

## PROCEDURES FOR DEALING WITH CLAIMS OF EXCEPTIONAL MITIGATING CIRCUMSTANCES

Yellow highlighted text identifies the most recent revisions to the regulations.

### 1. Introduction

- 1.1 The University recognises that sometimes events happen suddenly and unexpectedly to students over which they have no control and which can have a serious effect on their capacity to complete assessment items to published due dates. These procedures set out the processes through which student can bring to the attention of the University significant changes in their circumstances in order that such events can be taken into account. There are three ways in which students can address events of this kind:
- a) **Mitigating Circumstances:** where an unexpected event seriously affects the student's performance;
  - b) **Temporary Withdrawal:** where changes in the student's personal circumstances or illness make it difficult for them to continue with their studies at the present time;
  - c) **Extension:** where the agreement of a later deadline for submission of an Independent Study or Dissertation will enable the student to complete the assessment.
- 1.2 Mitigating Circumstances are significant changes in a student's circumstances that are outside the control of the student which are acute, severe and unforeseen and that occur immediately before or during the assessment period, and which the student believes have adversely affected his/her academic performance.
- 1.3 Because of its importance in students' programme, the Independent Study/Dissertation is the only module for which extensions to the deadline may be requested. The planning and successful completion to the due date of the Independent Study is a fundamental part of the exercise; therefore extensions will only be granted where there are exceptional circumstances.
- 1.4 These procedures set out the processes through which and define the circumstances in which students can bring to the attention of the University significant changes in their circumstances and explain how the Mitigations Committee will deal with claims.
- 1.5 The Taught Courses Regulatory Frameworks sets out the arrangements under which students may submit coursework beyond the published due date.
- 1.6 These procedures are intended to encourage student engagement in assessments and as such attempts to encourage claims based upon the late submission of assessment items as opposed to non submission. Incomplete assessments should always be referenced appropriately. If a tutor suspects that a student has cheated, they will make a written report to the Academic Integrity Tutor, providing evidence

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for their suspicion as required by the 'Procedures for Investigations of Cases of Alleged Academic Misconduct'.

- 1.7 No student making a claim under these procedures, whether successfully or otherwise, will be treated less favourably than would have been the case had a claim not been made.
- 1.8 Information divulged by the student will be treated in confidence. Where mitigating circumstances raises concerns about a student's fitness to practise, or fitness to study, then either the University's Fitness to Practise or Fitness to Study procedures should also be consulted.
- 1.9 The outcome of a claim will be passed to the Board of Examiners and the Module Leader, but the detailed circumstances will remain confidential.

## **2. Responsible Body**

- 2.1 Academic Board has authorised the Mitigations Committees to consider claims of mitigating circumstances or a request for an extension on its behalf. No other person or body may consider claims of mitigating circumstances or a request for an extension.

## **3. The Role of the Board of Examiners**

- 3.1 Boards of Examiners should not take account of exceptional mitigating circumstances when considering an individual student's assessment results.
- 3.2 When a Mitigations Committee has upheld a student's claim, the Board of Examiners will be advised at its next meeting of this decision.

## **4. Eligibility for Claims**

- 4.1 A claim for exceptional mitigating circumstances may be submitted in relation to:
  - a) late submission of coursework, submitted up to 14 days later than the published assessment due date;
  - b) non attendance at an examination;
  - c) non-submission of an assessment item;
  - d) assessment that has been submitted but where the student believes that his or her performance was adversely affected;
  - e) In the case of a MPhil or PhD student, where the student believes that his or her performance in the viva voce examination was adversely affected; a claim can be made in respect of the viva voce examination.

## **5. Grounds for Claims of Exceptional Mitigating Circumstances**

- 5.1 Many mild illnesses and routinely difficult or upsetting events do occur in life. It is a normal part of life to have to manage these and continue with work or study. Therefore many such difficulties are not normally accepted as representing grounds for the submission for claims of exceptional mitigating circumstances.
- 5.2 The following represent grounds for the submission of claims:
- a) Serious illness
  - b) Serious illness of partner, relative or friend
  - c) Bereavement
  - d) Excessive employment demands which were substantial and temporary (it is not expected that full time students will claim on this basis)
  - e) Participation in sport at an elite level by either representing his/her country at a major international competition, preparation immediately preceding an international competition or participating in a major national championship
  - f) Any other factor having a substantial effect on performance
- 5.3 The following represent grounds which will not normally be accepted:
- a) A disability or chronic illness does not constitute exceptional mitigating circumstances unless there is medical evidence of a sudden and unforeseen deterioration or a particularly severe episode.
  - b) The usual financial difficulties experienced by most students do not constitute mitigating circumstances, unless there has been a sudden and unexpected change in financial circumstances, such as redundancy.
  - c) The usual professional commitments or employment demands do not constitute mitigating circumstances, unless there is evidence from an employer that commitments and demands have been exceptionally substantial and temporary.
  - d) The loss of material due to failure or theft of a computer or associated device (e.g. USB memory pen or printer) does not constitute mitigating circumstances as students are required to ensure that their work is adequately backed up.
  - e) Claims arising from poor time management or personal organisation (e.g. failure to plan for foreseeable events such as travel problems resulting in late submission of coursework; misreading the examination timetable; failure to follow the instructions regarding the submission of assessment items).
  - f) Claims relating to pregnancy do not constitute mitigating circumstances, unless there is evidence that there have been complications.
  - g) Claims relating to circumstances within a student's control (e.g. family wedding or holiday; paid employment; booking an alternative flight; choosing to miss an assessment or coursework due date for something considered more important).
  - h) Claims relating to 'assessment stress'. Experiencing an increase in anxiety leading up to and during an assessment(s) is a common experience for many students.
  - i) Claims where the problem is caused by English being an additional language.
  - j) Claims relating to the attendance policy of a module.
- 5.3 The examples listed above are not exhaustive, but refer to the most common reasons for unsuccessful claims. Students are advised to refer to the Mitigating Circumstances FAQ on the University's website: [www.worcester.ac.uk/registry](http://www.worcester.ac.uk/registry).

## 6. Submission of Claims

- 6.1 It is the responsibility of a student wishing to make a claim to ensure s/he is aware of the deadline for the submission of a claim and that it is submitted by the published deadline. Submission of the form should not be delayed due to staff absence and late claims made on the basis of staff availability are unlikely to be upheld.
- 6.2 A claim for Mitigating Circumstances must be submitted on a Mitigating Circumstances Form<sup>1</sup>. For it to be considered valid it must be completed in full and specify:
- the full name of the student;
  - the correct student ID number;
  - the correct module code(s);
  - the assessment item(s) affected;
  - the relevant assessment item due date(s);
  - provide full details of the circumstances, and how these circumstances have affected the student;
  - be signed and dated by the student, unless it is impossible for the student to sign;
  - be accompanied with the appropriate independent documentary evidence.
- 6.3 A application for an extension must be submitted on a Request for Extension Form<sup>1</sup>. For it to be considered valid it must be completed in full and specify:
- the full name of the student;
  - the correct student ID number;
  - the correct module code;
  - the name of the Supervisor(s)
  - The relevant due date;
  - provide full details of the circumstances, and how these circumstances have affected the student;
  - be signed and dated by the student, unless it is impossible for the student to sign;
  - Be supported by the appropriate supervisor;
  - be accompanied with the appropriate independent documentary evidence.
- 6.4 The student should keep a copy of their form and the independent documentary evidence submitted for their own records.
- 6.5 Claims for Mitigating Circumstances must be received in Registry Services by the published deadline date for the semester<sup>2</sup> in which the assessment is due.
- 6.6 Requests for extensions must be made a minimum of two weeks **before** the submission deadline in order to be given consideration.
- 6.7 Claims submitted late will not be considered unless the Chair of the Mitigations Committee is satisfied that the student has provided a credible and compelling explanation explaining why he/she did not bring the circumstances to the attention

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<sup>1</sup> Available from the Registry Services web pages: [www.worcester.ac.uk/registry](http://www.worcester.ac.uk/registry) and SOLE

<sup>2</sup> Semester: A defined period of study in which a module may be taught and assessed. Many courses use a fifteen-week block.

of the committee by the deadline (e.g. hospitalisation). Reasons such as not being aware of the procedure and/or deadlines will not be accepted.

- 6.8 In those parts of courses which relate to a professional or similar requirement (for example, school experience and clinical attachments) students will be required to notify any problems which occur during the placement. Details of these requirements will be set out in the relevant course handbook. The Mitigating Circumstances Committee will refer claims relating to the placement to an independent group within the relevant Institute to review and recommend an outcome to the Mitigating Circumstances Committee.

## **7. Evidence**

- 7.1 All claims must be supported by appropriate independent documentary evidence which is authentic and timely.
- a) Claims in relation to late submission of coursework would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date;
  - b) Claims in relation to non-attendance at an examination would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the examination and/or the date of the examination in question;
  - c) Claims in relation to non submission of coursework would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date and must in addition demonstrate why it was not possible to submit the coursework within the late coursework period;
  - d) Claims in relation to performance adversely affected would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date.
  - e) Requests for an extension would normally require evidence to demonstrate mitigating circumstances during the time of completing their study.
- 7.2 It is the student's responsibility to obtain evidence to support the claim; the University will not obtain evidence on the student's behalf or reimburse any charges that a student may incur in obtaining the evidence. Incomplete claims, or claims which are not supported by evidence, will not be considered.
- 7.3 Examples of appropriate evidence include:
- Medical Certificate (obtained at the time of illness)
  - Letter from medical practitioner confirming the illness of the student or another person
  - Letter from a counsellor
  - Death certificate or Order of Service
  - Birth certificate
  - a signed and dated letter from a coroner, legal practitioner, police officer, court official, minister of religion or other professional
  - a signed supporting statement from a sporting National Governing Body
  - Letter of support from a member of staff (but see 8 below).

7.4 Examples of inappropriate evidence include:

- If a student does not consult a medical practitioner at the time of the illness, it is not acceptable for a student to attempt to obtain corroborative medical evidence at a later date. A letter from a medical practitioner stating, for example, “the student informs me that he/she was unwell during....” will not be deemed acceptable supporting evidence.
- Letters of support from family members, friends or fellow students.

7.5 All letters should be signed by the author, include the date written and must be on the official headed notepaper of the individual or organisation concerned.

7.6 The submission of evidence which is subsequently found to be forged or untrue will result in disciplinary action against the student.

## **8. The Role of Staff**

8.1 Where a student asks a member of staff with personal knowledge of his or her exceptional mitigating circumstances to provide relevant information in support of his or her claim, the member of staff may do so if he or she deems it appropriate and in the interests of the student.

8.2 This will include the provision of information about the likely effect of the student’s exceptional mitigating circumstances on a particular assignment where this might not be immediately apparent to the Mitigations Committee (e.g. in the case of a dramatic or similar performance).

8.3 The student will still be required to submit appropriate independent documentary evidence to support the claim.

8.4 Staff are not permitted to grant extensions for the late submission of assessment items.

8.5 Relevant staff may be contacted for advice and guidance regarding the nature of the assessment.

## **9. Mitigations Committees**

9.1 Membership of the Mitigations Committee will comprise three members from a pool which will include:

- i) The Academic Registrar (who will normally act as Chair)
- ii) A nominee from each Academic Department

Members will be appointed in a way which ensures that where necessary, the Committee has access to specialist knowledge of the course concerned (e.g. where the claim relates to a course of professional training)

9.2 A member of Registry Service’s staff will act as Secretary to the Committee. The Secretary is not a member of the Committee.

## **10. Conduct of the Meeting**

- 10.1 The student will not be permitted to attend the meeting at which his or her claim is considered.
- 10.2 The Committee's decision on the validity of the claim will be based entirely upon consideration of the student's claim and supporting evidence.
- 10.3 The Committee will take into account the following when considering the claim:
- a) The seriousness of the circumstances, including the length of time they lasted;
  - b) The documentary evidence provided and the dates identified in the evidence ;
  - c) The amount of work that was affected by the circumstances.
- 10.4 The Committee should establish whether there is acceptable evidence of mitigating circumstances in order to determine:

either

- a) That a valid claim has been made and that the claim should be upheld and agreeing that it is likely that the performance will have been adversely affected (when indicated on the claim)

or

- b) That a valid claim has been made and that the claim should be upheld but not agreeing that it is likely that the performance will have been adversely affected (when indicated on the claim)

or

- c) That there are none or insufficient grounds and or evidence and that the claim should not be upheld.

## **11. Decision and Remedy Offered**

- 11.1 Where a student's claim for Mitigating Circumstances is upheld, the Committee will make recommendations to the Board of Examiners as follows:
- a) if the student submitted the coursework up to 14 days later than the published due date, to accept and mark the late submission without penalty;
  - b) if the student fails to attend an examination, the student will be given an opportunity to be assessed at the next assessment point. This will usually be during the summer reassessment period unless the module is offered at an earlier point.
  - c) if the student fails to submit an assessment item the student will be given an opportunity to be assessed at the next assessment point.
  - d) if the student made a claim that his or her performance was adversely affected and had passed the assessment item, the student will be given the opportunity to re-take the assessment item(s).
  - e) In the case of a MPhil or PhD student, where the student made a claim that his or her performance in the viva voce examination was adversely affected

the result will be set aside and the student will be given the opportunity to re-take the viva voce examination.

- 11.2 Individual assessment item grades will **not** be changed as a result of a successful claim for mitigating circumstances
- 11.3 Where a rejected claim relates to reassessment submitted after the published due date, a mark of zero will be awarded for the assessment item(s).
- 11.3 Where a rejected claim relates to assessment items submitted up to 5 days later than the published due date, the grade awarded will remain capped at the minimum pass mark.
- 11.4 Where a rejected claim relates to assessment items submitted after 5 days and up to 14 days later than the published due date, a mark of zero will be awarded for the assessment item(s).
- 11.5 Where a student's application for an extension is approved, the new submission deadline will be set based upon the nature of the claim.

## **12. Communication of Decisions**

- 12.1 The Secretary to the Mitigations Committee will notify the student of the Committee's decision in writing and will also notify the Secretary of the Board of Examiners concerned of the decision for report to the next meeting of the Board of Examiners.
- 12.2 The Department concerned will be required to make arrangements for the student to take the assessment again at the next available opportunity.

## **13. Procedures for Review of the Decision**

- 13.1 A student may request a review of the decision made by the Mitigations Committee only if s/he believes the procedures have not been properly followed.
- 13.2 A request to review the decision should be made to the Deputy Vice Chancellor and should be made within ten working days of the written decision of the Committee.
- 13.3. The Deputy Vice Chancellor will decide whether the student has shown proper grounds for review.
- 13.4 Where the Deputy Vice Chancellor is satisfied that grounds for a review have been established, the case will be referred back to the Mitigations Committee. In all other cases, the original decisions will stand.
- 13.5 The Student Academic Appeals Procedures or Student Complaints Procedure cannot be used to challenge the outcome of a claim of mitigating circumstances.



#### **14. Temporary Withdrawal**

- 14.1 There may be occasions when, as a result of changes in a student's personal life or a prolonged/serious bout of illness, the student has difficulty in fulfilling all the requirements of their course. In this situation, the student may wish to consider withdrawing temporarily and returning when they are able to focus again on their course. If a student is considering this option, they should discuss the implications with their Personal Academic Tutor. Further advice, particularly on the implications for funding and student support, can be obtained from **firstpoint**.
- 14.2 Students who intend to withdraw temporarily should note that during the time they have stopped studying they will not usually have access to the library or to computer facilities on campus. SOLE pages will still be accessible as long as the student has registered for the facility prior to withdrawing temporarily.
- 14.3 Tuition fee refunds will be calculated in line with the [refund policy](#).
- 14.4 Temporary withdrawal may not be considered the most appropriate form of action if a request is received towards the end of the semester in which a student wishes to stop studying. All requests to temporary withdraw must be approved before a student leaves and there is a form which must be completed and returned to the Student Records Office, Registry Services.

#### **15. Advice and Support**

- 15.1 If you have any queries regarding this procedure, please contact the Complaints and Appeals Officer, Registry Services.
- 15.2 The University recognises that making a claim can sometimes be complex. Students are therefore advised to seek advice and guidance before making a claim from the Students' Union or **firstpoint**. It is the students' responsibility to ensure the claim is submitted by the published deadline. Submission of the form should not be delayed due to staff absence and late claims made on the basis of staff availability are unlikely to be upheld.

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### Revision History

<b>Committee</b>	<b>Date</b>	<b>Change</b>
Academic Board V2.6	26 April 2017	Minor revisions (AB16-39)
Academic Board v2.5	27 April 2016	Minor revisions (AB15-37)
Academic Board v2.4	27 January 2016	Minor revisions
Academic Board v2.3	8 October 2014	Minor revisions
Academic Board v2.2	23 January 2013	Minor revisions relating to the timeliness of submitting claims.
Academic Board v2.1	25 April 2012	Minor changes to procedures: 1.6 Add: Work must be referenced appropriately 1.8 Add: Reference to F2P and F2S procedures 1.9 New: who will be told of outcome 5.2 (h) Add new 'Assessment stress' 6.7 Add "e.g. hospitalisation" 7.3 Delete: photograph or photocopy of medication 11.5 Delete details regarding dates
Academic Board v2.0	7 July 2010	Revised Procedure Approved
Academic Board v1.0	16 June 2004	New Procedure Approved