GUIDANCE ON MITIGATING CIRCUMSTANCES FOR STUDENTS BASED AT THE UNIVERSITY OF BOLTON

“Mitigating circumstances” - if illness or other problems affect how you do in assessments

This document advises you about what to do if you are having problems with assessment, assignments, exams, deadlines etc. caused by personal things beyond your control like serious illness or bereavement. These are called “mitigating circumstances” and it may be appropriate to apply to have account taken of them.

These procedures are used when normal in-course extensions can’t address the problems.

A mitigating circumstances claim is one in which the student makes a case that their performance in assessment has been significantly and adversely affected by circumstances that are exceptional, unforeseen, outside of their control, sufficiently serious to have demonstrably had an effect on their assessment performance and that happened at a time that caused them to affect the assessment.

To explain this further:

<table>
<thead>
<tr>
<th>Exceptional</th>
<th>So, for example, routine things we all face like pressure of work or transport problems are not exceptional.</th>
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<tr>
<td>Unforeseen</td>
<td>So, for example, if you have an on-going illness or disability that affects your assessment you should not use the mitigating circumstances procedure to have account of it. Instead, contact student services at the outset so an assessment can be made and support put in place. <strong>However</strong>, acute “flare-ups” or events linked to the illness or disability might be appropriate grounds for a mitigating circumstances application.</td>
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<td>Outside of your control</td>
<td>So, for example, if your laptop or memory stick failed and you hadn’t got a back-up, that would not be considered outside of your control.</td>
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<td>Sufficiently serious to have demonstrably had an effect on your assessment performance</td>
<td>So you need to establish the seriousness, and what affect there has been on your assessment performance.</td>
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<td>Happened at a time that caused them to affect your assessment.</td>
<td>So, for example, your letter and evidence need to link the events with the times when they happened, and the relevant dates on your course.</td>
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It is advisable to discuss the mitigating circumstances processes explained here with a tutor but note that you do not have to disclose any of the personal and private matters to the tutor unless you want to. They can advise you about the process without knowing what your personal and private circumstances are. However, whatever they advise, you must understand that they are not involved in the decision and so they do not know what the outcome will be. You must make your claim; only you can decide what you want to disclose about your personal and private information to the mitigating circumstances panel in the special orange envelope (see below). Decide for yourself what evidence you feel you need to and want to supply. Do not rely on nor take as definitive any advice or prediction of the likelihood of success or otherwise by your tutor or any other person.

Do not, in your application, ask us to contact other people for further information or confirmation. The panel will only consider the contents of your special orange envelope.

**Applying for mitigating circumstances**

You apply using a special orange envelope which you can obtain from the Student Centre. If you are based in a partner college, they should have stocks of the orange envelopes or you or they can obtain one from the Student Centre. You have to put a signed and dated letter in the orange envelope along with other documentary evidence. A letter by itself will not succeed. If all you put in your orange envelope is a letter explaining your difficulties, your request will always be rejected. You need evidence to support what you are saying – see below.

Do not suggest that we contact somebody to obtain further information about your personal circumstances or to back up what you claim – we will not do this. We will only decide based on what is in your orange envelope – your signed and dated letter and your additional documentary evidence.

Your orange envelope will be considered by a mitigating circumstances panel which will respect your privacy and will keep your information confidential. Neither your tutors nor your programme leader will know what is in your envelope unless you tell them yourself.

You may, if you wish, put evidence from your tutor or programme leader in your envelope, but they can’t do this for you.

On the outside of the envelope there is a grid where you must identify to which modules and which assessments you want your mitigating circumstances claim to apply. You must take care to list all the modules affected by your mitigating circumstances because if you are successful in your application, this consideration will only apply to the modules / items to which you request it to apply.
Your orange envelope should normally arrive at the Student Centre before 4.30pm on or before the deadline published for the receipt of Mitigating Circumstances by the University.

The dates for your programme, following these rules, will be provided by your programme leader.

If you decide to send your orange envelope by post, it must **ARRIVE** at the University at the address below prior to the deadline regardless of when or by what means it was posted. Use an appropriately secure postal service. If you are worried about postal delays or losses, you should not use the post but attend in person or have someone else attend for you to deliver the envelope.

Whether you post your application or hand it in, we recommend you take a copy of it and any accompanying documentation.

The postal address is as follows. Mark the envelope “strictly private and confidential”.

**Do not address the letter to a particular person.** They might be absent from the University and your application might remain unopened.

**Mitigating Circumstances Panel Administrator**
**Student Centre**
**University of Bolton**
**Deane Road**
**Bolton BL3 5AB**
**United Kingdom**
Checklist for your mitigating circumstances application

| Have you read the whole of the section on mitigating circumstances on this website to ensure you understand how to make an effective application? |
| Have you obtained advice from a tutor / personal tutor / programme leader / student liaison officer about how to make an application? (remember, you don’t need to disclose any personal information to them if you don’t want to) |
| Have you signed and dated your letter and placed it in the envelope? |
| Have you included additional documentary evidence to support your claim? |
| Have you made sure you have submitted originals (not photocopies) of documents supporting your claim? |
| Have you avoided suggesting that other people be contacted about your claim? |
| Have you listed on the outside of the envelope each and every module (giving module code and title) and each and every assessment item within the modules that your application applies to? |

How we consider mitigating circumstances claims

Mitigating circumstances claims are considered by the Mitigating Circumstances Panel. The same panel is used for all applications throughout the University and its partner colleges, to ensure equal treatment. It maintains confidentiality of the information supplied by you, which may be of a very private nature, by restricting the number of people who see the information.

If successful, a typical outcome would be that you would be able to submit the assessment (or sit the exam) at a later date, which is called “deferral”. You would then be given a new date to submit by: the deferral date. The outcome will not be that your marks will be increased. **More time is the likely outcome if your application is successful. In your final year, this will delay your graduation.**
Supporting evidence is essential
The following specific points of advice are offered based on experience and each should be read carefully, perhaps with a tutor to help you understand them. You do not need to tell your tutor about the circumstances themselves unless you want to.

Often, mitigating circumstances are of a medical nature. In such cases originals of documents like “sick notes”, doctors’ letters, test results etc. can be valuable evidence. Prescriptions and pharmacists’ medication labels can often be helpful as they are dated and name the person they are for.

1. **MOST IMPORTANT:** If your envelope only contains a personal statement from you, your application will be rejected. There has to be supporting evidence. Don’t forget the letter must be signed and dated.

2. You must make your own claim and choose what evidence to include. Nobody else can make a claim for you UNLESS your personal circumstances themselves make it completely impossible for you to make a claim.

3. Do not make statements like “please speak to XX who will confirm this” or “if you need further information, please contact YYY”. We will not do this; we only go by what is in your envelope.

4. We need you to provide **originals** of documents, not photocopies. They remain your property and can be collected later.

5. Give enough detail in the letter you write to enable the Panel to understand your circumstances, but don’t write at excessive length.

6. Do not make reference to the contents of previous applications – the case must stand on its own merits based only on the contents of the envelope.

7. **Medical or mental health** evidence needs **particular care** and should be from a suitable medical / mental health professional (e.g. Doctor, Midwife, Hospital Consultant) and should be authentic (e.g. with an official stamp, on official paperwork with signature and date). It must relate to you, your condition, and how this affects you, over what period of time. Be aware of the following problems:

   a) Evidence that can’t be checked as authentic, e.g. letters on plain paper may not be accepted
   b) Appointment cards or letters etc are not acceptable because they only show you were being investigated for a condition, but not that you had (or have) the condition, nor how it affects you.
   c) Confirmation from a medical professional that you reported you were unwell or you claimed you were unwell but which does not confirm that qualified person’s diagnosis that you were unwell and the impact of this, may not be accepted.
   d) Medical evidence that does not clearly relate to the period in question, or that relates to continuing conditions rather than flare-ups may not be
accepted. For example, evidence used in a previous application is unlikely to be current for a further application.

8. You may be able to support your case with written evidence from others, e.g. written evidence from a tutor, a social worker, a minister of religion, a University Counsellor, or a University Disability Officer or others who are independent of you. However, remember that you have to decide what personal information you want to submit, so you must place the evidence in your envelope.

9. A tutor can support your claim by giving you documentary evidence. For example, you can include emails from them, or other written statement they provide. Again, you have to decide what personal information you want to submit, so you must place the evidence in your envelope.

Illustrative examples of (fictitious) cases and decisions that would be rejected
The following table attempts to show how the advice above is important in ensuring you get the right consideration. Bear in mind, however, that the great majority of applications are well made with good supporting evidence and thus they succeed.

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<tr>
<th>Case</th>
<th>Evidence</th>
<th>Notes</th>
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<tr>
<td>Student explains in detail everything that has gone wrong in a letter placed in the envelope.</td>
<td>The letter. Nothing else is in the envelope.</td>
<td>Rejected. The Panel can't accept a claim that is not supported by other reliable documentary evidence. <strong>This is by far the COMMONEST REASON for rejection.</strong></td>
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<td>Student explains in a letter that they have been extremely busy at work and have not been able to submit some of their coursework.</td>
<td>A letter from their line manager on company headed notepaper.</td>
<td>Rejected. Pressure of work is not exceptional.</td>
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<td>Student explains that they had their assignment on a pen drive that was trodden on, destroying its contents (or similar computer failure).</td>
<td>The damaged pen drive and a letter from the student.</td>
<td>Rejected. Students are expected to maintain safe backups of their valuable data. Even if this were not so, the authenticity of the damaged pen drive couldn't be confirmed.</td>
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<td>Student explains they have been very ill and have had to have outpatient treatment.</td>
<td>An appointment card and an appointment letter.</td>
<td>Rejected. An appointment card or letter does not confirm your medical problems nor the impact they have had on you. It merely confirms</td>
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<tr>
<td>Student has been very ill and explains the symptoms in detail in a letter</td>
<td>Letter from student’s husband / wife corroborates what the student is saying</td>
<td>Rejected. The husband / wife is not sufficiently independent of the student.</td>
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<tr>
<td>Student has been very ill and explains the symptoms in detail in a letter</td>
<td>Medical certificate stating the student must refrain from work for one week, dated in the middle of the semester.</td>
<td>Rejected. The timing of the certificate does not support the claim, and is for only a week which is not a long period.</td>
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**If your mitigating circumstances claim is accepted**

The mitigating circumstances panel’s decision to accept your claim will be communicated to the assessment board who will normally give you additional time to submit with no additional penalty. Information about the circumstances will not be transmitted to the assessment board, so the people who attend the board will not know the circumstances making up your claim. All the board will know is that you were accepted.

**If your mitigating circumstances claim is rejected**

The mitigating circumstances panel’s decision to reject your claim will be communicated to the assessment board and the board’s decision will not be affected by your claimed circumstances. Information about the circumstances will not be transmitted to the assessment board, so the people who attend the board will not know the circumstances making up your claim. All the board will know is that you were rejected.

**Appealing against a mitigating circumstances decision**

This is covered by the appeals process. The appeals web-page provides further information and can be found via the link below:

http://www.bolton.ac.uk/Students/PoliciesProceduresRegulations/Appeals-Procedure.aspx