

Mitigating Circumstances Policy

Faculty of Medicine and Health Sciences

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Purpose

The purpose of this policy is to support students where exceptional, unforeseeable (in that the student could not reasonably have been expected to avoid them) circumstances have affected their ability to study or take assessments. Students may use this policy to request extensions to coursework deadlines or to request that Boards of Examiners consider approved mitigating circumstances when making their decisions.

Scope

This policy applies to all students studying all courses within the Faculty of Medicine and Health Sciences. The general expectation of all students is to engage with all elements of their course to the best of their ability and at the scheduled time. Where circumstances arise that prevent students from complying with this expectation, they may submit a mitigating circumstances application under this policy to address:

- absence from an examination/assessment or non-submission of coursework
- requests for extensions to deadlines for submission of written assignments
- claims of adversely impacted performance during an assessment
- requests for an extension to the date set for / a further annual review (PGR students only)

The Mitigating Circumstances Committee will consider such applications and advise the relevant Board of Examiners on whether the circumstances claimed constitute adequate mitigation for failing to engage with assessment activities and/or for failing to achieve the expected academic standards.

Students are responsible for ensuring that they inform the Faculty of any circumstances that they consider are affecting their ability to study and/or undertake assessments as early as possible to ensure the Faculty can provide appropriate support.

This policy is not appropriate for students wishing to apply for reasonable adjustments for a disability or for students wishing to appeal the result of an assessment or a decision made by a Board of Examiners. Separate policies exist for both of these situations as follows:

- FMHS Reasonable Adjustments Policy
- FMHS Academic Appeals Policy

Defining “mitigating circumstances”

Mitigating circumstances are defined as “unexpected events, beyond the student’s control, that might have a significant and adverse impact on their academic performance”.

- **“Unexpected events”** means that the circumstances were not known to you before beginning your course or stage of study or if they were known about, the severity or impact on your studies would not reasonably have been predicted at the time.
- **"Beyond the student's control"** means that you could not have reasonably prevented the circumstances from happening or their impact on your studies.
- **"A significant and adverse impact on their academic performance"** means that the circumstances were disruptive enough to have a meaningful adverse impact on your ability to engage with your course and/or on your academic performance.

The University applies the principle that a student who attends, submits or participates in any form of

assessment shall be considered by the University to be declaring themselves fit to do so.

Where students are unable to engage with their course appropriately, they should engage with the relevant student support services as soon as possible to minimise the disruption to their studies.

Mitigating Circumstances Criteria

Circumstances are unique to individual situations and can impact on individuals in different ways so it is important that each application to the Mitigating Circumstances Committee includes details and evidence of how and when the specific circumstances have impacted the specific individual. The table below provides some guidance on situations that may justify an application to the Mitigating Circumstances Committee, as well as examples of evidence that might be considered suitable to support such an application.

Circumstance	What evidence is required? Please note any medical certificate should be from a UK-based medical practitioner registered with the appropriate professional body or with an equivalent status overseas. All evidence should be provided in English
Illness	<p>Illness that does not require input from a medical professional or does not lead to a student being bedridden or will not cause a significant risk to others will not be covered by this procedure.</p> <p>Confirmation of the illness, the impact it has had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • An original medical certificate; <i>or</i> • A formal letter from your doctor or other medical professional who has been treating you.
Long-standing medical condition or disability	<p>Long standing medical conditions or disabilities on their own are not usually considered as mitigating circumstances if you have been cleared fit to study. However, an acute exacerbation of such a condition may justify an application under the “illness” category.</p>
Family illness	<p>Confirmation of the illness, the impact that this would have/has had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • A letter from your GP or external support services who have been actively supporting you; <i>or</i> • Hospital records.
Bereavement	<p>A letter confirming the death from an independent person (usually not a family member) with their contact details provided and including a view on the closeness of the relationship to you. A death certificate or order of service are other forms of acceptable evidence, and are all that would be required where the closeness of the relationship is evident (e.g. for a close relative - a parent, sibling, or child). Where the closeness of the relationship is less obvious, a certificate/order of service also should be accompanied by a letter from an independent person, as outlined above.</p>
Victim of crime	<p>Police report (including a crime reference number). If the incident has resulted in your seeking medical attention then the requirements for illness should be followed.</p>
Domestic disruption including divorce/separation	<p>Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • A letter from an independent authority (e.g. social worker, counsellor); <i>or</i> • A police report (including a crime reference number)..

Court attendance/ Jury Service (UK)	If you are required to attend a tribunal or court as a juror, witness, defendant (not for 'Criminal Conviction') or plaintiff, please provide a jury summons document or solicitor's letter including the dates of the legal proceedings and the requirement for you to attend.
Military service	A letter from your Military Branch.
Road traffic incident	If you have been involved in a road traffic incident, either as a passenger or as the driver, evidence must be provided detailing the time and place that the incident occurred including: <ul style="list-style-type: none"> • A police report (including a crime reference number); <i>or</i> • Insurance reference number/record of the event.
Acute personal difficulties	Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on <ul style="list-style-type: none"> • A letter or documentation from an independent organisation involved in the circumstances or who have been actively supporting you

Circumstances that would not meet the definition of mitigating circumstances

The following are examples of the kind of circumstances that are unlikely to be considered acceptable. However, each application will be considered individually and on its own merit.

Circumstance
<p>Transport issues</p> <p>It is your responsibility to arrive at the assessment on time, irrespective of the form of transport used or relied upon. Exceptions to this might be industrial action or other significant disruption that is unplanned and beyond your control. Evidence of significant disruption would be required along with evidence of your attempts to make alternative arrangements.</p>
<p>Holidays</p> <p>All holidays should take place at a time that will not impact on your availability to study or undertake or prepare for an assessment(s).</p>
<p>Misreading the examination timetable or submission deadline</p> <p>It is your responsibility to ensure that you have an accurate understanding of the location, time and duration of all formal assessments.</p>
<p>Paid employment or voluntary work</p> <p>It is your responsibility to manage other planned commitments so they do not adversely interfere with your studies.</p>
<p>IT and/or computer failure</p> <p>It is your responsibility to ensure that all work, which is electronically stored, generated and/or submitted, is sufficiently backed up and the correct piece of work is submitted in the correct format.</p>

<p>Foreseeable/preventable circumstances Where the circumstances are within your control or were outside of your control but you failed to be proactive in looking for a solution or improvement to the situation.</p>
<p>Scheduling of assessments/deadline Deadlines or exams being close together.</p>
<p>Not disclosing circumstances or engaging with support The University can only consider circumstances that are beyond your control. Where you were aware of circumstances that may affect your academic performance but failed to seek advice from the Faculty Student Support Team or failed to act on the advice provided, a mitigating circumstances application is unlikely to be approved. If you had good reason for not disclosing your circumstances earlier, you should include this information and evidence within your application.</p>
<p>Exam Stress The typical symptoms associated with 'exam stress' (e.g. anxiety, sleeping disturbances, feeling nauseous etc.) are not considered to be good reasons for missing or underperforming in an assessment and are not, therefore, grounds for a mitigating circumstances request. Where there is a diagnosis of a chronic condition that is exacerbated by stress, students should apply for reasonable adjustments.</p>

What can Mitigating Circumstances be used for?

Most applications will relate to assessments but there may occasionally be situations where staff or committees within the Faculty may need to consider mitigation offered by students or prospective students for other reasons e.g. in relation to missed deadlines for completing tasks. In such cases, the Mitigating Circumstances Committee may be approached to offer a recommendation on whether the mitigation should be accepted or not. Full details of different assessment types and formats can be found in the relevant School's Code of Practice for Assessment document but applications to the Mitigating Circumstances Committee in relation to assessments can be broadly divided into the categories below.

Coursework Assessments:

Coursework assessments are tasks that students are asked to complete during a unit or stage of a course before a specified deadline but can be worked on at any time between the date of issue and the final deadline. Students will typically be awarded a reduced mark or a mark of zero for this component if they do not meet the deadline and where students are unable to meet a deadline due to unforeseen circumstances, they may apply for an extension to that deadline so that their work is given the full credit it deserves even though it is submitted late.

A student who has not submitted an acceptable mitigating circumstances application prior to a coursework deadline and misses that deadline will be managed according to the relevant regulations governing late submission of coursework as outlined in the programme's Code of Practice for Assessment.

For a formative assessment or a task that is optional and does not contribute to a summative assessment, extensions of up to one week are at the discretion of the relevant Unit Lead or Assessment Lead. However, in such cases, the process used for decision making must be the same for all students within the relevant cohort and must be notified to all students in advance of the assessment deadline.

Examinations:

Exams are assessments that are normally completed at the end of a unit or stage and they can take multiple forms (e.g. written or practical). Key features of these assessments is that the task(s) must take place at a specified date, time and place. Where unforeseen circumstances prevent a student from participating in examinations as specified, they may apply to the committee to be considered unfit to sit the examination.

A student who is absent from an examination due to mitigating circumstances and who has their application approved will be considered as legitimately not having attempted the assessment by the Board of Examiners according to the relevant programme's regulations and Code of Practice for Assessment. In most cases, this will mean the student will be required to undertake the examination at the next scheduled time the examination is run without penalty. However, students should be aware that the next opportunity may not be within the current academic year and therefore progress may need to be delayed.

A student who has not submitted acceptable mitigating circumstances for a scheduled examination that they do not attend will receive a score of zero or be recorded as a non-submission.

Progression decisions:

At specified stages in the course, Boards of Examiners will make progression and sometimes classification decisions that are normally based on performance across multiple assessments. Students can apply to the Mitigating Circumstances Committee for consideration of circumstances that may have prevented their overall performance reaching the standard required but have not necessarily prevented their engagement with individual assessment tasks. If the mitigating circumstances application is approved, the Board of Examiners may choose to offer an additional opportunity to progress in line with the relevant programme's regulations and Code of Practice for Assessment. For example, a student might be permitted to resit a year or stage of study if they have reached the maximum number of attempts normally permitted. Boards of Examiners may also consider approved mitigation in any other decisions where the relevant regulations allow for discretion.

Disruption to assessments:

Individual students are NOT expected to apply for consideration of mitigating circumstances in cases where the assessment process has in some way been disrupted. Instead, appropriate adjustments may be made to the outcomes for the affected cohort, including potentially to marks, by a standardised moderation process approved by the relevant Board of Examiners. In extreme situations, Schools within the Faculty may choose to offer a blanket mitigating circumstances approval to an entire cohort, offering a reassessment at the earliest opportunity or an extraordinary additional resit of an assessment. In cases where a student believes that a procedural irregularity has in some way impacted an individual's assessment process or assessment outcome, they may apply to the Academic Appeals Panel.

Submission of Mitigating Circumstances applications

The following principles apply to submission of all mitigating circumstances applications.

Timing:

- Applications should be submitted at the earliest opportunity after the student becomes aware of an impact of circumstances on their ability to engage with the course and/or an assessment.

This should be before the relevant coursework assessment deadline or the relevant examination takes place or for progression decisions, before the published application deadline.

- The Faculty is entitled to reject automatically and without consideration all mitigating circumstances applications that are submitted after the deadlines set out in this policy or claims for which evidence is not supplied in accordance with the deadlines set. The only exception to these timescales is where the student provides compelling evidence that circumstances or illness prevented them from submitting the application on time. Where such an exception is agreed, the student's claim may be considered under this policy without prejudice.
- Where a student wishes to offer mitigation after a Board of Examiners has confirmed its decision in relation to a student's results, the Academic Appeal procedure should be followed. The Academic Appeal submitted by the student will need to demonstrate that new evidence was not, and could not have been, made available to the Board of Examiners at the time of its original decision. Any matters which could have been raised before the meeting of the Board, but, without good reason, were not raised, will not be considered in the event of an Appeal.

Content:

- Applications must be supported by appropriate independent evidence, a student's word alone does not constitute evidence. It is the student's responsibility to ensure that the appropriate evidence is obtained and included as part of their application.
- Students should aim to provide independent evidence of each event/situation claimed to have occurred, with particular emphasis on the impact of the circumstances on the student and their ability to study. If the Committee is unable to assess the evidence of impact, applications may not be approved.
- Applications to the committee must include everything that the student would like to be considered. The committee will not be expected to locate missing information or evidence that is referred to but not provided as part of the application.
- Students may not submit the same mitigating circumstances more than once except where they have accessed appropriate support to manage the circumstances but there is an unexpected related event or an acute exacerbation at a particularly significant time. Where a student has had mitigating circumstances accepted once but continues to be affected by or has a recurrence of the same circumstances, they should meet with their Personal Tutor and/or FMHS Student Support to consider the support options available, including the possibility of a voluntary interruption to their studies.
- Students with a disability or a long term or chronic condition are normally supported through the mechanisms set out in 'FMHS Reasonable Adjustments Policy' and it is not therefore anticipated that such students would normally be required to submit mitigating circumstances in relation to these conditions where reasonable adjustments have already been put in place for the student's assessments. An exception to this would be where there is a sudden or acute exacerbation which could not be managed through these adjustments. This will need to be evidenced appropriately.

Process:

- Applications must be submitted using the Mitigating Circumstances Application form available on Moodle.
- Applications must normally be submitted by the student themselves and will not normally be accepted by the committee from another party. If staff become aware of a student situation that may meet the criteria for mitigating circumstances and the student is incapable of applying themselves (e.g. if they are unconscious in hospital), this should be reported to the student support team who will present the available evidence to the Mitigating Circumstances

Committee on the student's behalf if necessary. Where students are deemed capable of making the application themselves and have been notified of the deadline but have not submitted an application, evidence should not be submitted on their behalf.

- The Mitigating Circumstances Committee will normally only consider applications from individual students regarding individual circumstances. Where a single event has affected multiple students, each affected student should submit their own individual application containing all of the evidence (photocopies are acceptable) they wish the committee to consider in relation to the impact on them as an individual.
- Where there has been sufficient time available, students are expected to have notified the Faculty Student Support Team regarding their circumstances and to have engaged with the recommended support.

Consideration of Applications

Committee membership

Mitigating Circumstances applications are initially considered by a Mitigating Circumstances Committee, which makes specific recommendations to the relevant Board of Examiners based on the evidence before them. The composition of the Mitigating Circumstances Committee shall normally be as follows:

- At least one lay representative, one of whom shall normally act as Chair. Lay Representatives should be independent of the University and should NOT be a current member of the Professionalism Support Committee or Board of Examiners
- The Faculty Student Support Lead or nominated representative
- The Faculty Student Support Manager or nominated representative
- At least one medically qualified representative who is not part of the assessment team
- A Faculty Mentor or nominated representative from the Wellbeing Skills and Diversity team

Meeting Schedule

The Mitigating Circumstances Committee will meet (virtually or in person) prior to the final progression exam board for each year to consider applications in relation to progression decisions. Given that students are encouraged to make applications as soon as they are aware of circumstances having affected their performance, it is possible that students have already been awarded a progression decision prior to this meeting. In such cases, their application will be recorded but will not need to be reviewed for a decision.

Where applications are received that need decisions before the next committee meeting is scheduled, the application(s) may be circulated to the committee members by email (or similar format) for review and decision making.

On occasions where a decision is needed urgently for applications relating to coursework extension requests, decisions can be made on behalf of the full committee by the Student Support Lead or the Student Support Manager in consultation with one other member of the committee. Such decisions will be recorded and notified to the full committee at the next meeting.

The committee's principal remit is to assess applications and determine whether the circumstances evidenced are likely to have had a significant impact on the student's performance or ability to attempt assessments (accepted) or whether they are unlikely to have had such an impact (not accepted). For all applications, decisions will be made based on the following principles:

- The committee will consider applications only on the basis of the application form and documentary evidence available, in conjunction with the information referred to in the points below.
- In addition to the application provided by the student, the committee will be able to consider previous applications to the committee and the student's engagement with the relevant support opportunities. The committee should not consider information relating to the student's academic performance in the current or previous assessments.
- Personal circumstances affecting study and preparation for assessments must be supported by formal documentation and/or written evidence from an appropriate professional. Circumstances not evidenced cannot be considered.
- In considering whether situations would have a significant impact on performance, the committee will take into account the nature of the programme, the student's stage of study and any requirements from relevant professional or regulatory bodies which govern the registration of students entering a relevant profession.
- In considering whether the evidence is appropriate, or an event or timing is significant, it is appropriate to refer to records of similar previous applications from other students to ensure consistency of decisions across meetings.
- Any existing disability or medical condition for which appropriate reasonable adjustments have been made cannot normally be considered as mitigation.
- If a student has failed to report a chronic illness to the Occupational Health service where they have had the opportunity to do so then it cannot be offered as mitigation.
- If appropriate support has been put in place for chronic illness and the student has been considered fit to study, then that illness can only be accepted as mitigation in the case of a medically verified acute exacerbation at, or immediately before, the time of the assessment event.
- Situations for which mitigation has previously been requested would be expected to have been resolved or appropriately managed by the subsequent progression point and should therefore not normally be considered as mitigation again.
- Acute illness affecting preparation for or attendance at any assessment should be serious enough to warrant consultation with a medical professional and therefore should be evidenced by a valid certificate or letter from the student's GP or other practising medical official. Medical evidence from a relative or self-certification by a student are not acceptable.
- Circumstances arising during an assessment process can only be considered as mitigation if they affect a particular student only or in a different way to others in the same group or cohort. Circumstances affecting groups of students or all students in a cohort more generally are not appropriate for mitigating circumstances applications as they will be considered separately by the Board of Examiners, who will decide on validity of the assessment in these cases. Students who disagree with their assessment outcomes can use the appeals process.

- If a student submits that personal circumstances have been affecting study for more than two weeks and the student has not sought assistance through the Faculty Student Support Team when they have had the opportunity to do so, then they will not normally be offered mitigation however sensitive the student may perceive the circumstances to be.

Application Outcomes

Decisions

For each application, the committee will consider whether sufficient grounds for mitigation have been established and will make one of the following decisions:

- Mitigation considered and accepted.
- Mitigation considered and partially accepted.
- Mitigation considered and not accepted.

Decisions will be communicated to students in writing, normally within 10 working days of the Mitigating Circumstances Committee decision.

Where mitigation has NOT been accepted or has only been partially accepted, the notification will include the reason(s) for refusal. Example reasons include:

- The circumstances described do not meet the definition of mitigating circumstances outlined above.
- There is absence of or insufficient evidence of event(s).
- The evidence provided does not cover the relevant period or was submitted outside of the required timelines.
- The evidence provided is not from an approved source.
- The evidence provided is insufficient to support the request of seriousness of impact on assessment.
- The same or very similar circumstances have been submitted to the committee on a previous occasion and could reasonably have been expected to have been resolved or managed by now.
- There has been insufficient engagement with support or other processes that could have reduced the impact of the circumstances described on the student's studies.

Where mitigation is accepted or partially accepted, the Mitigating Circumstances Committee must notify the relevant Board of Examiners and the student as to which component(s) of assessment the mitigation should be applied to. Where mitigation is accepted for a coursework assessment, the committee may also agree an extension to the deadline. In such cases, the length of the extension will be limited to the period of time between when the studies were disrupted by the mitigating circumstances and the assessment deadline date, starting from the date that the student was able to resume their studies.

The Mitigating Circumstances Committee will NOT determine the impact of their decision on the student's studies overall. Instead, the Boards of Examiners shall consider the outcomes of the Mitigating Circumstances Committee before making their own decisions in line with the relevant programme's regulations and Code of Practice for Assessment.

It should be noted that where mitigation is accepted, it can never change the outcome or passing standard of an individual assessment component. Accepted mitigation may however impact on the consequences of failing or performing poorly in one or more assessment components. For example, the Board of Examiners may choose to offer a student another attempt at the assessment where they may have otherwise recorded a fail or non-progression decision or, where the relevant regulations permit, there may be a decision to compensate or carry a fail grade.

Additional recommendations

The Mitigating Circumstances Committee may also or alternatively make recommendations in response to an application. Recommendations may include, but are not limited to:

- a student is advised to attend a meeting with their Personal Tutor and/or student support to consider the support options available, including the possibility of a voluntary interruption of study;
- a student is advised to seek support from relevant support services, e.g. Counselling Service, Disability/Academic Support.
- referral to the Occupational Health Service.

Should a student fail to seek appropriate support following a recommendation from the Mitigating Circumstances Committee, further claims made due to similar circumstances may be rejected.

Appeals against the decision of a Mitigating Circumstances Committee

It is not permitted to appeal the outcome of a Mitigating Circumstances Committee meeting directly. Decisions of the Mitigating Circumstances Committee are passed to the relevant Board of Examiners and are incorporated into decisions based on a student's broader academic profile. Where decisions made by a Board of Examiners include a route to appeal, students may include information about mitigating circumstances as part of the appeals process, for which a separate policy exists. The student can also submit an appeal under the Faculty's Academic Appeals procedure if the student considers that there has been a procedural irregularity or evidence of procedural unfairness in the handling of the mitigating circumstances application.

Where mitigating circumstances applications have been rejected and there is time available before the relevant exam board meeting, a student may request a further review if they provide additional information relevant to the reason for rejection (e.g. additional evidence in cases where the application was rejected due to lack of evidence). There will be no opportunity for further review through the Mitigating Circumstances Committee after the relevant exam board meeting has taken place.

Where mitigating circumstances form the basis of an appeal, the outcomes remain limited to the consequences of a poor assessment performance. For example, a successful appeal may allow a student to repeat a period of study where the Board of Examiners recommended that studies be terminated but it is not possible for mitigating circumstances to alter an individual assessment grade.

Where an academic appeal has been upheld on the basis of new mitigating circumstances that could not have been disclosed at the time or additional information, the chair of the appeals panel will notify the FMHS student support team and the appeal circumstances will be considered as a previous application when reviewing any future applications to the Mitigating Circumstances Committee.

Record keeping and confidentiality

All requests for mitigation will be treated confidentially, processed formally and judged impartially. Procedures for consideration of claims will be applied consistently.

In line with the University's GDPR and data storage and retention policy, the Student Support Team will keep all applications made to the committee, a full written record of the consideration of all mitigating circumstances claims which records of the decisions made and the reasons for the decision being reached for the entire duration of the student's study period. With the exception of the circumstances described below, these records will not be shared beyond the Student Support Team.

The records of previous applications and those of the meetings at which they were considered may be referred to by the Mitigating Circumstances Committee at a later date when considering future applications from the same or other students. This is to ensure consistency of decision making across the cohorts and that the same mitigation is not accepted on multiple occasions for the same student.

By submitting an application for mitigating circumstances, students acknowledge that the Faculty Student Support Team will become aware of the circumstances included and pastoral support may be offered either on receipt of the application or as a result of the Committee's recommendations.

By submitting an application to the Mitigating Circumstances Committee, the student agrees that their application forms part of their student support record which may be shared if necessary to inform any future appeals process or to meet professional body registration requirements.

Communication to any other parties must only describe the form of mitigation which has been agreed and must not disclose any details of the circumstance itself. Only the student details and the decision information will be made available to the Board of Examiners.

Advice and Support

Advice about the application process and the contents of this policy can be obtained from the Faculty Student Support Team. Support for circumstances leading to an application being made can also be obtained through this team and/or through the Faculty Mentors and the Wellbeing, Skills and Diversity team.

Document Control

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Date of next policy review: