

## Part 3: Assessment regulations for taught courses

### Section 11: Mitigating circumstances (MCs)

#### Purpose

- 11.1 The purpose of these regulations is to provide a framework within which a student may submit a claim for mitigating circumstances in respect of an assessment where a student is prevented from submitting or presenting for an assessment by the published date, or, exceptionally (see paragraph 11.10 below), in respect of an assessment submitted or presented by the student which was adversely affected by those circumstances.
- 11.2 Mitigating circumstances claims must relate to one or more identified assessment components and must relate directly to the timing of the assessment affected.

#### General Principles

- 11.3 Assessment component marks and the award classification cannot be changed as a result of mitigating circumstances, unless a claim has been accepted for the late submission of assessment (see regulation 11.27 – 11.29).
- 11.4 Authority for consideration of mitigating circumstances claims rests with the Mitigating Circumstances Board who are doing so under the delegated authority of the Progression and Award Board.
- 11.5 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 data protection law. Confidential information will only be shared with the relevant individuals within the University on a 'need to know' basis, all of whom are required to keep applications securely to avoid unauthorised access or other breaches of information security.
- 11.6 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.
- 11.7 Students who have a Reasonable Adjustment form in place may apply for an extension to assessment deadlines or a deferral where;
- i. the University has been unable to provide all the support detailed in the Learning Support Entitlements or;
  - ii. the Reasonable Adjustment form states it can be used as evidence for a mitigating circumstances claims or;
  - iii. the student demonstrates that the claim complies with these regulations.
- 11.8 An academic appeal can only be submitted on the grounds there has been demonstrable material irregularity in the conduct of the Mitigating Circumstances Board. Students should refer to Section 16 Academic Appeals for the procedure to be followed.

#### Definitions

- 11.9 The University defines mitigating circumstances as serious unforeseen, unpreventable circumstances that significantly disrupt a student's ability to undertake assessment.
- 11.10 All students who submit or present themselves for assessment are, in doing so, declaring themselves fit to be assessed. A mitigating circumstances claim cannot normally then be considered for poor performance within the assessment(s). It is the responsibility of the student to determine if they are fit to participate in assessment or if a mitigating circumstances claim should be submitted for non-participation. This is known as the '**fit to sit**' policy.

- 11.11 Where due to the nature of the circumstances the student was not fit to determine that he/she was not fit to be assessed when deciding to submit or present for assessment, a mitigating circumstances claim may be submitted where this can be supported by independent documentary evidence (see regulation 11.12 – 11.20).

### **Independent documentary evidence**

- 11.12 In all cases, claims must be substantiated by original independent documentary evidence. This must be an official document for example, a letter signed 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 submit or present themselves for assessment.
- 11.13 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. Self-certification will not be accepted;
- 11.14 Written evidence from Complementary Therapists will only be considered where the University is satisfied that the therapist is a member of a recognised professional body.
- 11.15 Failures of equipment, including IT systems and computer viruses will only be accepted when they occur University-wide, site-wide, College-wide, nationally or internationally and is verified by Information Systems and Support.
- 11.16 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.
- 11.17 Reasonable Adjustment forms can be used as evidence for Mitigating Circumstances, only where this is detailed on the form.
- 11.18 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.
- 11.19 Where a scheduled assessment<sup>8</sup> or formal examination is held on a religious observance date, a claim for Mitigating Circumstances may be submitted in accordance with these regulations. Except where the Faith and Spirituality team is unable to confirm that the assessment coincides with a day of religious observance, the student will be offered a deferral to the next available opportunity.<sup>9</sup>
- 11.20 The University reserves the right to check the authenticity of all documentation submitted as part of a mitigating circumstances claim. False declarations to the Mitigating Circumstances Board will be investigated in accordance with Section 10 Academic Misconduct regulations.

### **Procedure and Timescale**

- 11.21 Mitigating Circumstances claims must be submitted by completing the Mitigating Circumstances submission available online via e:Vision and accompanied by documentary evidence.
- 11.22 The final deadline for submission of a first claim can be found on the mitigating circumstances website at [www.westminster.ac.uk/mitigating-circumstances](http://www.westminster.ac.uk/mitigating-circumstances).

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<sup>8</sup> Schedule assessments are summative assessments, which are undertaken outside the formal examination period, such as in-class tests, lab tests, presentations, practical's, viva, performances etc.

<sup>9</sup> Religion, Belief and Study: Code of Practice to Support Students

- 11.23 Late claims after the final published deadline will not normally be considered, other than in highly exceptional circumstances, where the circumstances justify the lateness of the claim as well as the claim itself.
- 11.24 Where a claim has been rejected details of why a claim was unsuccessful will be made available to the student normally via e:Vision and email. A student will have only one further opportunity to re-submit the claim. This must be based on, and accompanied by, new additional evidence. The submission of a second claim should normally be made within one month following the outcome of the first claim. Where a second claim is submitted after this period, it will also be subject to the requirements as stated at 11.23.

### **Consideration of Claims**

- 11.25 The mitigating circumstances claim form and evidence will be considered by at least two members of staff on behalf of the Mitigating Circumstances Board.
- 11.26 Where a student is known to a member of staff other than in their professional capacity, that staff member must declare an interest and must not participate in the discussion of that student's claim.

### **Claims submitted for the Late submission of Coursework**

- 11.27 Where the mitigating circumstances claim is accepted for late submission by the Mitigating Circumstances Board, the student should submit the piece of work at the earliest available opportunity and within 5 working days of the original submission deadline.
- 11.28 Where a student is unable, for valid reasons, to submit coursework within 5 working days of the submission deadline, the student may submit a claim for non-submission. The claim will be assessed in accordance with these regulations.
- 11.29 Following consideration of the mitigating circumstances claim for late submission the following outcomes will be applied (see Section 6 Coursework Assessment for the penalties regarding late submission):
- a) where the mitigating circumstances claim is accepted as valid the actual mark achieved will be awarded;
  - b) Where the mitigating circumstances claim is rejected and the work is submitted within 24 hours of the original deadline, the work will be marked and ten marks will be deducted from the original mark, to a minimum of the pass mark (40% at undergraduate level, 50% at postgraduate level);
  - c) where the mitigating circumstances claim is rejected and the work is submitted within 5 working days after the original deadline; or, a student fails to submit their assessment within 5 working days; or, the student submits their coursework within 24 hours of the 5 working day deadline, a mark of zero will be awarded.

### **Claims submitted for Non-attendance or Non-submission**

- 11.30 Where the mitigating circumstances claim is accepted for non-submission or non-attendance, the student will normally be deferred in that assessment. Where the student is deferred at the Main Board the student will normally be permitted to undergo assessment during the Referral Period. Where the student is deferred at the Referral Board the student will normally be required to undergo assessment at the next assessment opportunity for that module during the following academic year.
- 11.31 Where the mitigating circumstances claim is accepted for a deferral in the whole module, the student will be given an opportunity to re-attend and re-attempt all assessment components in the module during the following academic year. 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.

- 11.32 Where the mitigating circumstances claim is not accepted, the non-submission or non-attendance will be treated in the same way as any other non-submission or non-attendance of that assessment component.

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

- 11.33 An 'unfit to sit' mitigating circumstances claim is where the student submits or presents for the assessment, and only after the event submits a mitigating circumstances claim.
- 11.34 Pending consideration of the claim by the Mitigating Circumstances Board, the assessment will be assessed in the normal way, with no account taken of the mitigating circumstances claim.
- 11.35 Where the mitigating circumstances claim is accepted as an exception to the Fit to Sit policy, the assessment result will be set aside, and normally the student will be deferred in the assessment component (see regulation 11.24).
- 11.36 A claim may be accepted even where the assessment task has been passed by the student.
- 11.37 Where the claim is not accepted, the mark awarded for the assessment will stand.