

MITIGATING CIRCUMSTANCES

2009/2010

REGULATIONS AND PROCEDURES FOR THE SUBMISSION AND CONSIDERATION OF MITIGATING CIRCUMSTANCES EVIDENCE TO SUPPORT POOR PERFORMANCE IN ASSESSMENT

PREAMBLE

The University recognises that there may be times when, through no fault of your own and despite managing your learning and assessment appropriately, you find it impossible because of a serious and unforeseen event to attend an examination or other assessment activity, or to complete an assessment, or to perform to the full extent of your ability. In such instances the University's intention is to respond sympathetically and to support you in our efforts to deal with the situation and redress the assessment shortfall. We can only do this if we are aware of the situation and it is therefore **your responsibility to inform the University of such circumstances as soon as possible after they occur**. The following regulations and procedures set out the framework for the submission and consideration of such circumstances.

INTRODUCTION

1. All students have a responsibility to manage their learning, revision and assessment activities throughout the whole duration of each semester or assessment period. It is therefore essential that you carefully plan and manage workloads throughout this time, and do not leave too much coursework, learning, revision or similar activities to be undertaken until too late in the semester or assessment period. Similarly, when examinations or other time-constrained assessment are to be taken at the end of a semester or other period, you should conduct your revision throughout the semester or period, and not limit it to the period shortly before sitting examinations or other time-constrained assessments.
2. It is also essential to recognise that many mild illnesses and routinely difficult or upsetting events do occur in life, and that it is a normal part of life to have to manage these and continue with work or study. Therefore you must realise that **many such difficulties are not normally accepted by the University in mitigation** for a student's non-completion or poor performance in assessment activities.
3. The term "*mitigating circumstances*" is used to describe those **unforeseen personal difficulties** which cause **exceptional interference** with academic performance, and which are **over and above the normal difficulties experienced in life**. In this University we mean circumstances such as **sudden, severe illness (confirmed by medical certificate) or other unforeseen event, close in time to assessment, preventing attendance at an examination or other time-constrained assessment, or adversely affecting performance at such, or preventing work from being submitted by the final deadline set** (including any properly granted extensions). Whilst

evidence of long-standing, managed conditions or illnesses is not normally considered acceptable mitigation (see 6 below), it is however possible that such conditions or illnesses might sometimes 'flare up' despite continuous treatment, e.g. ongoing, long term, clinically diagnosed mental ill health, and evidence of such temporary changes and their effects might then be admissible in mitigation.

4. **Circumstances which would not normally be acceptable are those where a student could reasonably have avoided the situation, or acted to limit the impact of the circumstances.** Therefore the following are examples (and not an exhaustive list) of circumstances which would **not** fall within the University definition of "mitigating circumstances":

- proximity or number of examinations or other assessments (but see 6 below for an explanation of those situations where reasonable adjustments may be made in advance);
- completing coursework too late and missing deadlines because of computer difficulties, or transport difficulties;
- losing work not backed up on computer disk;
- failure to make alternative travel plans when you knew about disruptions in advance;
- normal work commitments on behalf of an employer;
- misreading of assignment deadlines or examination timetables;
- poor time management;
- scheduling of holidays or time abroad.

5. If you have documentary evidence or any other information about your mitigating circumstances which you want the University to take into account, it is your responsibility to submit it to the University, in the format and within the timescales described in paragraphs 13-18 below. **The University will not normally consider mitigating circumstances if they are submitted outside these specified timescales** particularly if the claim and/or evidence relates, without valid reason found acceptable by the University, to events which occurred an unreasonable length of time in the past. You are also reminded that to knowingly make false or misleading claims of mitigating circumstances is an offence under both the Student Disciplinary Procedures and under the Unfair Means Regulations. The Mitigating Circumstances Procedures are for genuine, justifiable cases and you will be demeaning yourself, your fellow students and the University if you abuse your rights and responsibilities by making anything other than genuine, serious and deserving claims.

MEDICAL CIRCUMSTANCES AND CERTIFICATES

6. The University does not normally consider medical certificates for long-standing, managed conditions or illness as mitigation for poor performance. This is because you would normally have had the benefit of experience, medical knowledge or help to manage the condition and would have had the opportunity to register with the University's Disability Service to gain access to

appropriate study support and to agree reasonable adjustments enabling you to be assessed without disadvantage.

7. The University recognises that, exceptionally, there may be a need for a very small number of students to submit evidence of mitigating circumstances, if experiencing a temporary and serious incapacitating medical condition that may have directly affected the ability to attend or complete an assessment or to perform to the full extent of their ability.
8. If you consider you are in the above category, then any medical certificates/letters to support your mitigating circumstances must:
 - relate specifically to the dates and duration of the illness;
 - be signed by hand on *bona fide* headed paper from the specialist or doctor's surgery (appointment cards are not sufficient evidence);
 - contain a clear medical diagnosis or opinion and not merely report your claim that you felt unwell and/or had reason to believe you were ill at some point in the past. It may therefore be difficult for you to obtain a medical certificate if you request one from a doctor after your illness is over and such evidence is less likely to be considered as valid.

Please note that:

- doctors are entitled to charge you for any medical certificates or notes they provide;
- doctors do not always provide certificates for *short* periods of illness;
- doctors might not provide certificates *after* illness has ended, because after you have recovered it might be impossible to know that you had been ill.

PERSONAL/CONFIDENTIAL CIRCUMSTANCES

9. If, in the **exceptional** event you believe you have circumstances which would be acceptable in mitigation by the University but which are of such an **unusually delicate or personal nature** that you do not wish to document them **in detail**, you should make them known **in good time and as far in advance of the published deadline as possible**, so that the Mitigating Circumstances Panel which will consider your mitigating circumstances and make a decision about them has the opportunity to realise the genuineness of the case without **all** of its members necessarily knowing **all** of the details.
10. You should note however that the Chair and the Secretary of the relevant Mitigating Circumstances Panel will always need to see the evidence you submit and that the Chair(s) and External Examiner(s) of the relevant Assessment Boards may need to be informed, in confidence, of the general nature of your circumstances to be able to assess their impact and thereby help the Assessment Board to arrive at a course of action appropriate to your case. If you require further, more specific advice on this, please contact your Personal Tutor or equivalent in the first instance. **You would still need to**

complete the relevant parts of the Mitigating Circumstances envelope and obtain appropriate supporting evidence.

11. Legitimate supporting evidence in such cases would normally be an original (not photocopy) document written and signed by an appropriate third party, giving details of the circumstance, their duration and, where possible, their impact. An appropriate third party would be one who knows you in a professional capacity or one who can verify the circumstance from a position of authority (e.g. police officer, solicitor, GP, University Counsellor or Disability Officer) and who is in a position to provide objective and impartial evidence. **Letters from family members, work colleagues, friends and fellow students should be submitted only if there are no alternative, independent means of corroborating your claim.** They are less likely to be considered as valid evidence and it is strongly recommended that you supply additional, independent corroboration of your claim. Your Personal Tutor may be able to provide written corroboration of factual matters. Note that it is **your responsibility** to ensure that such evidence, **including letters from tutors**, is included in your Mitigating Circumstances envelope.
12. If you have such confidential/personal circumstances, you are strongly advised to obtain guidance or advice from School academic or administrative staff (as appropriate), the University Counselling or Disability Service, Student Services, or Multifaith Chaplaincy. The Students' Union may also be a helpful source of advice.

HOW TO SUBMIT EVIDENCE OF MITIGATING CIRCUMSTANCES

13. Mitigating Circumstances claims and documentation are considered by Mitigating Circumstances Panels. Each School has at least one Mitigating Circumstances Panel, responsible for one or more programmes of study, which meets at least once a semester (but sometimes more frequently) to make decisions about the validity and acceptability of mitigating circumstances. Panels notify their decisions to Assessment Boards.
14. If, after considering the above guidelines, you wish a Mitigating Circumstances Panel to consider your mitigating circumstances in relation to coursework assessment, examination or other time-constrained assessments, which you believe may have adversely affected your performance, and which are **of the exceptional nature that Panels may accept**, you will need to:
 - complete a Mitigating Circumstances envelope in as much detail as possible: it is available from your School Office, Student Services in the Student Centre and the Student Services website;
 - include a signed and dated letter from yourself, documentary evidence, and submit the completed envelope with details to your School Office;
 - submit the envelope and accompanying evidence as far as possible in advance but no later than the deadline date published by the School or Programme authorities.

15. Each claim submitted in accordance with the procedures and timescales in these regulations will be considered on one occasion only by the Mitigating Circumstances Panel. Therefore another claim with supporting documentation must be completed and submitted by the published deadline should mitigating circumstances subsequently affect the same or further assessments, whether or not they were not listed on any previous claim.
16. ***Mitigating Circumstances relating to coursework assessment*** - mitigating circumstances that you believe may have affected the timing for the submission of coursework should be submitted in a Mitigating Circumstances envelope, to your School Office, as far in advance as possible of the deadline date published by the School or Programme authorities. It should be noted however that the University has separate procedures for extension requests which are for minor issues which may merit limited extension. Therefore if there is time to prevent a potentially poor performance, it may be more appropriate to use the extension request procedure rather than submit mitigating circumstances – this however will depend on the severity and nature of the circumstances.
17. ***Mitigating Circumstances relating to an examination*** - mitigating circumstances that you believe may have affected your performance, or account for your non-attendance at an examination or other time-constrained assessment requiring attendance at the University, should be submitted in a Mitigating Circumstances envelope to your School Office as far in advance as possible before the deadline date published by the School or Programme authorities.
18. Note the following important points:
 - Only claims made by you in writing, following the procedures, will be considered. Apart from your results profile, this is all the evidence Panels will have and presentation by tutors of anecdotal, oral evidence will not be permitted. (Only if you are incapable of making your own claim will we accept a written claim made by a third party on your behalf.)
 - Provide sufficient detail in your letter, on the envelope and through documentary evidence to enable the Panel to assess your claim, but keep your letter focussed and succinct – do not think that excessive length will add any weight to your claim.
 - **You must include documentary evidence to support your claim. Examples include originals of medical or other certificates and letters from independent professional people. Letters from family members, work colleagues, friends and fellow students are less likely to be considered as legitimate. Your case is likely to be stronger if the evidence is official and independent, as indicated in sections 8 and 11 above.**

HOW THE UNIVERSITY CONSIDERS EVIDENCE OF MITIGATING CIRCUMSTANCES

19. As stated elsewhere, **the University normally disregards circumstances which students are expected to cope with as part of a properly managed workload, or if they constitute mild illnesses and routinely difficult or upsetting events which may unfortunately occur as a normal part of life.**
20. If mitigating circumstances are accepted, the University, via a Mitigating Circumstances Panel, will consider the following in assessing their effect on performance:
 - the severity and timescale of circumstances and consequent link – or absence of link – to the timing of assessment claimed to have been affected;
 - any independent documentary evidence supporting the claim, e.g. medical certificate.
21. The Panel will **not** normally accept as valid:
 - circumstances which students are expected to cope with as part of a properly managed workload, or as part of the normal routine difficulties and upsetting aspects of life which may unfortunately occur (see section 4 above);
 - circumstances which Panel members suspect might constitute mitigating circumstances but which you have not formally notified using a Mitigating Circumstances envelope, with appropriate documentary evidence supporting the claim;
 - circumstances where the Panel would normally expect supporting documentary evidence but the student has failed to submit any evidence.
22. Mitigating Circumstances Panels make their decisions about the acceptability or otherwise of the mitigation claimed only in relation to the coursework assessments and/or examinations or other assessments stated by the student on the Mitigating Circumstances envelope. Minutes are not taken of the discussions of Mitigating Circumstances Panels – only the decisions are recorded. Panels communicate their decisions to the relevant Assessment Boards.
23. **When mitigation has been accepted and a student has not passed the affected module, Module Results Boards will normally record a ‘defer’ decision for the affected module,** meaning that a student will normally be reassessed in the affected assessment(s), as if for the first time and without any mark penalty (referred assessments subject to acceptable mitigation will normally be “re-referred”).
24. **When mitigation has been accepted and a student has passed the affected assessments, Student Progression Boards and Final Awards Boards will use their academic judgement to take account of the**

possible effects of the mitigating circumstances in arriving at an appropriate progression or award decision.

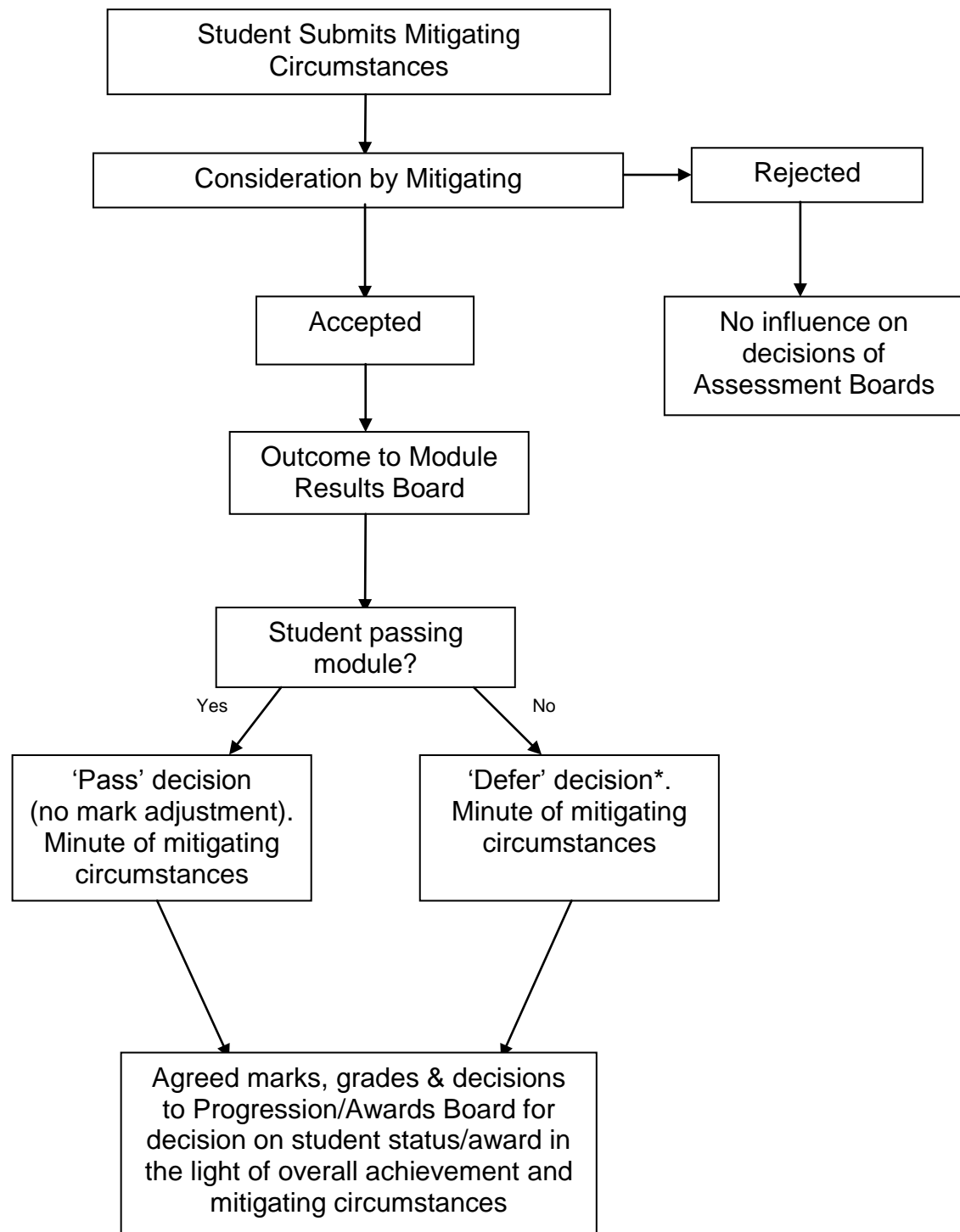
25. In all cases **a range of outcomes may be possible** arising from the exercise of academic judgement and discretion by an Assessment Board, **depending on a student's individual circumstances, their stage of programme and their overall profile of marks and grades**. Section 4 of the Assessment Regulations provides further detail of the courses of action available to Assessment Boards. The aim is always to ensure that a student is neither advantaged nor disadvantaged by the automatic application of the procedures and regulations and that all modules are assessed as far as possible on equal terms. Where there are legitimate grounds, students have the right of appeal against decisions of an Assessment Board but in such circumstances they must follow the Appeals Regulations and Procedures (<http://www.bolton.ac.uk/Students/PoliciesProceduresRegulations/StudentsOnTaughtCourses/Documents/AppealsProcedures.doc>).

Where can you obtain help?

- (a) Module Tutor, Personal Tutor, Stage/Level/Year/Cohort Tutor, Programme/Pathway Leader
- (b) Student Advisors in the Student Centre
- (c) University Counselling Service
- (d) University Disability Service
- (e) Student Experience Officer for your School
- (f) Students' Union
- (g) Multifaith Chaplaincy
- (h) Director of School or nominated senior member of staff
- (i) Quality Assurance and Enhancement Unit

Figure 1

FLOW CHART OF MITIGATING CIRCUMSTANCES DECISIONS



* Or other appropriate decision if the affected assessment was a reassessment.

Mitigating Circumstances for Poor Performance in Student Assessment

GUIDANCE NOTES

Approved by the Academic Quality and Standards Committee, 18 June 2008

These Notes are for the guidance of students. Submission and consideration of mitigating circumstances is always subject to the full Regulations and Procedures published separately, as well as to these Guidance Notes.

The University recognises that there may be times when, through no fault of your own and despite managing your learning and assessment appropriately, you find it impossible because of a serious and unforeseen event to attend an examination or other assessment activity, or to complete an assessment, or to perform to the full extent of your ability. In such instances the University's intention is to respond sympathetically and to support you in our efforts to deal with the situation and redress the assessment shortfall. We can only do this if we are aware of the situation and it is therefore **your responsibility to inform the University of such circumstances as soon as possible after they occur**. The following guidance notes summarise the main procedures for the submission and consideration of such circumstances.

An Outline of the Procedure required for all Courses

1. You keep relevant records and obtain **corroborating documentary evidence, from official and independent sources (including letters from your tutor(s) and/or other University staff)**, for any mitigating circumstances affecting your assessment performance.
2. You make a submission in the special **mitigating circumstances envelope** by the deadline published by School/Centre or Programme authorities.
3. Academic School/Centre processes your submission via a **Mitigating Circumstances Panel** in preparation for the meeting of the appropriate Assessment Board (or its sub-committee).
4. The **Assessment Board** meeting considers the findings of the Mitigating Circumstances Panel and makes an informed academic decision on your results.
5. The outcome of the Assessment Board is announced. There is no right of review if mitigating circumstances were considered or if in the judgement of the Assessment Board your submission could reasonably have been made before the deadline.

Notes of Guidance to be read before making your submission

You are entitled to ask for any special personal circumstances which you believe may have adversely affected your assessment performance to be taken into account by

an Assessment Board. These are called mitigating circumstances, which you need to submit according to the Procedures and Regulations and by the deadlines published by your School/Centre or Programme authorities.

1. What are mitigating circumstances?

These are exceptional and unforeseen factors outside your control that are sufficiently serious as to have demonstrably had an adverse effect on your assessment performance. For example, one or more factors may have prevented your attendance for all or part of a formal exam or from submitting coursework. Your ability to undertake certain assessed tasks or tests may have been inhibited.

2. Keep your tutor/s informed

You should report to your tutor/s **at the earliest opportunity** any personal circumstances which you believe may be affecting or may have adversely affected your assessment performance, as advised in your Programme Handbook.

3. When and how to make a submission (see your Personal Tutor about this)

You must make your formal, written, mitigating circumstances submission by the deadline published by your School/Centre or Programme authorities. It may be just one assessment that you believe has been affected or several assessments during a particular assessment period. Do not wait until the assessment results are published - if you could reasonably have submitted your case before the deadline you cannot request a review later (see 8. below). If in doubt seek advice (see 9. below).

You must submit your request in writing in the mitigating circumstances envelope as provided. This envelope is available from your School/Centre Office, the Student Centre or Students' Union, which can advise you on how to make the submission. **It is your responsibility to obtain and include all the supporting documents**, including any letters from your tutor(s) and/or other University staff, and to complete the details on the envelope, sign the declaration and take it to your School/Centre Office. You need only make the one submission per specific assessment period (e.g. end of semester one, end of semester two, September reassessment), even though it concerns more than one module/pathway or part of the course. Make sure you make it clear on the envelope which specific module assessments you believe to have been affected by your mitigating circumstances.

(Modular students with affected assessments that come from more than one School/Centre should take their submissions to their 'home' School/Centre Office.)

4. What should you include in the submission?

- (a) Write a straightforward description of your personal circumstances that you believe have affected your performance for the relevant assessments. It is important that you give precise dates and/or times. If it is not obvious, make sure you say why you think the situation is exceptional and unforeseen. Explain clearly how you believe that these circumstances have affected your academic performance – you should make it clear how badly you think you have been affected.
- (b) Provide any documentary evidence to support your circumstances. You must supply corroboration from an official source if this would normally be expected (e.g. signed Doctor's Certificate for illness). Normally only the original document is acceptable and it should have a means of verification (address, telephone number etc.). The document/s must apply to the relevant time/date period for your affected assessments and be current for that time where it is reasonable to expect this.

Enclose all original documents in the envelope with your description. Seal it and complete the details on the outside

5. What will happen to your submission?

You must submit the envelope to your School/Centre Office by the deadlines published by your School/Centre or Programme authorities. You will receive a copy of the envelope cover as a receipt.

The University may make further enquiries both inside and outside the University to obtain further information or verify facts. (Making a false submission could lead to disciplinary and academic action being taken against you.)

Mitigating Circumstances Panels make their decisions about the **acceptability or otherwise of the mitigation claimed** - only in relation to the coursework assessments and/or examinations or other assessments stated by the student on the Mitigating Circumstances envelope. Minutes are not taken of the discussions of Mitigating Circumstances Panels – only the decisions are recorded. Panels communicate their decisions to the relevant Assessment Boards.

The Assessment Board will not normally alter your module marks, grades or results (whether passing or not) just because you have acceptable mitigation, but after consideration it will use its academic judgement on how significant the mitigation has been. It must be demonstrated to the satisfaction of the Assessment Board that your circumstances have resulted in a **poorer performance than would otherwise be expected relative to the level of performance you and/or your cohort have achieved in any previous and/or contemporaneous assessments.**

Remember that even after accepting your mitigating circumstances **the Assessment Board will not normally amend any module marks, grades or results (whether passing or not).** If your circumstances are regarded as justifying it, the decision for failing modules will normally be to defer your result until the assessment is taken as if for the first time and without penalty.

Infrequently, a Board may use its academic judgement to arrive at a different decision, for example if any failure is marginal or if the module is already a pass. The full range of decisions open to a Board is described in section 4 of the Assessment Regulations.

6. Can you keep your circumstances confidential?

If you feel that the nature of your mitigating circumstances should only be disclosed to the minimum possible number of staff, you may request this on the envelope. The Chairperson and Secretary of the Mitigating Circumstances Panel **will** need to see the detailed evidence and the Chairperson and the External Examiner(s) of the Assessment Board **may** need to be aware of the general nature and severity of your circumstances. It may be helpful if you seek advice about this from the confidential counselling service in the Student Centre. Do note, however, that if the whole of the Mitigating Circumstances Panel or Assessment Board is not told the nature of your mitigating circumstances, then they may find it difficult to give as much weight to them as you would wish. There would be no right to request a review of the Assessment Board decision on grounds of limited disclosure if this was your choice. Remember that your submission is made on the basis of confidentiality and information is only divulged to those staff who need to know – your tutors and others on the Mitigating Circumstances Panel and Assessment Board.

7. Can you submit mitigating circumstances after the Assessment Board has met?

No - you must make your submission within the deadlines published by your School or Programme authorities. You must not wait until you receive your result before making a submission – this is too late and your submission will usually be disregarded. The only possible circumstances where late submission might be admissible require you to have a valid reason, acceptable to the University, for not submitting your mitigating circumstances by the deadline. (There is no appeal against an Assessment Board decision, once made, if acceptable mitigation was known to the Assessment Board.)

8. Can you appeal against the decision of the Assessment Board?

Only if you can satisfactorily demonstrate that the Assessment Board has made a material administrative or procedural error with respect to mitigating circumstances submitted according to the regulations and procedures do you have the right to request a review of the Assessment Board decision (please refer to procedure and seek advice). **You are not allowed to request a review just because you disagree with the academic judgement of the Assessment Board in arriving at a decision when it has demonstrably known that you had acceptable mitigation.**

Neither can you request a review when you have failed to submit mitigating circumstances which the Assessment Board judges could reasonably have been submitted by the relevant deadline. You must have valid reasons acceptable to the Board for any later submission and you must explain these in your request for

a review. The information you must include in this request is the same as described above (see 4). However, this request must go to the Secretary to Senate in the Quality Assurance and Enhancement Unit because it is a request for a review of an Assessment Board decision - please ensure this is marked on the outside of the submission you send. It must reach the Quality Assurance and Enhancement Unit within fourteen days of your published Assessment Board results.

9. Where can you obtain help?

- (a) Module Tutor, Personal Tutor, Stage/Level/Year/Cohort Tutor, Programme/Pathway Leader
- (b) Student Advisors in the Student Centre
- (c) University Counselling Service
- (d) University Disability Service
- (e) Student Experience Officer for your School
- (f) Students' Union
- (g) Multifaith Chaplaincy
- (h) Director of School or nominated senior member of staff
- (i) Quality Assurance and Enhancement Unit.