REGULATIONS AND PROCEDURES FOR THE SUBMISSION AND CONSIDERATION OF MITIGATING CIRCUMSTANCES

2023-24

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Technical updates of this document is undertaken on an annual basis to reflect changes to the University's organisational and management structures and to incorporate earlier, approved amendments to related policies, procedures and regulations

This document relates to the current year. If you become aware of any previous versions that are available on line please notify SEO@bolton.ac.uk so that action can be taken to remove the document(s).

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 their own and despite managing learning and assessment appropriately, students may find it impossible to attend an examination or other assessment activity, or to complete an assessment, or to perform to the full extent of their ability because of a serious and unforeseen event. In such instances the University's intention is to respond sympathetically and deal with the situation and redress the assessment shortfall.

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 they 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, they should conduct 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 students must realise that **many such difficulties are not normally accepted by the University in mitigation** for 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**.

   This means 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 disruptions were known 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. It is a student's responsibility to provide the necessary information and evidence about his/her mitigating circumstances and assessment deadlines 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. Students 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 Academic Misconduct Regulations.

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 students 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 them 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 a student believes he/she is in the above category, then any medical certificates/letters to support 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 a claim that a student felt unwell and/or had reason to believe he/she were ill at some point in the past. It may therefore be difficult to obtain a medical certificate after an illness is over and such evidence is less likely to be considered as valid.

Please note that:

- doctors are entitled to charge 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 recovery it might be impossible to know that a student had been ill.

PERSONAL/CONFIDENTIAL CIRCUMSTANCES

9. In some cases circumstances may be viewed as **unusually delicate or personal nature** by a student and a request can be made for these to be viewed by the Chair of the Mitigating Circumstances Panel only (by ticking the appropriate box on the Mitigating Circumstances envelope).

10. It should be noted however that the Chair of the relevant Mitigating Circumstances Panel will always need to see the evidence submitted 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 the circumstances to be able to assess their impact and thereby help the Assessment Board to arrive at an appropriate course of action.

HOW TO SUBMIT EVIDENCE OF MITIGATING CIRCUMSTANCES

13. Mitigating circumstances claims and documentation are considered by Mitigating Circumstances Panels. Mitigating Circumstances Panels meet regularly and notify their decisions to Assessment Boards.

14. If, after considering the above guidelines, a student wishes the Panel to consider his/her mitigating circumstances. He/she will need to

- complete a Mitigating Circumstances envelope in as much detail as possible: it is available from the Student Centre (or the Local Administrator, if the student is studying at an Off-Campus Partner).

- include a signed and dated letter, together with documentary evidence of circumstances and assessment deadlines, and submit the completed envelope with details to the Student Centre (or the Local Administrator, if the student is studying at an Off-Campus Partner).
- submit the envelope and accompanying evidence **as far as possible in advance but no later than the deadline date** published on the University Calendar.

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***. 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 (outlined in the assessment regulations) rather than submit mitigating circumstances. This however will depend on the severity and nature of the circumstances.

18. Note the following important points:

- Only claims made by a student in writing, following the procedures, will be considered. Apart from results profiles, this is all the evidence Panels will have and presentation by tutors of anecdotal, oral evidence will not be permitted. (Only if a student is incapable of making his/her own claim will a written claim made by a third party on his/her behalf be accepted.)
- It is important to provide full details in the covering letter, and to complete the information on the envelope fully.

HOW THE UNIVERSITY CONSIDERS EVIDENCE OF MITIGATING CIRCUMSTANCES

19. 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 are not formally notified using a Mitigating Circumstances envelope, with appropriate documentary evidence;

22. Mitigating Circumstances Panels only make decisions about coursework assessments and/or examinations listed 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, Assessment Boards will normally also an assessment or module to be retaken without further penalty.

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 judgment 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 judgment 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**.

MITIGATING CIRCUMSTANCES PROCEDURES	
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