submitted in accordance with paragraphs 11.27 to 11.33 above.
- 11.65. As the circumstances to which the self-certification claim relates must impact the student for no more than five working days, and must, in accordance with paragraph 11.24 d) above, occur at the same time as the due date, or during the preparation period immediately prior to the due date, a self-certification claim may not be submitted more than 10 working days before the due date.
- 11.66. Students are permitted to submit a maximum of two self-certified mitigating circumstances claims each academic year. Where multiple assessments are impacted within the same five-day period, these can be claimed for in a single self-certified mitigating circumstance claim and will count as only one claim. Claims for assessments that do not fall within this five-day period will be rejected.
- 11.67. Self-certified claims may only be submitted to request:
- a) an extension, in respect of a coursework assessment component; or
  - b) a deferral, in respect of a scheduled assessment or exam.
- 11.68. Self-certification may not be used to request a deferral in respect of a coursework assessment component. Self-certification may only be used in cases of short-term mitigating circumstances where the impact does not exceed five working days. It is therefore expected that students experiencing short-term mitigating circumstances will be able to submit coursework within the five additional days, and thus not require a deferral.
- 11.69. Self-certified mitigating circumstances claims must be submitted no later than five working days after the assessment due date. As there is no requirement to obtain and submit supporting evidence, and therefore no reason to delay submission of the claim, it is expected that students wishing to submit a self-certified claim can do so within this timeframe.
- 11.70. Where a student is taken ill during either a scheduled assessment or an exam, the student may self-certify, and must do so within five working days. Where a claim in respect of such circumstances is accepted, any work completed, or marks achieved in that assessment, will be disregarded.
- 11.71. Where a student is unable to submit a self-certification claim within these deadlines, they may still be eligible to submit a mitigating circumstance claim with appropriate evidence in accordance with paragraphs 11.27 to 11.33 above, provided that it is submitted in accordance with the requirements of these regulations.

### **Claims submitted in exception to the Fit to Sit Policy**

- 11.72. As stated at paragraph 11.14 above, all students who take an assessment are, in doing so, declaring themselves fit to be assessed, and any mitigating circumstances claim submitted in respect of an assessment that has been taken will normally be rejected. This is known as the 'Fit to Sit' policy.
- 11.73. Exceptionally, a mitigating circumstances claim may be accepted in respect of an assessment component that the student has taken, but only where the student can demonstrate, to the satisfaction of the University, that due to the nature of the mitigating circumstances the student



was not aware that they were not fit to be assessed when deciding to take that assessment. Such claims are known as 'unfit to sit' mitigating circumstances claims.

11.74. In submitting such a claim, a student must not only provide evidence to demonstrate that the grounds set out in paragraphs 11.24 a) to d) above are met, but also provide evidence to demonstrate that:

- a) the circumstances materially impaired the student's performance such that if it had not been for those circumstances the student would have performed significantly better; and
- b) the nature of the circumstances meant that the student had not been aware that they were not fit to take the assessment.

11.75. Due to the need to provide such evidence, such a claim may not be submitted by self-certification.

11.76. Where a student is taken ill during a scheduled assessment or exam, the student will not be regarded as having taken the assessment, and therefore has not declared themselves fit to sit. In such cases the student should submit a self-certified mitigating circumstances claim (see paragraph 11.69 above).

11.77. Pending consideration of such a claim, the assessment will be marked in the normal way, with no account taken of the mitigating circumstances claim.

11.78. Where an 'unfit to sit' claim is accepted as an exception to the Fit to Sit policy, the assessment result will be set aside, and the student will be deferred in that assessment component or module (see paragraph 11.58 and 11.59 above). The student will then be regarded as taking that assessment at the first attempt (or second, third or fourth attempt if the deferred assessment was itself already a second, third or fourth attempt).

11.79. Such a claim may be accepted even where the assessment component has been passed by the student.

11.80. Where such a claim is rejected, the mark awarded for the assessment component will stand.